SENATE—*Thursday, April 30, 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:

O God, who hath given us a life to live and a work to do, help us to live our life in Thee and to do our work for Thy glory. Imbue Thy servants in this place with wisdom, goodness, and truth; and so rule their hearts, and bless their endeavors, that law and order, peace and justice, may everywhere prevail.

Protect this Nation, O Lord, from outward danger and inward strife. Enable us to maintain an honorable place among the nations of the world. Make us strong and great in the fear of God, and in the love of righteousness, so that, being blessed of Thee, we may become a blessing to all mankind.

In Thy holy name we pray. Amen.

REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE ADJOURNMENT (H. DOC. NO. 91–329)

Under authority of the order of the Senate of April 27, 1970, the Secretary of the Senate, on April 29, 1970, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking and Currency:

To the Congress of the United States:

Transmitted herewith is the Annual Report of the Department of Housing and Urban Development for 1968, submitted in accordance with section 8 of the Department of Housing and Urban Development Act.

RICHARD NIXON.

THE WHITE HOUSE, *April 29, 1970.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT OF THE SENATE—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of April 27, 1970, the Secretary of the Senate, on April 27, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 2306. An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; and

S. 3253. An act to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building."

Under authority of the order of the Senate of April 27, 1970, the Secretary of the Senate, on April 28, 1970, received a message from the House of Representatives, which announced that the House had passed, without amendment, the bill (S. 3544) to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

The message also announced that the Speaker had affixed his signature to the enrolled 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.

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chicasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 10912. An act 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;

H.R. 13106. An act 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;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act 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 Navarro; and

H.R. 14896. An act 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.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 27, 1970, Mr. MAGNUSON, from the Committee on Commerce, reported favorably, without amendment, on April 29, 1970, the bill (H.R. 1049) to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes, and submitted a report (No. 91–808) thereon, which bill was placed on the calendar and the report was printed.

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 27, 1970, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Kenneth M. Smith, of Texas, to be Deputy Administrator of the Federal Aviation Administration;

Rear Adm. Chester R. Bender, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard, with the rank of admiral;

Floyd S. Ito, and sundry other persons, for permanent appointment in the Environmental Science Services Administration; and

Roland W. Callis, and sundry other officers, for promotion in the U.S. Coast Guard.

By Mr. COTTON, from the Committee on Commerce:

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, 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.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 27, 1970, be dispensed with.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the speech by the distinguished Senator from New York (Mr. JAVITS), there be a morning hour for the transaction of routine morning business, with a time limitation of 3 minutes on statements made therein.

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 authorized to meet during the session of the Senate today.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the unanimous consent agreement of Monday, the Chair recognizes the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the majority leader and that, following my yielding to the majority leader,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I may yield to the Senator from California (Mr. MURPHY), both of whom have assured me that they will be relatively brief, and that I may then regain the floor.

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

EXECUTIVE SESSION

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

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

FEDERAL POWER COMMISSION

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination on the Executive Calendar.

The assistant legislative clerk read the nomination of John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

FEDERAL AVIATION ADMINISTRATION

The assistant legislative clerk read the nomination of Kenneth M. Smith, of Texas, to be Deputy Administrator of the Federal Aviation Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

U.S. COAST GUARD

The assistant legislative clerk read the nomination of Rear Adm. Chester R. Bender, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard with the rank of Admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION—IN THE COAST GUARD

The ASSISTANT LEGISLATIVE CLERK. Nominations placed on the Secretary's desk in the Environmental Science Services Administration and in the Coast Guard.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

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

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

CALL OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of certain measures on the calendar, beginning with Calendar No. 792.

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

CONVEYANCE OF CERTAIN MINERAL RIGHTS IN AND UNDER LANDS IN PIKE COUNTY, GA.

The bill (H.R. 1706) to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga., was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE ACT ENTITLED "AN ACT TO AUTHORIZE THE PARTITION OR SALE OF INHERITED INTERESTS IN ALLOTTED LANDS IN THE TULALIP RESERVATION, WASH."

The Senate proceeded to consider the bill (H.R. 11372) to amend the act entitled an act to authorize the petition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes, approved June 18, 1956 (70 Stat. 290) which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 15, after the word "land", strike out "within, adjoining, or adjoining other land of the Tulalip Tribes which adjoins, the boundaries", and insert "within the boundaries"; and on page 3, line 22 after the word "Indian", strike out "Reservation and adjacent areas,".", and insert "Reservation,".".

The amendments were agreed to.

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.

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

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 considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the northwest quarter northwest quarter section 35, township 41 north, range 5 east, fourth principal meridian, Wisconsin, containing 40 acres, more or less, including improvements thereon, is hereby declared to be held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, subject to valid existing rights-of-way of record and to the continued use of the fire observation tower located on the above-described land by the State of Wisconsin, for so long as it is needed for fire protection purposes.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

BILL 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 courts of the United States, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

AUTHORIZATION FOR THE PRINTING FOR THE USE OF THE COMMITTEE ON GOVERNMENT OPERATIONS OF ADDITIONAL COPIES OF ITS HEARINGS ON THE INTERGOVERNMENTAL REVENUE ACT OF 1969

The resolution (S. Res. 393) to print additional copies of the hearings on the Intergovernmental Revenue Act of 1969 and related legislation, was considered and agreed to, as follows:

S. RES. 393

Resolved, That there be printed for the use of the Committee on Government Operations one thousand eight hundred additional copies of the hearings before its Subcommittee on Intergovernmental Relations during the Ninety-first Congress, first and second sessions, on the Intergovernmental Revenue Act of 1969 and related legislation.

AMENDMENT OF CERTAIN FEDERAL LAWS RELATING TO THE STATE OF OKLAHOMA

The Senate proceeded to consider the bill (S. 2362) to amend certain Federal laws relating to the State of Oklahoma which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 4, after "May 27, 1908", strike out "(35 Stat. 314)," and insert "(35 Stat. 315),"; and on page 3, at the beginning of line 2, strike out "deleting "(e) that the probate attorney shall have the right to appeal from any order approving conveyances to the district court of the county in which the proceedings are conducted" and insert "amending (e) to read as follows: "(e) that the probate attorney shall have the right to appeal from any order approving conveyances to the next appellate court for the county in which the proceedings are conducted"; so as to make the bill read:

S. 2362

That section 23 of the Act of April 26, 1906 (34 Stat. 145) as amended by the Act of May 27, 1908 (35 Stat. 315), is amended by deleting "or a judge of a county court of the State of Oklahoma" and inserting in lieu thereof "or a judge of a district court of the State of Oklahoma".

SEC. 2. The Act of May 27, 1908 (35 Stat. 312), is amended by adding at the end thereof the following new section:

"SEC. 15. Wherever the term 'probate court' or 'county court' is used in this Act, such term shall mean the proper district court of the State of Oklahoma."

SEC. 3. (a) Section 7 of the Act of April 18, 1912 (37 Stat. 86), is amended by deleting "county court of Osage County, State of Oklahoma" and inserting in lieu thereof "district court of the State of Oklahoma having jurisdiction over the district within which is located Osage County".

(b) The Act of April 18, 1912 (37 Stat. 86), is further amended by adding at the end thereof the following new section:

"SEC. 12. Wherever the term 'county court' is used in this Act, such term shall mean the proper district court of the State of Oklahoma."

SEC. 4. The first section of the Act of August 4, 1947 (61 Stat. 731), is amended (1) by deleting "county court of the county in Oklahoma in which the land is situated; (b) that petition for approval of conveyance shall be set for hearing not less than ten days from date of filing, and notice of hearing thereon, signed by the county judge" and inserting in lieu thereof "district court of the State of Oklahoma of the district in which the land is situated; (b) that petition for approval of conveyance shall be set for hearing not less than ten days from date of filing, and notice of hearing thereon, signed by the district judge"; and (2) by amending (e) to read as follows: "(e) that the probate attorney shall have the right to appeal from any order approving conveyances to the next appellate court for the county in which the proceedings are conducted within the time and in the manner provided by the laws of the State of Oklahoma in cases of appeal in probate matters generally, except that no appeal bond shall be required;".

SEC. 5. (a) Subsection (b) of section 2 of the Act of August 11, 1955 (69 Stat. 666), is amended by deleting "county court" and inserting in lieu thereof "district court of the State of Oklahoma".

(b) Subsection (c) of section 2 of the Act of August 11, 1955 (69 Stat. 666), is amended by deleting "county court for the county in which he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the county court for the county in which the Indian resides for an order setting aside such order." and inserting in lieu thereof "district court of the State of Oklahoma for the district in which he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the district court for the district in which the Indian resides for an order setting aside such order."

SEC. 6. Whenever any statute of the United States enacted prior to the effective date of this Act authorizes any subsequent action to be taken or approved by the county court or the judge of the county court, the term "county court" therein shall mean in relation to the State of Oklahoma the district court of the State of Oklahoma.

SEC. 7. The provisions of this Act shall take effect as of January 13, 1969.

The amendments were agreed to.

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

BILL PASSED OVER

The bill (H.R. 1049) to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects and for other purposes, was announced as next in order.

Mr. MANSFIELD Over, Mr. President.

The previous bill concluded the call of the bills on the calendar to which I had reference.

The ACTING PRESIDENT pro tempore. The bill will go over.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senator from New York (Mr. JAVITS) yielded to the Senator from California (Mr. MURPHY).

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

Mr. MURPHY. Mr. President, one of the great tragedies of the grim war in Vietnam is the tragedy of the 1,400 American men held prisoner by the North Vietnamese.

These men are being held, in effect, incommunicado. And that is a violation of the Geneva accords on treament of prisoners of war.

They are being used for propaganda purposes. And that is a violation of the Geneva accords.

Their families have not been notified whether they are alive or dead, whether they are ill or well, whether they are strong or weak. And that is a violation of the Geneva accords.

Their families have not been allowed to communicate with them, except through carefully staged propaganda channels. And that is a violation.

Many of these men have been held for years—some for over 5 years—without their families knowing where they are or whether they are even alive.

I heard yesterday the story of one such prisoner, told by his brave, loyal, and loving wife, Mrs. Bruce Johnson. For 5 years she has not heard from her husband. She has not seen him for 6. One of her three children, a 7-year-old, cannot even remember the father at all. The other two recall him but vaguely.

This brave woman is convinced her husband is alive. She has made two trips to Europe to seek information from the Communist North Vietnamese and Vietcong delegations at Paris. With complete cynicism and brutal disregard for her feelings, the Communists have tried to use her despair and that of other American women in a cold and evil propaganda scheme.

Mr. President, this is more than an individual tragedy. It is more than the sorrow of 1,400 families.

Indeed, the total is far more than the sum of its individual parts, because this must be a national sorrow, a national tragedy, and even an international stain on the name of all mankind.

I call on the American people and the American Government and men and women of goodwill throughout this planet to move heaven and earth until something can be done and is done to bring to an end this grim and awful game the Communists are playing with human lives, and with the frail and tender emotions of these wives and mothers whose very souls are being tortured.

We cannot leave a message unsent, a word unspoken, a prayer untendered in our national effort to restore these men to their families. Meanwhile, as a Nation and as individuals, we Americans must do everything in our power to alleviate the distress and sorrow of the families of these 1,400 men.

I call upon our State Department to make this a part of the agenda of every meeting of our Ambassador in Warsaw with the Chinese Communists. I call upon the Department to make it a constant priority item of business between our Ambassador in Moscow and the Kremlin. I call upon our diplomats at the United Nations to make it the first order of business every day that the United Nations meets.

And I call upon the American people to back up this effort with their prayers and their strength.

It is my hope, and intention that each day—as this body assembles—a plea for justice for these prisoners will be made by either myself or one of my colleagues, until at long last a proper, acceptable response is forthcoming from the Communist government in Hanoi.

Mr. JAVITS. Mr. President, I want the RECORD to show that the suggestion which is now being carried out by the Senator from California (Mr. MURPHY) is one of the most constructive things that came out of this very touching confrontation or discussion we had with Mrs. Johnson yesterday. I associate myself with what he has said, and assure him that I, with others, will take my place in the ranks in support of this very constructive idea.

Mr. MURPHY. I thank my distinguished colleague from New York. I take no credit for the idea, but I am very pleased that he will join with this effort, and I sincerely hope that we will have a unanimous joining together of all the Members of this body, until we achieve a proper response to this plea.

Mr. JAVITS. I yield briefly to the Senator from Kansas.

Mr. DOLE. Mr. President, first let me commend the Senator from California. I wish again as I have previously, to point out that the national coordinator for the League of Families is Mrs. James Stockdale, from Coronado, Calif., and to emphasize again that tomorrow evening at 8 o'clock in Constitution Hall, there will be a tribute to American prisoners of war and Americans missing in action in Southeast Asia.

We are not going to discuss the war.

We are not going to discuss escalation or deescalation. It is going to be a solemn tribute to some 1,522 Americans who are either prisoners of war or missing in action.

The preparation for this tribute has been a bipartisan effort. There are six Members in this body, and six Members in the other body, half Republicans and half Democrats, and on that great program will be such persons as Captain Lovell, Robert Cummings, the Vice President of the United States, and many others.

Mr. MURPHY. I thank my distinguished colleague.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I yield very briefly to the Senator from Montana (Mr. METCALF), to the Senator from Alaska (Mr. STEVENS), and to the Senator from South Carolina (Mr. THURMOND).

EXTENSION OF TIME FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO REPORT H.R. 9477

Mr. METCALF. Mr. President, the Senate recommitted H.R. 9477 with an order that it be reported back to the Senate on or before the 1st day of May. We have been unable to have an executive session in the Committee on Interior and Insular Affairs. An executive session on this bill has now been scheduled for May 6.

I have discussed this matter with the Senator from Oregon (Mr. HATFIELD), who is the author of the Senate version of the bill, and have tried to clear it with the leadership; and I now ask unanimous consent that the time for the reporting of H.R. 9477 be extended until May 7.

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

S. 3781—INTRODUCTION OF A BILL TO ESTABLISH THE SITKA NATIONAL HISTORICAL PARK

Mr. STEVENS. Mr. President, Sitka, Alaska, a century ago, was the center of trade and civilization on the northwest coast of America, the chief factory of the Russian-American company in a vast and little known land. The famous clipper ships of New England made it a stopping place on their way to the China seas.

Today, the remnants of early Sitka are few. The uncared-for timbers of the old Russian structures are disintegrating with age. One large Russian building faces the new Sitka Boat Harbor. It was a mission and school building, raised in 1842, built of logs, and used continuously for 128 years. This valuable historic structure can be saved from its fate only if it can be included in the Sitka National Monument.

On a rocky outcropping overlooking downtown Sitka stands a log blockhouse, recalling the Czarist cannon whose muzzles intimidated the Native Tlingit. Although a reconstruction, the blockhouse's appeal is in its contrast to a modern city. Just to the east are the graves of Russians who remained in the New World. This entire area, a rare unspoiled remnant, needs only a few structures and a log stockade to bring to the eye of the visitor an authentic recreation of Novo Arkangelsk, New Archangel.

Sitka and Kodiak, Alaska, were the centers of the Russian presence in North America. I am introducing legislation today which will give the National Park Service the opportunity to acquire the Russian Mission, the Blockhouse Hill complex, and those lands in and around Sitka needed to preserve a unique international aspect of our American heritage.

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

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

The bill (S. 3781) to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 3781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership for the benefit and inspiration of present and future generations of Americans an area which illustrates a part of the early history of the United States by commemorating Czarist Russia's exploration and colonization of Alaska, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, for addition to the Sitka National Monument, the lands and interests therein, and improvements thereon, containing the Russian Mission and the Blockhouse Hill Complex, as generally depicted on Drawings Numbered 314–91,001 and 314–91,000, dated April 1970, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, together with not more than 2 acres of lands in the area known as Castle Hill, and the area known as Old Sitka (St. Michael's Redoubt) now owned by the State of Alaska.

SEC. 2. Notwithstanding anything to the contrary herein contained, lands and interests in lands within the area owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Lands under the administrative jurisdiction of another Federal agency may, with the concurrence of the head thereof, be transferred without consideration to the Secretary for the purpose of this Act.

SEC. 3. The Sitka National Monument is hereby redesignated as the Sitka National Historical Park, and it shall be administered, protected and maintained by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 *et seq.*).

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

GALLUP POLLS SHOW UPTREND IN CONSERVATIVES

Mr. THURMOND. Mr. President, in view of the Senate's recent rejection of the second conservative nominee to the Supreme Court by President Nixon it is interesting to note the President has the support of the country in this matter.

This is clearly shown by the poll published by George Gallup which appeared in the Washington Post newspaper Sunday, April 19, 1970, entitled "Public Favors Conservative for Supreme Court."

This trend is further supported by a Gallup poll published in the Washington Post on Saturday, April 18, 1970, in which it is revealed the American people by a ratio of 3 to 2 prefer to be labeled as conservatives. This article is entitled, "Liberals Found Outnumbered, 3 to 2."

The poll on appointments to the Supreme Court shows the American public by a ratio of 5 to 3 favors appointees who are conservative rather than liberal in their political views.

It should be noted this poll was conducted following the defeat of Judge G. Harrold Carswell but prior to the nomination of President Nixon's third selection for the Court vacancy, Judge Harry Andrew Blackmun of Minnesota.

Mr. President, this preference by the public to balance the Supreme Court has been the prevailing opinion of our citizens for the past 22 months as evidenced by previous polls. Also, it should be noted that President Nixon stated in the 1968 campaign that if elected he would nominate a conservative to the high court in order to bring some balance to the Nation's highest tribunal.

Despite his election to the Presidency and the prevailing view among the public the Senate has twice rejected conservative nominees in which a significant amount of the opposition opposed confirmation based on political philosophy.

In the Gallup poll published Saturday, April 18, the definitions of "conservative" and "liberal" presented some problems to the pollster in defining public attitudes. However, in the overall analysis of his findings the result showed persons willing to place a label on their political views selected the conservative tag by a margin of 3 to 2.

It is interesting to note in this poll that persons in their twenties prefer the liberal label by 47 to 45 percent but among college trained persons the conservatives have the edge 5 to 4.

Mr. President, these two articles are certainly worthy of study by the Congress and I ask unanimous consent that they be published in the RECORD at the conclusion of my remarks.

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

[From the Washington Post, Apr. 19, 1970]

GALLUP POLL: PUBLIC FAVORS CONSERVATIVE FOR SUPREME COURT

(By George Gallup)

PRINCETON, N.J., April 18.—President Nixon's recent nomination of Judge Harry Andrew Blackmun to fill the vacancy on the Supreme Court came at a time when the U.S. public, by a substantial (5-to-3) margin, favored the appointment of persons who are conservative rather than liberal in their political views.

This finding is based on a national survey conducted April 3 through 5, prior to the President's nomination Tuesday of Judge Blackmun and the Senate's defeat of the nomination of Judge G. Harrold Carswell on April 8.

In three surveys over the last 22 months, the American people have been found to be decidedly conservative in their preferences for the Supreme Court, although a slight trend to the liberal side has been recorded between the latest survey and the previous one in June of last year.

Here is the question asked in each of these three surveys, with the trend:

When new appointments are made by the President to the Supreme Court, would you like to have these people be people who are liberal or conservative in their political views?

[In percent]

April 1970:	
Conservatives	49
Liberal	27
No opinion	24
June 1969:	
Conservatives	52
Liberals	25
No opinion	23
June 1968:	
Conservatives	51
Liberals	30
No opinion	19

The latest survey is based on interviews in person with 1,551 adults. Interviewing for the June, 1969, survey was conducted before the selection of Warren E. Burger as Chief Justice.

Preference for conservative appointments is found in each of the four major regions of the nation, with support for liberals greatest in the East and Far West. One in six (17 percent) among Southern whites says he would like to have future appointments be liberals.

Persons interviewed who classify themselves as Republicans, by the ratio of more than 4-to-1, want the President to appoint conservatives to the Supreme Court. The vote is much closer among Democrats and independents, as seen in the following tables:

[In percent]

	Conservatives	Liberals	No opinion
National	49	27	24
East	42	34	24
Midwest	53	22	25
South	53	22	25
Far West	50	32	18
Northern whites	50	27	23
Southern whites	57	17	26
Republicans	65	15	20
Democrats	44	33	23
Independents	45	31	24

Source: 1970, American Institute of Public Opinion.

[From the Washington Post, Apr. 18, 1970]

THE GALLUP POLL: LIBERALS FOUND OUTNUMBERED, 3 TO 2

(By George Gallup)

PRINCETON, N.J.—The American people by the ratio of 3-to-2 prefer to be labeled as "conservatives" rather than as "liberals." However, sharp differences emerge on the basis of the age of the respondent, region and educational background.

To test the grassroots appeal of the terms "conservative" and "liberal," Gallup Poll interviewers talked to a sample of 1,528 adults living in more than 300 localities in a survey conducted between March 20 and 22. All persons in the survey were first asked:

What is the first thing that comes to your mind when you think of someone who is a liberal (a conservative)?

Descriptions of a "liberal" vary all the way from "someone who looks at all sides of a problem" and "a person who believes in mankind" to "someone who is generous with other people's money" and "a drug addict."

The public's image of a "conservative" ranges from "a person who looks before he leaps" and "a decent sort of guy" to "a penny pincher" and "a self-centered square."

The following question was asked of *all persons who expressed an opinion* on the two questions dealing with the image of a conservative and a liberal:

Suppose you had to classify yourself as either a liberal or a conservative, which would you say you are?

Here are the views of this informed group who accounted for 73 per cent of the total sample:

[In percent]

Conservative	52
Liberal	34
No opinion	14

It is important to note that when the views of all persons are taken into consideration—including those who did not express opinions on the first two questions—virtually the same 3-to-2 ratio is obtained.

Persons over 30 among those who answered the image questions lean heavily in favor of the "conservative" label, but adults in their 20s slightly prefer to be classified as liberals: 47 to 45 per cent with 8 per cent not expressing a choice.

The liberal label is found to be more popular with college-trained persons than with persons who have had less than college training, but conservatives still outnumber liberals 5 to 4.

Democrats among the aware group are fairly evenly divided in their preference, with 44 per cent saying they would prefer to be classified as liberals and 40 per cent saying conservatives, with many of the latter group being white Southerners. Only one Republican in five nationally accepts the liberal label.

The following tables show in detail the public image of a "conservative" and of a "liberal," with the percentages based on *all* persons in the sample:

Conservative

[In percent]

Favorable:	
Saves, doesn't throw things away	16
Cautious, careful	10
General remarks (favorable)	5
Total	31
Neutral:	
Mentions Nixon, current administration	6
Mentions specific person other than Nixon	5
Mentions political position or party	3
Total	14
Unfavorable:	
Does not want to change, does not take a chance	12
Close-minded, intolerant, self-centered	9
Subtotal	21
Miscellaneous	3
No opinion	35
Total	104

Liberal

Favorable:	
Open-minded, fair	12
Generous, good-hearted	6
Wants change, active in bringing about needed reforms	5
General remarks (favorable)	2
Total	25
Neutral:	
Mentions specific person	7
Mentions political position or party	7
Mentions a specific problem (civil right, etc.)	3
Total	17
Unfavorable:	
Gives things away, spends too freely	8
Negative descriptions (Communists, hippies, drug addicts, etc.)	5
Gets carried away, wild, too far out	4
Permissive, indifferent	4
General remarks (unfavorable)	4
Subtotal	25
Miscellaneous	2
No opinion	37
Total	106

Totals add to more than 100 per cent because some persons gave more than one response.

S. 3774—INTRODUCTION OF A BILL TO AMEND COST-SHARING FORMULA FOR HURRICANE PROTECTION PROJECTS

Mr. JAVITS. Mr. President, I introduced a bill, authored by Senator GOODELL and myself, to amend section 426 (e) (b) of title 33 of the United States Code to provide for an increased Federal share in the cost of hurricane and storm protection for our Nation's shores.

Mr. President, it is my hope that the Committee on Public Works, which is now considering omnibus rivers and harbors legislation will be able to consider this bill as a part of that legislation.

The shores of the United States—including those on the continental United States and Hawaii and Alaska—are certainly among our most precious natural assets, providing aesthetic and recreational benefits as well as protection for the neighboring communities, and we must do all we can to ensure their preservation. The damage caused by violent storms, such as the northeast storm of 1962 and the recent Hurricane Camille, attest to the threatened state of the shores and to the really inadequate protection the Federal Government has offered. So often, foresighted assistance would have prevented the tremendous amount of spending on the resulting emergencies.

Although Congress has recognized its legislative responsibility and the need for protection, it has not provided the sufficient financial authorization for that responsibility to be met.

The Federal financial participation in beach erosion and hurricane protection projects has been limited by needlessly complex and, in my judgment, unbalanced cost-sharing formulas. These formulas must be adjusted, especially with regard to hurricane protection projects, if we are to preserve our shores and avoid the catastrophe that violent storms often cause.

The projects themselves are quite simple. Hurricane protection is provided by constructing or stabilizing and maintaining a beach and dune section capable of withstanding a severe storm or hurricane. Generally, this is accomplished by building high sand dunes, associated beach fills, and/or constructing groins. Beach erosion control projects amount to building beach fills, or smaller dunes, which might typically be half as high as those for hurricane protection. It is apparent that hurricane protection projects, by their very nature, serve the multiple purposes of protecting shores

against beach erosion and hurricane damage.

What has become complex about these projects is the way costs are apportioned between Federal and local governments. Projects which serve the single purpose of protecting beaches against erosion are subject to different cost-sharing formulas depending on ownership and use of the beaches. If the beach is under non-Federal public ownership or use, the Federal contribution is up to 50 percent of the cost of the project; for projects to restore and protect other non-Federal publicly owned parks and State conservation areas—wilderness type areas—the Federal contribution is up to 70 percent; for federally owned beaches, the Federal Government bears the full cost; and for privately owned and used beaches, no Federal participation is provided.

On the other hand, projects whose main purpose is to protect against hurricanes but which serve the additional purpose of protecting against beach erosion are in part subject to Federal-local, cost-sharing formulas derived from regulatory policy and arithmetic interpolation, not from legislation.

In a letter to me dated June 17, 1969, Brig. Gen. R. H. Groves, then a colonel in the Corps of Engineers serving as Acting Director of Civil Works, stated:

> The policy for hurricane and tidal flood protection is derived from precedent set by projects authorized in the Flood Control Act of 1958. It is the policy of the Chief of Engineers to recommend that non-Federal interests assume no less than 30 per cent of the first cost, including lands, easements, and rights-of-way.

On its face, then, it would appear that the Federal Government bears up to 70 percent of the costs of the whole hurricane protection project. But the corps, determining that hurricane protection projects serve a multiple purpose, apportions the cost accordingly: the part considered hurricane protection is subject to a 70–30 cost-sharing formula; the part considered beach erosion is subject to the beach erosion formula set forth above. Going on to quote General Groves:

> Multiple-purpose projects for hurricane flood protection and control of shore erosion are frequently proposed. For these, the costs allocated to each purpose are apportioned on the basis of the above policies.

That is, those policies previously described for single purpose beach erosion control and for strictly hurricane protection. This is an artificial distinction. The main purpose of these hurricane protection projects is to protect against hurricanes. The erosion protection provided is incidental to the main function of the hurricane projects. Certainly, no hurricane project can be built without a first layer of sand—that part the corps considers for cost-sharing purposes as only controlling beach erosion. The cost of this part of the hurricane protection project should be incorporated as part of the cost of the whole hurricane protection project, subject to the same 70–30 cost-sharing formula. What has happened in fact as a result of the current cost-sharing formula is that the average Federal participation in currently active hurricane protection projects amounts only to 56.2 percent. These projects, built primarily on public beach, protect much more than just the public beaches or the incidentally protected private beach properties. Like the inland flood control projects—in which, the Corps of Engineers informs me, the average percent of Federal financial participation is 74.8 percent—hurricane protection projects guard against serious damages and disruption to public facilities, public roads and utilities, and to private property. Both these projects are vital for the protection of citizens throughout the country to reduce the harmful effects of natural disasters and certainly the Federal financial participation should be comparable in both. The objective of the hurricane protection project is to protect the inner bays and the mainland properties and only incidentally protect against beach erosion.

The legislation my colleague from New York, Senator GOODELL, and I introduce today would do no more than number the first two provisions within section 426 (e) (b) of title 33 of the United States Code—that section which authorizes the cost-sharing for beach erosion control projects—and add a third. The new provision would read "and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs."

Our intention is not at this time to amend the current cost allocation formula for projects serving the single purpose of beach erosion control. Nor do we intend to alter the present procedure regarding assistance to private property as prescribed by 33 U.S.C. 426 (e) (d). Rather, what is intended is a modification of the current Federal-local cost allocation procedure applied to multiple purpose hurricane protection projects. Where erosion control is achieved merely incidentally to the main goal of a storm or hurricane protection project—that is, where erosion control aspects are necessarily a part of the whole project—the Federal Government should bear 70 percent. It is intended that this bill, if enacted, would apply to currently authorized and future projects.

In my own State of New York, there are four such on-going multiple purpose hurricane protection projects in large measure because of the Corps of Engineers' assistance. But because the financially strapped local governments have difficulty raising sufficient funds to meet their required share, these projects are threatened with disruption and delay, seriously endangering the southern shore of Long Island and the shores of Fire Island.

Other States, such as California, Delaware, Florida, New Jersey, North Carolina, and Rhode Island have similar ongoing projects. No doubt the remaining coastal States have experienced severe storm damage and may need such multiple purpose projects. Hopefully, the legislation we propose today will serve to offer some relief to communities in these States hard hit by storms and hurricanes.

Mr. President, it is my hope that the Public Works Committee, now considering omnibus rivers and harbors legislation, will be able to consider this bill as a part of that legislation.

Mr. President, I ask unanimous consent that this bill be printed at the conclusion of my remarks.

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

The bill (S. 3774) to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection, introduced by Mr. JAVITS, for himself and Mr. GOODELL, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property.", approved August 13, 1946 (33 U.S.C. 426e(b)) is amended by inserting "(1)" after "except that", by striking out "and, further, that" and inserting "(2)" in lieu thereof, and by inserting before the period at the end thereof a comma and the following: "and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs".

Mr. GOODELL. Mr. President, I am a coauthor of the bill of the senior Senator from New York (Mr. JAVITS) to amend the cost-sharing formula for multiple purpose hurricane flood protection and beach erosion control projects affecting the shores of the United States. This bill provides that Federal participation in the cost of such projects may be, at the discretion of the Chief of the Army Corps of Engineers, not more than 70 percent of the total cost exclusive of land costs.

The bill is designed to meet a recognized need for providing additional protection for our Nation's shores. As priceless assets, our shores must be carefully protected and nurtured or else they will be lost.

There are a number of proposals now pending before the Commerce Committee, of which I am a member, which would give attention to the problems of coastal zone management. It appears that we are at last moving toward a broad based program for dealing with the overall management of our Nation's shores.

Obviously, our beaches and inlets are constantly under the threat of disaster from natural phenomena such as hurricanes, severe storms, or tidal floods. For many years Congress has authorized the Army Corps of Engineers to construct beach erosion and hurricane protection projects for the most vulnerable shore areas. Nonetheless, our shores continue to be threatened by the lack of adequate protection, and in many areas of the country one or two more severe storms or

hurricanes could result in large-scale disasters.

It is difficult to convey the necessary sense of urgency with which we must act if we are to prevent these disasters from occurring. In the past we have been too content to move along at an unhurried pace, assuming that the worst will not happen. When the inevitable occurs—and Hurricane Camille is only a recent example—we expend tremendous amounts of money and effort rebuilding areas which could have been protected before disaster struck.

We should not have to wait for other Camilles to strike anywhere on our shores before we take action. We must do more now to head off the potentially adverse effects of violent storms or hurricanes.

We have accepted the fact that quick, severe disasters which occur in our inland waterways—such as flash floods—necessitate large-scale preventive Federal aid. Why should not we apply the same level of assistance to our Nation's shores when they are threatened with severe disasters such as hurricanes?

Federal and local governments participate in two programs of beach preservation—beach erosion control and hurricane protection.

Single purpose beach erosion control projects are constructed to protect against the gradual erosion of the shoreline by waves and currents. This is accomplished through the construction of beach fills or smaller dunes—which might typically reach an elevation of 10 feet—and the possible use of groins.

Hurricane protection projects are designed to afford protection to barrier islands, inner bays, and low lying sections of the mainland. This protection is provided by constructing or stabilizing and maintaining a beach and dune section—which might typically reach an elevation of 20 feet—capable of withstanding a severe storm or hurricane.

By constructing these typically higher dunes, hurricane protection projects necessarily give incidental protection to the beaches from erosion. These dunes must be built on a foundation and this foundation, by its very existence, will provide the beaches with protection from erosion.

Each of these beach erosion and hurricane protection projects is subject to separate Federal-local cost sharing programs.

Section 426, title 33, United States Code, authorizes Federal participation in single purpose beach erosion projects. Federal participation may be up to 50 percent in the cases of non-Federal publicly owned or used shores and up to 70 percent for protection on State, county, and other publicly owned shore parks and conservation areas. Beach erosion control work for private land under this section receives no Federal participation, and work for federally owned lands receives full Federal support.

In contrast to the statutory provision for cost-sharing in single purpose beach erosion programs, Federal participation for hurricane protection is set by administrative regulation at 70 percent Federal, 30 percent local participation. In a letter to me of June 17, 1969, R. H. Groves, now a brigadier general, Army Corps, then Acting Director of Civil Works, states:

> The policy for hurricane and tidal flood protection is derived from precedent set by projects authorized in the Flood Control Act of 1958. It is the policy of the Chief of Engineers to recommend that non-Federal interests assume no less than 30 percent of the first cost, including lands, easements, and rights of way.

However, the corps considers these hurricane protection projects as multiple-purpose projects—which include hurricane protection and beach erosion protection. In determining the amount of Federal versus local participation, the costs allocated to each purpose are apportioned on the basis of which part of the project is for beach erosion and which part of the project is for hurricane protection. This is true even though the dune is mainly constructed to protect the uplands and affords beach erosion protection only incidentally. It is clearly an artificial distinction. The costs of the whole hurricane protection project should be shared on a 70–30 basis.

The average percent of Federal participation for the total presently authorized multiple-purpose projects primarily affording hurricane protection is in fact 56.2 percent, not the 70 percent our bill would provide. The total estimated cost of Federal participation in these authorized projects is $165,543,000; the total estimated non-Federal cost is $129,270,000.

The legislation which Senator JAVITS and I are introducing amends existing law covering Federal participation in the cost of single purpose beach erosion projects to allow the Federal Government to bear up to 70 percent of the costs of hurricane protection projects which may in fact involve incidental beach erosion control.

The bill adds a third provision to section 426(e)(b), title 33, United States Code, as follows:

> Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs.

This bill in no way alters the cost-sharing formula for single purpose beach erosion projects. Nor do we intend to amend present procedures regarding the protection of privately owned property as provided in section 426(a)(d).

Hurricane protection projects mitigate widespread and catastrophic economic losses and reduce the hazard of life and health which result from hurricanes and severe storms in the same way that inland flood control programs protect communities from severe flooding. Local flood control projects have been of tremendous importance in protecting citizens throughout the country.

The corps has informed me that the average Federal participation in the 70 local flood protection projects currently under construction is 74.8 percent. In my view, both hurricane protection and inland flood control programs are vitally needed and it seems to me that since the philosophy behind the undertaking of these types of projects is similar, the percentage of Federal participation should be comparable.

Federal participation in hurricane protection projects must be increased if we are to afford our shores and the surrounding communities needed protection against severe storm damage. The costs of adequate protection have grown so substantially that State and local interests are hard pressed to support these projects. The result is that some authorized projects are proceeding slowly, if at all, because of the inability of local governments to supply necessary matching funds for appropriations authorized by Congress. Other areas in need of shore protection may not even have applied for aid because the magnitude of the needed project is beyond the means of the localities under the present formula.

My own State of New York has benefited tremendously from the work provided by the corps on the four multipurpose projects now underway. However, the Fire Island Inlet to Montauk Point project—in which Federal participation in the cost of the project is 49.9 percent—exemplifies how the current cost allocation formula has hindered needed construction because of the high costs to the local communities involved. Senator JAVITS and I have met with the local officials about this problem, and it has become painfully clear that the high costs of construction—exacerbated by this artificial formula—have been too great a burden. This project is designed to protect the south shore of Long Island—including the national seashore on Fire Island—a natural resource which cannot continue in its imperiled condition. It must be preserved to the benefit of the entire community.

Other States such as California, Delaware, Florida, New Jersey, North Carolina and Rhode Island also have multiple-purpose projects underway. There are in addition a number of other States which have single purpose beach erosion programs now authorized. These States and others in all our coastal areas sometime may have a need to institute multiple-purpose projects.

We are introducing this bill at this time so that it may be considered as part of the omnibus rivers and harbors legislation now pending before the Public Works Committee. Should this bill be enacted, it is our intention that it will apply to future work on currently authorized projects as well as new authorizations.

THE CRISIS IN INDOCHINA

Mr. JAVITS. Mr. President, the decision announced by the Pentagon on U.S. operations in Cambodia must be deemed to be the President's decision to expand the Vietnam war into Cambodia and to reject the advice given to the administration by the Senate Foreign Relations Committee just the other day. In choosing to cross this Rubicon, the President will have, in my judgment, also risked a serious aggravation of domestic tensions and the success of his own Vietnamization program. If the Cambodian action is claimed by the President to be a direct and limited response to a clear imminent and material danger to U.S. troops in

Vietnam, he should substantiate such a finding immediately to the Congress and to the Nation in his impending broadcast. For the question now is whether the President has, in fact, the constitutional authority to initiate new combat operations in Cambodia without congressional authorization as so recently defined in the national commitments resolution.

I ask unanimous consent to have printed in the RECORD a speech I made at the University of Richmond, Va., last Monday evening, April 27, dealing precisely with the crisis now before us, the crisis in Cambodia.

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

CRISIS IN INDOCHINA

The United States is faced with a policy crisis in Indochina brought about by developments in Cambodia, where a rightist military government has ousted the traditional neutralist ruler, Prince Sihanouk. The new Cambodian government is professedly anti-communist and has appealed to President Nixon for military assistance from the United States. Vietcong and North Vietnamese troops have expanded their activities in Cambodia since the rightist coup and have launched an attack on government forces in an apparent attempt to bring down the new regime. All of these developments in Cambodia have a direct bearing on the war in South Vietnam, just across the border, and pose a fundamental challenge to U.S. policy in Vietnam, Laos and what was Indochina as a whole.

The situation in Cambodia presents the first clear test of the "Nixon Doctrine." The basic guidelines of the Nixon Doctrine have received broad support in the Congress and the nation, and these guidelines are fully applicable, in my judgment, to the Cambodian situation.

Because of the proximity and close interrelationship between events in Cambodia and Vietnam, it is natural that our tragic experience in Vietnam should lead us, first, to apply the Nixon-Doctrine guidelines and to emphasize what we should *not* do in Cambodia. Most important, the United States definitely must *not* introduce U.S. ground combat troops—either "all at once," or "piecemeal" as happened in Vietnam.

It is essential to reiterate this cardinal point because of the reported requests by U.S. military commanders in Vietnam for permission to cross the border into Cambodia in force to attack Vietcong and North Vietnamese troops concentrated there in "sanctuaries." This is not a question of "hot pursuit"; it is, rather, a new war.

I suspect that Hanoi is trying to "bait" the United States into taking some action of this sort which would destroy the policy of U.S. disengagement thru "Vietnamization" in Vietnam.

It is clear from President Nixon's speech of April 20 that any U.S. expansion of a ground war into Cambodia would be in direct conflict with the entire thrust of the policy on Vietnam which he has laid before the nation.

A more subtle danger of U.S. combat involvement could develop if the United States agreed to provide "advisors" to the hard-pressed military forces of the Cambodia government under attack by better-equipped communist forces. In Vietnam, while the nation and the Congress were scarcely paying attention, a U.S. advisory contingent became transformed by stages into a massive U.S. combat force. The lessons we have bought so dearly in Vietnam must be applied in Cambodia. The introduction of U.S. military "advisors" in this kind of situation will not provide the "equalizer" needed to make the Cambodia army a match for the tough Vietnamese communist forces they face. Rather, it is likely to be the first step into a new area of quicksand. "Advisors" should come from other nations, especially non-Communist or Asian nations subject to greater danger if the Communists succeed in Cambodia.

The key question at the moment is whether the United States will provide weapons which have been requested by the Cambodian government. The Administration is temporizing on this crucial decision. The interim action of providing a small quantity of communist weapons captured in Vietnam avoids the issue for the moment.

The Nixon Doctrine does identify the conditions and criteria under which the United States should provide military assistance to a country like Cambodia. First, the government must be an established one enjoying "legitimacy" in the mind of a majority of its own citizens. If a government does not have a substantial base of popular support or acceptance among its own people, it is unlikely that U.S. assistance would be effective—and it is undesirable that it should be provided.

Frankly, the Lon Nol government in Cambodia has not yet demonstrated that it commands the confidence and loyalty of the Cambodian people. It seized power through a military coup d'etat, ousting a popular traditional leader—Prince Sihanouk. The methods it has used to seek to rally popular support are worrisome. The whipping up of racial chauvinistic emotions—culminating in mass slaughter among locally resident Vietnamese civilians—is repugnant and so is the vilification campaign against Prince Sihanouk, featuring lurid charges about his personal life.

The Cambodian government is under military attack and is in a very difficult situation. Its plea for military assistance has real urgency. But it is essential, in my view, that the United States refrain from providing any arms until the Cambodian government has demonstrated its viability. We cannot get into the business of propping up incompetent or unpopular governments. Accordingly, assurances of decent conduct of its affairs and earnest efforts to make the government representative of the people should be made a condition for the supply of any U.S. arms.

The second fundamental criterion for providing U.S. assistance under the Nixon Doctrine is the actions and attitudes of the other nations of the region. U.S. assistance in Asia, to be effective, must be given in support of local, regional and multilateral efforts. The leadership and direction of such regional supportive efforts cannot come from the U.S., although the U.S. contribution may be the deciding factor in its ultimate efficacy.

In Vietnam, the U.S. went in unilaterally and never did receive significant support from our Asian or traditional European allies. Ultimately, great pressure was exerted by the Johnson Administration on such nations as Korea, Thailand and the Philippines to provide token military contingents. But as the investigations of the Symington Subcommittee, of which I am a member, have disclosed, the arrangements made to get Korean, Philippine and Thai forces into Vietnam raised more questions than they solved.

If Cambodia's non-communist neighbors—especially such nations as Indonesia, Thailand, the Philippines, and Malaysia—are prepared to take a lead in organizing a regional supportive effort, I think that this would be a persuasive argument for a selective, supportive U.S. contribution to such a regional effort. However, if Cambodia's neighbors are not prepared to make such an effort, then the United States should not go in unilaterally.

Finally, both under the Nixon Doctrine and the National Commitments Resolution adopted by the Senate in June 1969, the President and the Executive Branch need to obtain some prior congressional concurrence before undertaking any significant military commitment or involvement in Cambodia. This is clearly required under the Constitution, and the fundamental wisdom of the Constitutional system of checks and balance depends upon it. Much of the tragedy of our involvement in Vietnam is derived from the breakdown of the checks and balance system provided in the Senate's advise and consent role in foreign affairs, and from the circumvention of the primary responsibility of the whole Congress under the Constitution regarding war-making powers.

THE ECONOMIC CRISIS

Mr. JAVITS. Mr. President, I shall speak this morning about the economic crisis which is worrying our country very much, and is of very deep concern not only to our people, but to the major financial institutions in America.

The country is very worried about where the economy is going, and so are its major financial institutions. Remedial action is needed now or we may face dire economic and social consequences in a chain reaction to present conditions. Give the present divisiveness in the country so clearly attributable to the Vietnam war and racial tensions—a serious economic downturn—and even so solid a source as the St. Louis Federal Reserve Bank has contemplated this possibility—could have serious, if not disastrous, consequences.

The collapse of prices on the stock exchanges, the record high interest rates, and the continuing unacceptable 6-percent rate of inflation in the cost of living are but the thermometer confirmation of the national economic fever. With the effects of a continuing, if not widening Indochinese war on our economy, it is increasingly clear that the policy of business as usual—expenditures as usual—and revenues as usual—will not work. It is also becoming clear that a "creditability gap" has now opened up with regard to the administration's economic policies.

Even before the President's new Cambodian decision, our Nation's budgetary position was inexorably sliding into serious deficit. The deficit for this fiscal year which ends June 30 is not primarily the result of an irresponsible expenditure policy by the administration or Congress, but rather of a serious revenue shortfall caused by declining business profits, and, in turn, declining tax payments to the Treasury.

We now, apparently, face the grim prospect of mounting expenditures in Indochina, probably increased expenditures for the ABM system in response to evaluations—which may be faulty—of the Soviet Union's and Communist China's missile capabilities, plus continued pressure for a series of advanced weapons systems that have been put off by the Defense Department's policy of absorbing a good portion of the war expenditures from within the existing budget. But as a congressional colleague of mine has aptly stated—the camel's nose is already under the tent on these advanced weapons systems.

In addition, the "butter portion" of our economy faces increased and pressing

demands. I do not accept the administration contention that the economy has bottomed out, and in the intervening months until it does, unemployment manpower programs may be triggered, and unemployment compensation payments may necessarily rise. If the unemployment rate rises to the levels that some forecasters have already predicted, federally supported public sector jobs will become a necessity, too.

We also have to begin thinking seriously about the steps that will need to be taken if our businesses are to invest the funds necessary to remain competitive and to provide the jobs of the future. Then, too, in a declining economy, the administration's responsibility increases for provision of expanded and more flexible programs of adjustment assistance to those industries that suffer temporary dislocation from changing world trading patterns.

But these examples do not even include the major costs in billions that will accrue from the improved welfare program, from passage of the administration's manpower bill, which is also now before Congress, and the accelerated antipollution measures. This clearly demonstrates that pressures tending to drive expenditures upward are growing and are probably insurmountable.

At the same time, a depressed economy has insured that revenue flows to the Treasury are down and will remain down for some time—with the result that the Federal Government again is in a deficit position. If the deficit is not contained within reasonable limits, the mixture of forces that led this economy to the worst inflation since 1946 is likely to be unleashed again.

To contain the deficit will require some exceedingly hard choices both in the revenue and expenditures areas. If the administration is not willing or prepared to make these hard choices, the Nation deserves to be told fully and frankly. The Nation has the right to know whether the already galloping inflation in the economy will continue or worsen because of a growing budgetary deficit, or whether the administration is prepared to "bite the bullet" and really to entertain the hard anti-inflationary decisions—including a shifting of national expenditure policies—which are so badly needed.

Indeed our deficit problem is also seriously complicated by two current decisions. First, this Nation may now be taking another step into the quagmire that is Indochina; we have yet to hear whether it is solely a tactical decision. The President's decision as announced by the Pentagon, yesterday, in my judgment will not only risk a serious aggravation of domestic tension and, the success of his own Vietnamization program, but also the anti-inflationary program of the administration. Second, there is the earlier decision to withdraw 150,000 additional troops from Vietnam over the next year. What was not stated in this earlier decision was that this withdrawal policy insures that we will be in Vietnam for a minimum of 2 to 3 additional years. The effect on the deficit of both these decisions is worthy of close attention.

In light of these events, a key area that needs review is tax policy. Many of us regretted that last year's tax reform bill turned into a tax cutting bill.

Hard questions must now be asked concerning the upcoming expiration of the surtax and future decisions to be taken on excise taxes and whether the existing rate structure will provide the revenues needed for the 1970's. This question was in my mind even before the recent political military decisions were taken and now assumes a new urgency.

These questions can only be answered in the next few months depending on developments in the economy particularly regarding unemployment levels and inflationary pressures. But the Nation should be informed about these hard realities now.

An important element in this whole question is that up until now monetary policy has borne much of the brunt of the fight against inflation. The legacy is a housing crisis, exorbitant interest rates, and shaky capital markets to name just a few. The money supply is still vital and easing it should help greatly, but in the future fiscal policy should carry its fair share of the burden. In my view this will help avoid the serious distortions in the economy that have characterized it recently.

Now for some other specific recommendations.

One of the more unsettling symptoms afflicting our economy is the marked falloff in business productivity at a time of sharply increasing wages and salaries. Output per man-hour in 1969 rose at less than 1 percent, compared with the 3.3 percent average since 1945. This is the second smallest increase since World War II; the only other time productivity gains were smaller was in 1956. Productivity is the real test of our strength as a Nation.

Therefore, I believe that we must count high on our list of priorities some device to improve productivity. We had a turn with the investment tax credit, and this was repealed last year for many reasons not entirely related to business productivity. I believe that a sounder approach to an investment incentive—an incentive, that is, which will improve productivity—exists in liberalizing depreciation schedules for capital equipment. Experience with liberalized depreciation schedules in 1954 has shown that their initial costs, in terms of reduced corporate tax revenues, are rather modest. But their incentive factor is much higher. The change in depreciation schedules could be phased in over, say, 5 years. I believe, however, that immediate action is needed on this front in order to prevent a serious bottleneck in an important sector of our economy. Such action is within the power of the Treasury now.

Such action will also insure that our business plant remains competitive in the decade ahead and that it will continue to provide the jobs needed by a growing full-employment economy.

Another area where immediate action is needed is the securities market. It takes no imagination to understand what the recent depression in the stock market—the worst since 1929—has done to the economic well-being of the average American. Tens of millions of Americans invest directly in business enterprise. Many, many millions more are indirect owners, through participation in mutual funds, pension plans, and other forms of saving. Major stock market losses affect them in a major way. I have found, for example, that much of my constituent mail on the subject of stock market losses has come from small investors, from the man in the street. In other words, we are dealing with a phenomenon which affects not only the rich, but virtually every payrolled American.

As an immediate first step to stem the deterioration in stock prices, I believe the margin requirements for stock purchases can be lowered. Much of the heavy losses have been the result of a lack of demand for stock being sold by nervous investors. Lowering the margin requirements from the present 80 percent to 70 percent—possibly even 60 percent—would help deal with this phenomenon.

As a longer-run measure, the idea advanced by Senator MUSKIE for a Federal Broker-Dealer Insurance Corporation is worthy of serious consideration. I feel it should be, however, an autonomous corporation and not under the SEC aegis. Also, I applaud the pledge by the securities industry made recently in a letter to SEC Chairman Budge to come up with an acceptable self-regulating alternative to the Muskie bill by July 1. I believe the industry must be held strictly to its pledge, so great is the need for insuring the risks here and the idea of an autonomous U.S. corporation may be the only alternative left if an acceptable plan is not forthcoming from the industry itself.

As Senator MUSKIE pointed out, there is no protection under existing securities law for the investor whose broker goes bankrupt. This must be a matter of some concern now to those investors who have accounts with the several brokerage houses which have ceased operations in recent weeks. The fact that rumors are afoot concerning more such problems cannot help but damage confidence in the whole concept of stock ownership.

Under the Federal Deposit Insurance Corporation, the once prevalent problem of "runs" on bank deposits has been virtually eliminated. Nevertheless, we have seen that a run on the stock market can happen even in 1970. With the establishment of an insurance scheme to protect investors from losses caused by the liquidation of brokerage houses, a major step will have been taken to improving the safety and security of this very major and basic aspect of our capitalist system.

Turning to the area of wages and prices, my consultations with business and financial leaders have convinced me that the administration has to do more in this area. For example, various financial leaders have told me that in their opinion recent price hikes in certain industries have been out of line with the raises in labor and operating costs. In fact, the Council of Economic Advisors has been looking into the pricing and

supply policies of some of these industries—but it has not gone beyond the "looking into" phase.

I strongly urge that the administration accept the recommendations unanimously adopted by the Republicans of the Joint Economic Committee and which also were considered by a full Republican caucus of the Senate. The specific proposal I now have in mind recommended that the Council of Economic Advisors indicate how significant price decisions, up or down, in major industries could be expected to influence overall consumer and wholesale price levels, and how they might affect other prices in related industries. The Council should also give the arguments made by particular companies or industries why price increases are deemed necessary.

Similarly, the Council would indicate the implications of collective bargaining proposals on wages in significant industries. This would include calculations of the magnitude of these increases under different timing assumptions, the productivity experience of the industry, and whether industry officials believe such increases would bring about price increases.

In the view of the minority of the Joint Economic Committee of Congress these activities would be limited to informing the public and would not involve the administration taking a stand for or against any particular wage or price behavior. I sincerely believe that an informed public debate resulting from such information, which the Council is in a position to publish, would be a significant step in the administration's anti-inflationary campaign.

I also believe that the vast force of public opinion has not been sufficiently mobilized in this anti-inflation campaign to date.

I view this suggestion as a first step and sincerely hope that additional steps will not be needed. The statistics released yesterday which indicate that the wholesale price index has declined for the first time in 2 years, gives credence to this hope. However, if inflationary pressures continue unabated, additional steps may be necessary and again I think this is also dependent on the course of events in Southeast Asia.

Depending on future events it may be necessary and desirable to establish a Wage-Price Board in the Executive Office of the President which would oversee not only wage and price decisions in the private sector but also certain expenditure activities of the Federal, State, and municipal governments. In making this suggestion it is worth noting that during the years of the Korean war when wage and price controls were in effect, the Consumer Price Index only rose from 85.6 to 89.6, or a rise of four points. During the years of the Vietnamese war the Consumer Price Index rose from 109.9 to 127.7 or a rise of 17.8 points. Here, I think we can see one of the prime causes of labor unrest.

I do think that since this is a Republican administration it must first demonstrate that it intends to rein-in unreasonable price hikes before it can move effectively to contain unreasonable labor demands. And respected financial and business leaders will privately confess that in some areas market conditions bear absolutely no relationship to some of the price hikes that have taken place.

There is another area where this policy could have a significant effect and this is in the area of trade. In a recent address a member of the Council of Economic Advisers stated that the "consumer interest in freer imports, is only just beginning to be heard. Once consumer interests are adequately represented, the advantages of regulation to the regulated industries themselves may well disappear, and the basis for an extension of competition, which is the ultimate protector of consumer interests, may be laid."

The Council of Economic Advisers should likewise look into the possibility of publishing the effect on prices of Government decisions in the trade area. For example, in a recent article in Business Week, it was pointed out that meat prices have increased at a very high rate, yet rigid quotas on beef imports remain in effect. The same contention can be made for oil imports which are rigidly regulated, and I shudder to think what will happen to prices of textiles and shoes if rigid import quotas are imposed without regard to internationally accepted criterion relating to the injury imports are causing to domestic industries.

I find it unusual that trade policy is not used to a greater extent in coordination with the other weapons of anti-inflationary policy and that the Office of Consumer Affairs is not even represented on the interagency Government councils that make trade policy decisions. I believe that the consumer has a legitimate right to be interested in meat prices, in oil prices, and to make their interests known.

Finally, in preparing these remarks, I have also consulted with respected financial leaders on the question of credit controls. I think that their counsel to me is a course of wisdom—namely that credit controls at this time would seriously disrupt financial markets, such as the stock market, which already are very shaky.

Proposals already have been made, and I refer in particular to the recent proposal made by Dr. Andrew Brimmer of the Federal Reserve Board which would have the effect of insuring a more just allocation of credit through the use of varied reserve requirements. This, of course, would particularly benefit those sectors of the economy which a tight monetary policy discriminates against—housing and State and municipal financing, for example. However, this area is so complicated and the climate in the financial markets so adverse, that it should be left for the full and dispassionate examination of the Presidential commission that will soon be named to look into financial mechanisms.

Mr. President, the times are grave and the Nation feels a disquiet and division unparalleled since the terrible depression atmosphere of the 1930's. We should certainly have learned enough by now to be forehanded about avoiding resurgent inflation and/or a deepening recession and economic uncertainty. I propose that we act now, accordingly.

Mr. President (Mr. HUGHES), I have made these proposals today, which I hope the administration will listen to very seriously and act upon them now.

Now may even be too late, so seriously shaken has been the confidence of those who invest, those who buy, and those who manufacture in the economy of this country.

SOVIET PILOTS IN EGYPT—THE GROWING DANGER IN THE MEDITERRANEAN

Mr. SYMINGTON. Mr. President, yesterday there was revealed a strange paradox in the formulation and conduct of the foreign military policy of the United States.

This country is now sending American military personnel, with planes and tanks and artillery, into another foreign country, Cambodia; and this latest invasion is justified on the grounds it is necessary to our security.

But the United States still refuses, as it has over a long period of months, to sell planes to the State of Israel, a nation that has pled to buy these planes from us because we are the only country making such modern weaponry that is not already supplying them to the Arab countries.

So we now support a newly formed and untried government in Cambodia, but at the same time have in the past refused to sell vitally needed arms to a nation currently fighting Communist satellite aggression without the support of U.S. military forces.

Has not the time now come when we Americans should face up to the facts of what is actually happening in the Middle East? A small democratic and free people, created with the complete support of the Government of the United States, people who cherish the same principles that we do, and who are one of the very few really stable friends we have in that entire region, would appear today to be directly confronted by the military might of the Soviet Union.

This is the lesson that I draw from the presence in Egypt, reported only yesterday, of Soviet pilots flying Mig 21's, and operating from Egyptian airfields. Everyone must now realize the potential danger to the very existence of Israel.

Clearly, the Soviets themselves have embarked on a new and aggressive course, the portents of which are grave not only for Israel, but for all countries of the free world.

At this time, let us consider also that there is one major factor which could deter further Soviet adventurism in the Middle East. That is the military credibility of Israel. With that premise, surely it is in our own interests to sell Israel these arms, so that this brave little nation has the ability to defend itself.

Our Government, from our President down, has always said that we were not going to jeopardize Israel's security; that if developments occurred which upset the balance of power in Israel's disfavor, or if the Soviets take action which implies a bid for predominance in the Middle East, we would not stand idly by.

Well, that is happening right now, not by proxy, but by direct military intervention. We do not know what the

parameters of Soviet involvement will be, but we do know that it upsets completely that balance of military strength which has been given by this administration in the past as the reason for our continuing to refuse to sell Israel the modern weaponry they cannot buy from either the Soviets or the French, the only other two countries which produce these modern planes.

If the balance of military strength given as the previous reason for not selling arms to Israel was correct before, the advent of Soviet pilots in Mig 21's and Soviet SAM–III's insures that this so-called balance is now badly in imbalance, with consequent danger to Israel's existence.

The reports of the last few days about the Egyptian offensive along the Suez front show the real nature of the new strategy. While the Soviets protect the Egyptian rear from Israeli counter response, Egypt is now relieved, and is able to put into the field the best of its forces to resume its war of attrition against Israel.

The Soviets, in other words, are operating in the service of an offensive strategy, designed, in Nasser's terms, "to exhaust Israel."

The Middle East is not Southeast Asia. Israel is capable of defending itself. It has proved three times, with manifest courage and ability, that it is so capable; and it still stands ready to defend itself, as all countries well know.

How can it make that defense credible, however, unless the one country that has the arms it needs for its defense agrees to supply those arms?

In passing, it has never been clear why we have been willing to continue to give arms to many Arab States, but are not willing to sell them to Israel.

If we adopt a policy of maintaining a weak Israel, will this not in turn be interpreted as a weak American posture, one that can only encourage any possible enemy to move forward, especially as he notes how deep are our involvements in other parts of the world?

In addition, will we not be running the risk of committing a historical crime if we do not move now, with dispatch, to sell this small and gallant nation the planes it pleads for to defend its very existence?

Surely it is to our interest to try in this way to maintain this little country as a viable nation.

Who will deny that without a strong Israel the Soviet Union, through its satellites, would dominate all countries in the eastern Mediterranean?

Would that be a favorable development for the free world?

Several times previously during past years I have asked whether the foreign policy of the United States is one of strength against the weak, but weakness against the strong.

If we are not willing to recognize the grave imbalance this recent Soviet action has produced, the answer to that question at this time would seem clear.

Mr. JAVITS. Mr. President, will the Senator yield briefly?

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

Mr. JAVITS. Mr. President, I ask unanimous consent that I be recognized for 1 minute.

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

Mr. JAVITS. Mr. President, I point out to the Senator that I think he has rendered a signal service as the chairman of the appropriate subcommittee of the Foreign Relations Committee in this speech.

I would like the privilege of associating myself with his remarks.

Mr. SYMINGTON. Mr. President, I thank my able friend deeply.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I be permitted to continue for 5 minutes.

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

SOUTHEAST ASIA

Mr. BYRD of Virginia. Mr. President, 3 years ago, upon my return from Southeast Asia, I made a report on the floor of the Senate.

On April 11, 1967, I said that while public attention was focused on Vietnam, that sooner or later, in my judgment, the problem would be widened and our Nation would be faced with grave decisions regarding Laos and Cambodia.

I want to read at this point a few paragraphs of my speech of 3 years ago:

Our involvement in Asia does not stop with Vietnam.

In order to help the war effort there, we have negotiated with Thailand and have constructed, or are in the process of constructing, four huge military bases there, each of which I visited.

These bases are of great importance to the American military effort in Vietnam.

For example, our giant B–52 bombers heretofore all flown from Guam—a 12-hour round trip to target—will, beginning this month, be operated partially, from Thailand—a 4-hour round trip flight to target.

But our presence in Thailand further commits us in Asia, and it commits us to protect the Kingdom of Thailand.

Visualize, if you will, the map. Vietnam is separated from Thailand by both Laos and Cambodia. In other words, Laos and Cambodia lie between the two countries in which we are currently militarily involved.

The ultimate fate of Laos and Cambodia hangs in doubt with Communist pressure at a high point.

A part of Laos is now an important military base for the Vietcong; yet, another part of Laos is cooperating with the United States.

Cambodia claims to be neutral and will not permit the United States to overfly it when U.S. planes go from Thailand to Vietnam. Yet Cambodia is also a sanctuary for the Vietcong.

Sooner or later our Nation may be faced with grave decisions regarding Laos and Cambodia.

If such is the case and we decide to intervene, we will then have assumed the responsibility for all of what was French Indochina, plus its neighbor, the Kingdom of Thailand. If we conclude not to intervene in Laos and Cambodia, either or both could become another Communist-dominated North Vietnam.

That was my comment in 1967. Today, we are faced with precisely the kind of decision that I foresaw 3 years ago.

The decision is no easier now than it would have been 3 years ago. In some ways it is more difficult, because Communist aggression has spread while American involvement has not really substantially lessened.

From the very beginning, I have said that the commitment of American ground troops in a land war in Asia was a grave error of judgment.

I have also maintained that the error was compounded by the way in which the war has been conducted. President Johnson and Secretary of Defense McNamara tried to run it out of Washington. It took quite a while before the McNamara concept of a so-called limited war was proved a farce. It prolonged the war and increased the casualties.

Today, however, we must deal with the situation as it exists.

Under existing circumstances, I have doubts about the advisability of an American commitment to Cambodia.

If the President should decide that the security of our forces in Vietnam demands that some help be given to Cambodia, it is essential that sharp limits be set to our involvement.

Under no circumstances should American ground troops be sent to fight in Cambodia.

If other aid is given, in the form of air support, advisers or arms, I hope that it will be made clear to the Cambodian Government—and to the American people—that this is not a step toward the involvement of U.S. combat forces.

The United States cannot unilaterally assume the responsibility for the security of all of what was French Indochina.

There must be a limit to American involvement in Asia. Sending troops into Cambodia would go beyond the limits of what is prudent.

I hope that the President will act with caution and restraint in this time of crisis.

UNITED STATES SHOULD STAY OUT OF CAMBODIA COMPLETELY

Mr. PROXMIRE. Mr. President, yesterday, with the backing of the United States, the South Vietnamese launched a military operation against Communist forces in Cambodia. The United States has sent advisers there, has furnished tactical air support, and other medical and logistical support. The facts are not in dispute.

I am opposed to the President's action. We should stay out of Cambodia completely and wholly.

I am unqualifiedly against intervention there. If we have not learned our lesson after 40,000 dead Americans in Vietnam and $100 billion of spending, we never will.

We do not withdraw from Southeast Asia by going in deeper in Cambodia. American advisers are the first big step toward a full-fledged American involvement in an Indochina war.

I have received a number of telegrams overnight protesting our action in Cambodia. I agree with them and I intend to join Senators CHURCH and COOPER and others in their expression of the sense of the Senate in this matter.

I ask unanimous consent that the texts of the telegrams I have received be printed in the RECORD.

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

BURLINGTON, WIS.,
April 30, 1970.

Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.:

I strongly protest any involvement by our government with arms or advisors in Cambodia.

VIC TERRY.

MADISON, WIS.,
April 30, 1970.

Senator PROXMIRE,
Senate Office Building,
Washington, D.C.:

We implore you to strongly oppose the administration's actions in Cambodia.

Mr. and Mrs. SEYMOUR LEDEY.

MADISON, WIS.,
April 30, 1970.

Senator PROXMIRE,
Senate Office Building,
Washington, D.C.:

I am strongly opposed to U.S. intervention in Cambodia. It is my hope that you will take immediate action to prevent this for peace.

MARIAM WEINSTEIN.

MADISON, WIS.,
April 30, 1970.

Senator PROXMIRE,
Senate Office Building,
Washington, D.C.:

President cannot declare war. Please support the efforts to deny funds for Cambodian military activity.

Mrs. JOYCE MARKLE.

KEWAUNEE, WIS.,
April 29, 1970.

Senator WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.:

Against United States involvement in and aid to Cambodia.

FRANK and BETTY HAMACHEK.

MADISON, WIS.,
April 29, 1970.

Senator PROXMIRE,
Senate Office Building,
Washington, D.C.:

Please inform the President that your constituents are opposed to our troops in Cambodia.

MARILYN J. BARBIN, PAT J. MILLER, LYNN A. GARVEY, CARLA M. NOVOTNY, CAROL S. NUSSBAUM, JEAN MARKOTIC.

RACINE, WIS.,
April 29, 1970.

Senator BILL PROXMIRE,
Senate Office Building,
Washington, D.C.:

I am absolutely against aid to Cambodia in any form.

MARGARET SCHIMANSKI.

OCONOMOWOC, WIS.,
April 29, 1970.

Senator WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.:

Please help stop all further intervention in Southeast Asia immediately. We wholeheartedly support you.

WALTER HOEFT, Jr.

MADISON, WIS.,
April 29, 1970.

Senator PROXMIRE,
Senate Office Building,
Washington, D.C.:

Urge no troops or advisors be sent to Cambodia or Laos, peace in United States.

THOMAS REED.

MADISON, WIS.,
April 29, 1970.

Senator PROXMIRE,
Senate Office Building,
Washington, D.C.:

Deeply protest military involvement in Cambodia. Desire congressional action for immediate adviser and troop withdrawal.

Mrs. ANN D. CLARK.

MADISON, WIS.,
April 29, 1970.

Senator PROXMIRE,
Senate Office Building,
Washington, D.C.:

We deeply protest today's involvement in Cambodia urgent immediate withdrawal from this war.

VERNON S. HAUBERICH.

MADISON, WIS.,
April 29, 1970.

Senator PROXMIRE,
Senate Office Building,
Washington, D.C.:

Oppose Pentagon foreign policy in Cambodia.

AILEEN AND ALLAN NETTLETON.

BEVERLY HILLS, CALIF.,
April 29, 1970.

WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

125,000 mothers say no to Cambodia. We support any action to re-establish constitutional right of Congress to declare war.

DONNA REED OWEN, DOROTHY B. JONES, BARBARA AVEDON, cochairmen, Another Mother for Peace National Headquarters.

BEVERLY HILLS, CALIF.

MILITARY PROCUREMENT AUTHORIZATION ACT (H.R. 17123)—AMENDMENT

AMENDMENT NO. 605

CONGRESSIONAL RESPONSIBILITY AMENDMENT

Mr. McGOVERN. Mr. President, I submit an amendment which the Senator from Oregon (Mr. HATFIELD) and I intend to propose to H.R. 17123, the Military Procurement Authorization Act when that legislation becomes the pending business in the Senate. I ask unanimous consent that the amendment be printed; and I further ask unanimous consent that it be printed in the RECORD and referred to the Committee on Armed Services for consideration with the military authorization legislation.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed; and, without objection, will be referred to the Committee on Armed Services.

The amendment is as follows:

AMENDMENT NO. 605

SEC. ——. (a) Unless there has been a declaration of war by the Congress with respect to any conflict in Vietnam, no part of any funds appropriated pursuant to this Act or any other law shall be expended in connection with such conflict after December 31, 1970, for any purpose other than to pay costs relating to the withdrawal of all United States forces, to the termination of United States military operations in that country, to the arrangement for exchanges of prisoners of war with the government of North Vietnam, to the provision of food and other non-military supplies and services for the welfare of the Vietnamese people, and to arrangements for asylum in friendly countries for Vietnamese who might be physically endangered by the withdrawal of United States forces.

(b) Unless there has been a declaration of war by the Congress with respect to any conflict in Laos, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish, after December 31, 1970, to Laos or to personnel of Laos any defense article or any military assistance or advice.

(c) Unless there has been a declaration of war by the Congress with respect to any conflict in Cambodia, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish to Cambodia or personnel of Cambodia any defense article or any military assistance or advice.

(d) For purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

Mr. McGOVERN. Mr. President, I am appalled at the news that we are intervening militarily in Cambodia. After all the tragic lessons of Vietnam, It seems a nightmare to me that our leaders are actually committing us to war in another Southeast Asian country. Why cannot we understand by now that it is impossible to impose a military solution on the complicated political problems of Southeast Asia.

The inevitable result of this is a wider and bloodier conflict, increasing inflationary pressure on our economy, more fear in our stock markets, and much wider division and confusion within our society.

I am going to do everything I possibly can as a Member of the U.S. Senate to block this effort and to bring this foolish war to an end. That is the purpose of the amendment which we are offering today. It proposes that in the absence of a declaration of war Congress should refuse to make available funds for the prosecution of any further military efforts in Vietnam, Laos, and Cambodia.

The command and deployment of our forces in Vietnam and Laos would remain at the President's discretion until December 31 of this year. We expect that in the intervening months steps would be taken to withdraw manpower to coastal areas to maximize their safety during total disengagement. During the same period it is probable that the Thieu-Ky government would make whatever accommodations are needed to reflect the balance of military and political forces that would exist when the American presence has ended. Faced with the certain withdrawal of U.S. military forces, Saigon would very likely enter into political and diplomatic efforts designed to create a provincial or coalition government.

After December 31, in the case of Vietnam and Laos, and beginning immediately in the case of Cambodia, our amendment would eliminate all authority for military assistance and for combat operations of any kind. Beyond the provisions of nonmilitary supplies, such as food, touching on the welfare of the Vietnamese people, amounts appropriated under any act could be used for only the withdrawal of all U.S. forces, for the termination of all military operations, and for arranging for exchanges of prisoners of war and for asylum to the extent necessary for Vietnamese who

might be physically endangered by our withdrawal.

The amendment does have an alternative to this course of action. By its terms, the amendment would be nullified if the Congress, as provided by the Constitution, were to declare war in Southeast Asia.

Mr. President, many Members of Congress, along with a steadily increasing proportion of the American people, continue to be deeply troubled by our involvement in Vietnam. Today it must be regarded as the transcendent issue in American life.

The war has prompted painful divisions and violence in our society. It has distorted our economy. We are confronted today with wartime inflation, rising unemployment, and a worried, sagging stock market. Such overriding domestic concerns as poverty and hunger, environmental pollution, and a host of others have been neglected and have worsened as the fighting has gone on. The idealism of our youth has deteriorated as they have seen how we interpret "freedom" and "liberty" to allow, and even require, the support of corruption and repression in Saigon. Most painful of all has been the loss of more than 40,000 young lives, and the mangling of thousands more young bodies, in pursuit of hopeless objectives.

We have had some cause for encouragement in the past 2 years. The steady escalation in the fighting that occurred between 1964 and 1968 has been reversed. The appearance has been that we had abandoned hopes for a military decision.

But today it appears that what has been abandoned instead is the prospect of a foreseeable end to American involvement. The decision to support an invasion of Cambodian territory by South Vietnamese combat units, including the direct participation of U.S. personnel, is a new escalation of the war. If we are not increasing the size of the American force we are increasing the number of countries, certainly an even more serious matter in terms of its policy implications. Vietnamization emerges even further as a doubtful gamble at best and a program of domestic political deception at worst.

We should not lose sight of the fact that the invasion of Cambodia is not a new war. It is an extension of the war in Vietnam, and that is certainly how the President will describe it tonight. He will say it is being carried out to protect our position in the senior war, and to protect our forces in that war against attacks launched from the Parrot's Beak in Cambodian territory.

I suspect that the President can come up with ample military justification for the thrust into Cambodia if we consider it from a standpoint of approving and accepting his approach in Vietnam. We should move cautiously in forbidding pursuit of hostile forces into Cambodia if we do not at the same time contemplate a change in our overall position in the war.

Our amendment confronts this issue directly. It rejects an expansion of the conflict as a means of protecting our forces—just as we should have rejected each step of escalation carried out by the previous administration. We suggest that young American fighting men can best be protected not by this new kind of escalation but by bringing them home.

Otherwise, the loss of life will continue, hundreds each month.

And what is the reason? The theme of President Nixon's statement on April 21st was an assertion that preservation of the Thieu-Ky government has become a sacred trust thrust upon the American people. He spoke of avoiding a national humiliation. He declared that this country has never lost a war, and implied that our prestige and our power are directly dependent upon winning this one. In essence he affirmed that our policy is one of saving face. It is for cosmetic purposes that the war is being expanded again; it is a vain attempt to conceal an ugly scar on our national experience that calls for the sacrifice of billions more of our treasure and thousands more of our lives.

It is not worth the cost, nor can it succeed. Even endless perpetuation of the Thieu-Ky government would not improve the appearance of our tragic mistake in Southeast Asia. Our salvation lies instead in liquidating the error and aspiring once again to the greatness and the idealism of which this country is capable. That is what our amendment proposes.

But it does more than that. It asks that the Congress reclaim its proper role in the constitutional scheme of responsibilities for declaring issues of war and peace. It says that it is not enough for the Congress to offer suggestions on how the President should carry out his powers as Commander in Chief and as the exclusive agent of the United States in dealing with other nations. It says that we should make explicit decisions on the questions which are exclusively within our province—on the kinds of miliary power available to the President and when and how they shall be committed to war.

The scope of the congressional war power has not been clearly defined. There continues to be a dispute over when the Constitution requires a declaration of war prior to Presidential action. Many of us would interpret it to require much more explicit authority before we can move even gradually into a war of the kind we are fighting now in Southeast Asia.

But it is perfectly clear that Article I, Section 8, of the Constitution vests in the Congress, and in the Congress alone, the power to "provide for the Common Defense—raise and support Armies." And the intent of that language is also easily discernible. In the Federalist, Alexander Hamilton pointed out that we have a positive duty to review military appropriations at least every 2 years. He argued that members of the legislative branch, "are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence."

Our system of government does not contemplate that the President should unilaterally bear the burden of determining when and where our forces should be engaged in combat. The responsibility is to be shared.

The growing war in Southeast Asia is not, therefore, "Mr. Nixon's war." It is not "Mr. Johnson's war", and it is not the war of the four successive administrations which made commitments of various kinds. It is just as much the property of the Congresses which have with hardly any hesitation authorized and appropriated the funds to fight it and to let it go on.

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

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. McGOVERN. Mr. President, our amendment asks that Senators and Congressmen who have declared that the war should be ended recognize the fruitlessness of making speeches and offering nonbinding resolutions. It would instead exercise the power we do have for terminating America's intrusion into the affairs of the people of Asia.

It seems probable to me that one reason why we have remained in Vietnam after giving up the goal of a military victory is the fact that both Presidents Johnson and Nixon have feared political recriminations and divisions at home to result from a withdrawal. Some commentators have predicted attempts to pin the blame for our failure to hold Southeast Asia upon the Presidents who have directed the battle.

If that is the case then our amendment will give the President more freedom of action. It says that if Congress and the President have a joint responsibility for carrying on a war, we must also share the responsibility for ending it. To date we have avoided our duty. We have forced him to carry the burden of command and to contemplate the political consequences alone.

Put most simply, it is an amendment for congressional responsibility. Its passage will mark our decision that the war in Southeast Asia should either be stopped or declared. I believe that is what the Constitution demands of us.

Mr. HATFIELD and Mr. DOLE addressed the Chair.

Mr. McGOVERN. Mr. President, I yield first to the Senator from Oregon and then to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, in arguing for adoption of the Constitution, Alexander Hamilton wrote in the Federalist Papers:

> The legislature of the United States will be obliged by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by formal vote in the face of their constituents. They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence.

In order to place with the Congress, and thus with the people, the ultimate authority over the use of our military

forces, the Constitution gave these direct and comprehensive powers to the Congress:

(Article I, Section 8):

To declare war . . .

To Raise and support Armies (but no Appropriation of Money to that Use shall be for a longer term than two Years)

And also:

To provide for calling forth the Militia to execute the laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the militia.

Since the use of military forces centrally involves matters of foreign relations, it was natural for the Constitution to also grant to the Congress a central share of the responsibility for these decisions. Besides Congress' power to declare war—article I, section 8—the Senate was also given the responsibility of ratifying treaties proposed by the Executive.

But the responsibility of the Congress in such matters clearly does not end there. Early in our history, Congress faced this issue in dealing with the Jay Treaty. After the President proposed it and the Senate approved, the House faced the question of whether they were bound to enact appropriations submitted to carry out the treaty. The matter was resolved by adopting a resolution offered by James Madison to the effect that:

When a Treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress. And it is the Constitutional right and duty of the House of Representatives in all such cases, to deliberate on the expediency or inexpediency of carrying such Treaty into effect, and to determine and act thereon, as, in their judgment, may be most conducive to the public good." [Constitution of the United States Annotated, Senate Document No. 39, 88th Congress. p. 469 (1964)].

This position has been vindicated by the Supreme Court in a number of cases holding that a later act of Congress supercedes a treaty as domestic law.

Thomas Jefferson writing on this entire question, believed:

The true theory of our Constitution is that when a treaty is made involving matters confided by the Constitution to the three branches of the Legislature jointly, the Representatives are as free as the President and Senate to consider whether the national interest requires or forbids their giving the forms and force of law to the articles over which they have a power.

These early precedents and opinions clearly establish that Congress' power of the purse—section I, article 9—includes the responsibility of Congress for making decisive judgments in matter of defense policy and foreign affairs. This is particularly true when support for our military forces engaged in a particular foreign policy action requested through appropriations in Congress.

Of course, we are not to disregard the powers given by the Constitution to the President, particularly his power as Commander in Chief of the Army and Navy—article II, section 2. Yet, he is Commander in Chief only of those forces which have been raised and supported by the Congress. Further, the framers of the Constitution strongly intended that the Commander in Chief should direct our military forces into war with other nations only when war had been declared by the Congress.

The wisdom of the separation of powers, then, applies to our Nation's policies of defense and foreign affairs just as clearly as it does over domestic issues.

It is no infringement upon the President's constitutional duties as Commander in Chief for Congress to exercise its own judgment over the support of armies for specific purposes. Furthermore, it is certainly clearly the constitutional duty of the Congress to seek a declaration of war before expending money for the purposes and support of war.

In summary, let me cite two other more contemporary opinions of legal expertise on this question—opinions which have a timely relevance in light of the most recent events in Southeast Asia. Chever and Haviland write that:

The President does not have sufficient authority to control foreign policy without regard to the wishes of the legislative branch. In many of the matters he has no choice but to work with Congress. . . . [He] cannot afford to neglect either the House or the Senate in building support for . . . foreign policy programs." (Daniel S. Chever and H. Field Haviland, Jr. *American Foreign Policy and the Separation of Powers*, pp. 11, 16–17 [1952]).

And in his noted work, "The President: Office and Power," Edwin Corwin concludes his analysis of this issue by stating:

While the President is usually in a position to *propose*, the Congress and the Senate are often in a technical position to at least *dispose*.

The evolution of events in Southeast Asia has given an immediate urgency to the question of how our foreign policy is determined. We have become involved there in a war never declared by Congress. Our effort is not in the clear direct fulfillment of any treaty commitment. Yet, through the years of our involvement, Congress has assumed, despite these facts, that we acted under an obligation of the executive that cannot be challenged by any authority of Congress. We have refused to consider seriously exercising the Constitutional powers that are available to us—the power of the purse, and the responsibility for raising and supporting our military forces.

It is obvious that we are at a crucial point in our involvement in Indochina. The events of yesterday and today make it abundantly evident that we are on the verge of new decisions and actions that can have long-term consequences in shaping our future action in Southeast Asia. Because of the uncertainties, anxieties, and renewed concern over our destiny in Southeast Asia, Senator McGOVERN and I have chose to introduce this amendment.

Our amendment would prohibit the use of funds after December 31, 1970, authorized for use in Vietnam for any purpose other than the withdrawal of troops, the termination of military operations, and arrangements for asylum and prisoners-of-war exchange. This prohibition would take effect unless there is a declaration of war by the Congress prior to that time.

The amendment has no effect on how funds are used until December 31, 1970.

It does not specify a specific time schedule for withdrawal after December 31, 1970.

The amendment also affects Laos, and would require a termination of military activities there as well, beginning after December 31, 1970, unless there is a declaration of war.

The amendment also affects Cambodia, and would prohibit funds used for any military assistance, including aid or personnel, effective immediately unless there is a declaration of war.

The amendment would not prohibit giving nonmilitary foreign aid to these countries.

In effect, we are saying that the Congress should not appropriate funds for the continuation of the war in Vietnam and Laos after the end of the year—other than for withdrawal—or the expansion of the war into Cambodia, unless Congress passes a declaration of war.

The amendment makes no explicit judgment about the rightness or wrongness of the Vietnam involvement. It only states that Congress should face the issue squarely and declare war if we are to continue appropriating funds to support the war. The purpose is to focus attention upon the constitutional issues involved.

Apparently, the executive branch embarked upon an action that could represent a significant policy change in the war. Our direct support of action by the South Vietnamese in Cambodia means that first of all, we have involved our military forces in another sovereign nation. More importantly, such actions could easily entail or lead to a commitment by the United States to the Government of Cambodia. Yet, these actions were taken without even the prior ratification of the Congress, despite the nearly unanimous views of the Foreign Relations Committee of the Senate.

All this would seem to run contrary to the spirit of the commitments resolution which was passed by the Senate.

Through authorizing and appropriating funds, Congress makes judgments on the purposes for which they are used. It is this principle that must be put to the Congress and applied to the Indo-Chinese war.

We must come to understand this war as the Congress' war—our war. It is irresponsible for us to believe that the executive branch alone shoulder the responsibility and consequences of our policy in Southeast Asia.

If the Indo-Chinese war is to be expanded into Cambodia, or continued in Vietnam and Laos after this year, the people must make this decision. This must be done through the Congress, as provided for by the Constitution. The means to do so is to seek a formal declaration of war which will require every Member of Congress to exercise his judgment on our policy. In lieu of that, Congress should not approve funds for continuing what has not been sanctioned by them and the American people.

If we believe the current course of our involvement is not in the interests of our Nation, then let us not finance those actions. There is no more meaningful way for us to meet our contitutional responsibilities as Members of Congress.

Let us cease wringing our hands over the prospective dire plight we face, and let us stop trying to purge ourselves by indictment of the Executive. Let us simply use the constitutional powers that are given to us to implement our convictions.

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared describing the McGovern-Hatfield amendment.

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

PROPOSED MCGOVERN-HATFIELD AMENDMENT TO MILITARY PROCUREMENT AUTHORIZATION BILL (H.R. 17123)

Dating back as far as 1963 members of Congress have expressed deep concern about the involvement of American combat forces in Vietnam. We believe that today a clear majority of the Senate is convinced that U.S. involvement in the war has been a military, political and moral mistake.

In light of the similarities between the situation in Vietnam in 1963 and 1964 and the current outlook in Cambodia, it is particularly pertinent to note that now the members of the Foreign Relations Committee are all but unanimously opposed to sending military assistance to the government of Premier Lon Nol. The lessons of Vietnam have not been lost.

In an important sense the policy of the Nixon Administration also incorporates a recognition of the mistaken character of our Vietnam involvement. The elusive objective of a military victory has been abandoned. The current strategy is described as a means of liquidating our military involvement in Vietnam, either through a negotiated settlement or through assumption by the South Vietnamese of the burden of their own defense.

Yet our policy has not yet really turned. In his April 20th address on Vietnam, the President said he plans to continue withdrawing American forces at the same rate followed during the past year. *But the plan remains conditional, and the conditions involve matters which the United States cannot control*—the will and the strength of the South Vietnamese and the activities of North Vietnam and the National Liberation Front.

"Vietnamization" is not a new strategy. It has been tried before, between the French departure in 1954 and the beginnings of our buildup ten years later. Signs of the same futility confront us today, with the indications that Vietnamization of Vietnam will require the Americanization of Vietnam will require the Americanization of Cambodia and Laos.

Meanwhile the President talks of avoiding "humiliation" for the United States. He continues to identify America's best interests with perpetuation of the Thieu-Ky government in Saigon.

He seeks to justify some 40,000 American deaths by allowing thousands more to die in a hopeless cause.

We reject the notion that an error can be rectified by perpetuating and expanding it. We believe it is time to abandon the policy of saving face and to launch a policy of saving lives.

THE RESPONSIBILITY OF CONGRESS

Members of Congress, including the authors of this amendment, have delivered hundreds of speeches and have introduced dozens of resolutions calling for an end to our Vietnam involvement. We have offered advice on negotiating postures and battlefield tactics.

But all of these activities have been directed at procedures controlled by the President. *Article II, Section 2, of the Constitution designates the President as Commander in Chief of the Armed Forces, giving him the power and the duty to direct the military forces* placed at his command. *The article gives the President exclusive power over the conduct of negotiations.* According to Justice Sutherland in a 1936 case:

"He alone negotiates. Into the field of negotiation, the Senate cannot intrude; and the Congress itself is powerless to invade it."

And Jefferson's construction of the President's broad powers in foreign affairs still stands today:

"The transaction of business with foreign nations is Executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly."

Our efforts, therefore, have been concentrated on suggesting to the President the manner in which he should carry out responsibilities that belong to him. We have done nothing more than offer advice, which the President is free to accept or reject.

At the same time we have failed completely to employ the broad and decisive powers over the military which are explicitly reserved to the Congress. We have not controlled the war in Vietnam; we have complained but we have acquiesced.

The Constitution, in Article I, Section 8, Clauses 11 through 14, says that the war power belongs to the Congress. The grants of power "to raise and support armies" and "to provide and maintain a navy" are included not to give the Federal government these rights, but to designate the branch of government that has them, and it is the legislative branch.

Less clear in interpretation but equally relevant is the power of Congress to declare war. The dispute over its meaning goes back as far as Jefferson and Hamilton, and we struggle with it still as the nation wages an undeclared war in Vietnam. The Senate has expressed its concern over usurpation of the war power by the Executive by passing a resolution on national commitments. The same concern motivated the framers of the Constitution who, having lived with the British Crown's expansive powers, vested the authority to initiate war in the Congress alone.

But if the construction of the war power is inexact, the Congress certainly has the ability to demand that its prerogative receive more respect from the Executive. The resolution on foreign commitments issued a warning to the President that Congress expects to have a greater role in the future. It has, of course, had little effect on Vietnam.

In fact, during the 1967 hearings on the commitments resolution Professor Ruhl J. Bartlett of the Fletcher School of Law and Diplomacy was asked what Congress might do to re-establish its right to determine questions of war and peace. He responded that:

". . . The Senate may need to do something rather drastic on some occasion to make sure that its authority is understood and needs to be respected. It may be that the Senate will have to say to the President on some occasion: 'We will not stand for this any longer.'"

During those same hearings Senator Sam Ervin, in discussing what Congress might do about Vietnam, said that:

". . . from a practical standpoint the only way the Congress can do anything to stop the war is to stop appropriations for the support of the war."

The proposed amendment incorporates the advice of these two distinguished authorities and applies them to the cases of Vietnam, Cambodia and Laos.

INTENT OF THE AMENDMENT

So long as the Congress does no more than speak and resolve on the war in Southeast Asia, we have no right to complain about the conflict being "President Johnson's war" or "President Nixon's war," or even the "war of four successive administrations." It is just as much the property of a Congress that refuses to use its power either to declare it or to stop it.

Nor should we feel comfortable in telling our constituents who oppose the war that we are making common cause with them, or in cautioning them to keep their protests peaceful and within the law. It must contribute greatly to the frustration and outrage among those who have no direct power over policy when they see that we who do have power under the Constitution are refusing to exercise it.

Basically, our amendment asks the Senate to insist on its constitutional responsibility. It would accomplish the withdrawal of all American forces from Vietnam and the termination of our military operations there by simply prohibiting the use of military funds for any purpose other than steps associated with ending our involvement. Similar restrictions would be applied in the cases of Cambodia and Laos.

The process of withdrawal would begin no later than December, which should allow ample time for deployment of our forces in a manner most consistent with their safety when withdrawals begin, and for the Thieu-Ky government to make whatever arrangements it can to reflect the legitimate balance of political and military forces after United States influence has gone. The amendment also authorizes whatever spending is required to arrange for exchanges of prisoners of war and for amnesty or asylum for South Vietnamese who might be personally jeopardized by our withdrawal.

If the amendment passes, all of these steps will be required unless one condition is met—a prior declaration of war in Southeast Asia by the Congress.

We believe the amendment will have the support of all Senators who have expressed their opposition to the war and their lack of faith in the "Vietnamization" process. From them it asks no more than action consistent with positions they already hold.

It is highly probable that a major reason the President is reluctant to order an accelerated withdrawal of forces from Vietnam is his fear of the domestic political recriminations in a portion of our own society. That political risk should not be the President's alone. It should be borne on a broad bipartisan basis by the Congress as a whole. If American forces can be asked to risk their lives in battle, we should have the courage to save their lives by shouldering some measure of political risk.

We believe, too, that our proposal deserves the support of Senators who see merit and hope in the President's conduct of the war, but who want seriously to see the Congressional war power effectively re-established. The way to accomplish that is to require it, and we are convinced that an amendment of the kind we offer is the only practical way that can be achieved.

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

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute so that I may yield to the Senator from Kansas.

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

Mr. McGOVERN. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I thank the Senator for yielding.

I am wondering if we apply that stand-

ard to Southeast Asia would the Senator suggest we extend the import of the amendment to the Middle East?

Mr. McGOVERN. No. It is directed specifically to the countries of Vietnam, Cambodia, and Laos. We will have to deal with the Middle East on its own merits.

Mr. DOLE. In fact, it should be dealt with immediately. I understand there has been a statement made that we should supply more jets to Israel and be more deeply involved there. Perhaps we should apply the amendment across the board.

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

Mr. McGOVERN. I yield.

Mr. SYMINGTON. If the Senator from Kansas is referring to the statement I made, it would be incredible for him by anyone to take the position that sending troops and or military advisers into Cambodia was in any way comparable to selling planes to Israel. We are selling planes to countries all over the world. There are only two other countries which make these modern combat planes besides the United States, and both of them are currently giving planes to the Arab countries. Therefore, I do not see any connection, if the Senator was referring to my earlier statement this morning.

Mr. DOLE. I signed the letter on jets to Israel but we should have a consistent policy. If we are going to do it in one part of the world, we should do it in other parts.

Mr. McGOVERN. Mr. President, I agree with the distinction drawn by the Senator from Missouri. I do not think you apply the same criteria. We evaluate each situation on its own terms and its own merits.

NORTH VIETNAMESE SANCTUARY INSIDE CAMBODIA

Mr. THURMOND. Mr. President, yesterday Vietnamese troops, with American advisers, struck at a North Vietnamese sanctuary just inside Cambodia.

It was about time.

For years the Vietcong and the North Vietnamese have raided inside South Vietnam, killing Americans as well as South Vietnamese, and then retreating across an imaginary line that allied troops dared not cross.

This gave the enemy a very big advantage. It was responsible for many American deaths. It was a sword aimed constantly at Saigon, the heart of South Vietnam, only 35 miles away.

And yet yesterday, we heard the term "mistake" and "mistaken tragedy" thrown around here pretty loosely.

For those who have no responsibility for the lives of our troops it is easy to say these things; it is an easy thing to be critical.

The real tragedy of yesterday is not the strike at the enemy. The real tragedy is that so many Americans in high places are ready to criticize and yank the rug out from under the President and our troops and our allies without knowing the facts.

Mr. President, tonight, on nationwide television, I expect the President will tell us the facts. Out of his appearance may come enlightened debate. It will be a welcome change from yesterday's blind criticisms.

AMENDMENT TO FOREIGN MILITARY SALES ACT—TO PRECLUDE U.S. MILITARY INTERVENTION IN CAMBODIA

AMENDMENT NO. 604

Mr. GOODELL. Mr. President, a major escalation of the war occurred yesterday, when the United States openly sent advisers, air strikes, and other support across the Cambodian border with a large South Vietnamese attack force. This profoundly dangerous step was taken without consultation and without approval of the Congress.

It now has become obvious that Congress must swiftly adopt legislation to insure that no further steps are taken by the administration to embroil the Nation in a Cambodian war.

Last Friday, in an address before the Los Angeles World Affairs Council, entitled "Cambodia: The Coming of the Second Indochina War," I warned of the dangers of escalation inherent in the administration's war policy. This warning has now been tragically confirmed.

In that address, I also announced my intention to submit an amendment to an appropriate bill on the Senate floor, barring any American military intervention in Cambodia.

Today, I am submitting this legislation as an amendment to the Foreign Military Sales Act. Joining me in cosponsoring this amendment are my distingiushed colleagues, Senators McGOVERN and YOUNG of Ohio.

The amendment is drawn to prohibit the entry of American military personnel into the territory or airspace of Cambodia for any purpose and for any period of time. It would also preclude the entry of camouflaged military personnel—Americans actually serving as military advisers but operating under cover identities as embassy employees, AID officials, and so forth.

The amendment would prevent American ground, air, or other forces from accompanying South Vietnamese raids across the border, as they did yesterday.

The reasons for the legislation are explained more fully in my speech, set forth below.

Mr. President, I ask unanimous consent that the text of my speech be printed in the RECORD.

I also ask unanimous consent that the language of the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred; and, without objection, the speech and the text of the amendment will be printed in the RECORD, as requested.

The speech and amendment are as follows:

CAMBODIA: THE COMING OF THE SECOND INDOCHINA WAR

(By Senator CHARLES E. GOODELL)

Like some malignant tumor, the war spreads.

Having consumed the living social tissue first of Vietnam and then of Laos, it now turns to feed on Cambodia.

That nation, preserved intact for so many years, has now fallen prey to a conflict that seems as insatiable as it is pointless.

Cambodia now captures the grim headlines of death.

We read of pitched battles in obscure Cambodian provinces, until now as unknown to us as once were the provinces of Vietnam.

We fear these distant places with unfamiliar names may soon become the graveyards of American fighting men.

We observe the inexorable creeping of the war over the border. Behind bland official reassurances, we sense the conflict slipping beyond our control in dread escalation.

We witness the horror that seems to have become the hallmark of this war: massacre.

Replacing scenes of My Lai, our television screens are defiled by visions of hundreds of Vietnamese civilian corpses floating down the Mekong River—murdered for no other purpose than to satiate the appetite of this Moloch of war. We learn that the contamination of the river by human flesh has become so great as to make the water no longer drinkable—and to prevent fishermen along its banks from pursuing their ancient trade.

We fear for the lives of an entire race—of hundreds of thousands of Vietnamese farmers and tradesmen who lived in peace for decades in Cambodia, but now may perish in an officially inspired campaign of terror.

We know that in this wider war there can be no victor but death.

I. DIMENSIONS OF THE RISK

Erosion of Cambodian neutrality

Cambodia for the moment has replaced Vietnam as the powder keg of Indochina.

It is there that the great forces of conflict rush to fili the vacuum left by the departure of Prince Sihanouk and the collapse of Cambodian neutrality.

We read of Vietnamese Communist forces in Cambodia seizing one town after another, advancing ever closer to the capital.

We read of a border increasingly perforated by violence, as South Vietnamese and U.S. forces strain to reach Communist sanctuaries in Cambodia.

Until last month, Cambodia was a nonaligned state. By a policy of "neutralism" pursued with remarkable success for over a decade, Sihanouk spared his people the horrors of a war that was destroying the rest of Indochina.

Cambodian policy, as formulated by the Prince, was in some respects advantageous to Vietnamese Communist interests. For it gave sanctuary to the enemy's forces along the border and a route into Vietnam for its supplies. Yet that policy also served the clear interest of the United States that the conflict not spread. It prevented a further widening and lengthening of the war—and the deaths of thousands of young Americans in the jungles of Cambodia.

Weakness of the new government

Now Prince Sihanouk has been ousted, and embarrassing new friends have taken his place.

The right-wing regime of General Lon Nol has sought—with disastrous results—to expel Vietnamese Communist forces from Cambodia. It has fanned the flames of racial hatred, launching a campaign of terror and slaughter against the Vietnamese civilians in the country.

The Cambodian army has proven itself no match for the 40,000 well-trained Communist troops within the country. Rather than helping us, the Cambodian government has become increasingly desperate for our assistance in the face of a deteriorating military situation.

The Cambodian government's ill-fated campaign against the Communist presence has merely led to a widening and strengthen-

ing of that presence. While Communist supply lines from Sihanoukville into Vietnam have temporarily been severed, there is little doubt of the enemy's ability to rectify this situation by military action.

Communist forces are now in the position, if they choose, to seize the capital and overthrow the government. Alternatively, they can partition the country—consolidating their hold over the eastern region, menacing or encircling Pnom Penh, and aiding the Khmer Rouges (Cambodian Communists) in a "national liberation war" in Sihanouk's name.

Risk of U.S. escalation

In recent testimony, Secretary of State Rogers assured the Senate Foreign Relations Committee that the U.S. would maintain a posture of strict neutrality towards Cambodia and bend every effort to avert a widening of the war.

I am sure these sentiments reflect a sincere desire to contain the conflict. Nevertheless, there is real danger that, because of purely military exigencies in the field, the United States will find itself pulled into the morass inch by inch against the better judgment of its leaders

We see clear signs of this process already, as we read almost daily of offensives over the border by South Vietnamese forces—planned and encouraged by U.S. military advisers. Still more ominous, we hear reports of "protective reaction" sallies by U.S. units, and "protocol visits" of obvious military intent by American officers.

We observe frightening parallels between these developments and the early stages of Vietnam, when American advisers supposedly were prohibited from accompanying Vietnamese units on combat missions.

We see risks of a secret war inside the Cambodian border, as for five years a secret war raged in northern Laos.

It is illusion to imagine that—short of the most massive escalation—allied military action across the border, by land or air, can eliminate Communist sanctuaries or erode their strength. The military pressure that failed to disturb Viet Cong sanctuaries within 30 miles of Saigon is not likely to prove more successful against Communist encampments along the heavily forested Cambodian boundary. Moreover, even if with enormous effort Communist units were dislodged from their base camps along the border, they simply could move deeper into Cambodia.

If the United States continues to permit or encourage South Vietnamese units to attack Communist bases in Cambodia, they sooner or later will require U.S. air or ground support to avoid defeat. Communist forces in Cambodia can respond to these South Vietnamese initiatives, moreover, by hastening their advance upon Pnom Penh.

These developments, in turn, will induce China and Russia to line up behind an aggressive North Vietnamese strategy in Cambodia. And they will place the United States under still greater pressure to intervene to save a worsening situation.

Such escalation would be as absurd as it would be tragic—for the United States has no vital interest in the preservation of the Cambodian government by force of arms.

II. THE ADMINISTRATION POLICY

The President's speech

On Monday, President Nixon spoke again on Vietnam.

He announced the return of 150,000 American troops during the next year—in itself a commendable decision.

Yet the withdrawal will leave nearly 300,000 men in Vietnam in the beginning of the third year of the Nixon Administration. A presence of this size confirms that the United States will long continue to be heavily involved in Vietnam.

The President's decision to retain a force of this magnitude in the beginning of 1971 confirms the prediction I made in testimony this February before the Senate Foreign Relations Committee. And as I warned in that testimony, it could involve a price within the next three years of 5,000 to 20,000 Americans dead, 20,000 to 100,000 Americans wounded, and $40 to $60 billion wasted.

And the President left all his options open.

He made no firm commitment for any pullouts within the next four months. This leaves him with the alternative of temporarily reducing or even freezing troop withdrawals, as some of his military advisers have urged. He also retains the option of changing the plan if the enemy escalates further.

He acknowledged that the war had taken the dimensions of an Indochina conflict.

Yet, in a stunning omission, he offered no assurance against the United States' extending its military involvement into Cambodia.

Even more disturbing, he broadened his earlier warnings against increased enemy activity—by applying them to Cambodia and Laos; he said:

"Again I remind the leaders of North Vietnam that . . . they will be taking grave risks if they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam *by increased military* action in Vietnam, in *Cambodia and in Laos.*"

This, perhaps, is the most deeply disturbing aspect of his speech.

There is no reason to suppose the enemy will be deterred by this threat of reprisal when it was not deterred by the actual reprisals of the Johnson Administration.

After making this threat, what choice is open to the President if the Communists elect to continue an offensive course in Cambodia?

He has three unpalatable choices.

He can slow down or halt American withdrawal from Vietnam. This merely prolongs American casualties and costs—without effectively deterring the enemy. Extending the American presence in Vietnam does not stop the enemy from continuing its advance in Cambodia.

He can carry out his threat by moving American ground or air forces across the Cambodian border. This could only plunge us deeper into the morass.

He can back down from his threat and continue the withdrawals. This, while certainly the wisest course, would present obvious problems for the credibility of his policy.

Failure of Vietnamization

The President continued to paint a roseate picture of Vietnamization.

Yet the recent developments in Cambodia and Laos have demonstrated the failure of Vietnamization—and the President has implicitly admitted this failure by tying his Vietnamization program to events in Cambodia and Laos.

Vietnamization was conceived and advertised as an ingenious method for backing into success; for narrowing and winding down the war on our terms; for partially extricating ourselves while deterring further Communist "aggression" in Southeast Asia.

The assumptions of this scheme have already crumbled. They deserve to be consigned to the historical scrapheap along with "strategic hamlets," "hearts and minds" and other relics of our Vietnam policy.

At enormous cost of lives and money, the Administration labored to build a strategy to prop up the sagging forces of our South Vietnamese allies and forestall the Communist advance in South Vietnam. Erroneously conceiving of the war as purely a Vietnamese struggle, it imagined this would represent at least temporary success. It overlooked the obvious fact that the war had become an Indochina conflict. It forgot that the enemy could compensate for being temporarily stalemated in Vietnam by taking the initiative in Cambodia and Laos—where it clearly has the military advantage.

Where do the Communist initiatives in Laos and Cambodia leave the United States with its much-advertised Vietnamization strategy?

It leaves us with the unhappy prospect of a wider war, fought at increasing sacrifice for diminishing objectives.

It leaves us with a strategy that has, in Senator Fulbright's apt words, become a political Maginot Line—difficult for the enemy to assault head on, but why bother, when they can walk around it?

From a strictly military standpoint, the United States might seek to sever Vietnamization from developments elsewhere in Indochina—to press forward with the war in South Vietnam while permitting events to take their course in Laos and Cambodia. The purely military problems of such a strategy are the familiar ones: the flow of Communist supplies through Laos and Cambodia and the sanctuary of Communist troops in Cambodia.

Such a strategy would be the lesser folly, compared with seeking to widen the conflict into Laos and Cambodia. It would be the lesser madness compared to a return to the disastrous course of escalation. Folly it would remain, however.

What is the point of squandering thousands more American lives, hundreds of thousands more Vietnamese lives, and billions more American dollars in the elusive pursuit of military success in South Vietnam, if the rest of Indochina is at the mercy of the enemy?

What is the point of huge efforts to capture this or that Communist hamlet in South Vietnam, when the enemy can easily respond by seizing the capital of Cambodia?

Historically, the prime objective of the enemy has been South Vietnam. The North Vietnamese can, however, easily shift the initiative to Laos and Cambodia, if they are momentarily blocked in South Vietnam, and if such a shift will embarass the United States. This appears to be the current enemy strategy.

If that is the enemy strategy, how has Vietnamization deterred the Communist "aggression" in Southeast Asia of which the President so often speaks?

What have we achieved if Vietnamization can at best create no more than an isolated South Vietnamese bastion in a hostile Indochina, and at worst collapse from the internal weakness of the South Vietnamese army and government?

In Vietnamization, we have found the perfect bad bargain. Our losses in lives, treasure and opportunities foregone are guaranteed. Our gains are doubtful of achievement, and diminish daily in value.

THE GENEVA CONFERENCE

In his speech, the President appeared to show some interest in the French proposal for a new Geneva conference on Indochina—despite the rejection of the idea by the Viet Cong, and the apparent change in the Russian attitude from support to hesitancy.

Certainly, we should stand ready to negotiate in any form.

Whether in Paris or Geneva, however, negotiations are not likely to make much progress unless the United States alters its basic premises for bargaining.

As everyone concedes, the Paris talks are bogged down. The North Vietnamese will not negotiate without a firm commitment by the United States for a complete and rapid disengagement of its forces. The United States refuses to give an unconditional commitment of this nature. The President spoke on Monday only of an "eventual" withdrawal of all American troops—and that conditioned on the pullout of all North Vietnamese forces and assurance they will not return. Meanwhile, plans go forward for the retention of

a residual force of American troops for an indefinite period until Vietnamization succeeds.

In any Geneva conference, the sticking point will remain the presence of U.S. troops in Vietnam. As long as the stalemate on this fundamental issue continues, little of substance will be accomplished by shifting the site of the talks from Paris to Geneva, broadening the agenda to consider the neutralization of all Indochina, and adding a few more nations as participants.

We must bear in mind that North Vietnam conducts its operations in Laos and Cambodia largely in order to assist its objectives in South Vietnam. As long as American troops remain indefinitely committed in South Vietnam, we can expect the North Vietnamese to maintain pressure on Laos and Cambodia as a means of raising the military and political costs of that presence. In these circumstances, the enemy has little or no incentive for negotiating the withdrawal of their troops from Laos and Cambodia.

If the United States were to decide to change its position on the basic issue of its continued military presence—as I long have urged it should—an environment may be created for truly fruitful talks, either at Paris or Geneva.

If it does not, a new Geneva conference entails the risk of raising hopes for peace that would too soon be dashed—and of diverting our attention from the fundamental task of complete U.S. disengagement.

The Guam doctrine

At Guam, President Nixon established the principle that the Asian nations with which we are allied must bear the primary responsibility of providing manpower for their own defense.

Had this principle been applied in Vietnam in 1963, as it should have been, we never would have become embroiled in a land war to preserve a government unable to defend itself.

Had this principle been applied in Laos in 1969, as it should have been, we never would have become embroiled in the escalating air war over that nation.

The Nixon Doctrine makes little sense if it is applied—as it seems to have been in Laos—only to restrict intervention by ground combat troops, leaving all other forms of military escalation unchecked.

Our bitter experience in Indochina demonstrates that one form of direct military involvement inevitably leads to the next; that there are no "safe" military activities—whether they be the dispatch of military advisers or the provision of air support—that can be neatly segmented from "unsafe" ground intervention.

I suggest that the Guam doctrine is a sound doctrine—but it is sound only if it is applied rigorously and systematically. To work, it must recognize that intervention is a continuous process—so that if the doctrine leads us to rule out the conduct of a land war in an Asian nation, it must also rule out the other forms of intervention which lead up to such a war.

III. NONINTERVENTION IN CAMBODIA

The Goodell amendment

I believe the Congress must act now to prevent our nation from becoming embroiled in a war in Cambodia, as it already is in the rest of Indochina.

Accordingly, I shall introduce an amendment to appropriate legislation on the Senate floor, barring any American military intervention in Cambodia.

The amendment will be drawn to prohibit the entry of American military personnel into or over Cambodia for any purpose and for any period of time. It would also preclude the entry of camouflaged military personnel—Americans actually serving as military advisers but operating under cover identities as embassy employees, AID officials, etc.

The amendment will accomplish its purpose by cutting off funds for the introduction of such personnel into Cambodia. This is a proper exercise of Congress' power under the Constitution to control the expenditure of tax money. In principle, it operates no differently than would an amendment cutting off or restricting the expenditure of foreign aid moneys in a given country.

The amendment will have the following effects:

(1) It will prohibit U.S. military personnel in Vietnam from temporarily crossing the Cambodian border for any purpose. This would forbid not only "protective reaction" or "hot pursuit" strikes, but also "protocol" visits across the border by American military advisers of the kind that have recently been reported.

(2) It will forbid the dispatch of U.S. military advisers to Cambodia for aiding Lon Nol government forces.

(3) It will preclude the extension of the air war into Cambodia, whether by bombing, tactical air support, or other air support missions.

(4) Finally, it will forbid the introduction or maintenance in Cambodia of any American troops, whether combat forces, support forces or logistical units.

The legislation will serve not only to prevent the sort of U.S. ground escalation that occurred in Vietnam six years ago, but also to avoid the sort of escalation by proxy that has occurred in Laos—where our nation has permitted itself to become increasingly embroiled in an air war and in the tactical support of a local guerrilla war.

Last October, I introduced the "Vietnam Disengagement Act" (S. 3000) to extricate this nation from a hopeless and brutalizing war which by then had killed or wounded over a quarter of a million Americans and taken the lives of over a million Vietnamese. I am now making this proposal, in order to make certain that no "Cambodian Disengagement Act" will ever be needed to extricate ourselves from a widened and deepened Indochina conflict.

We stand at the crossroads in Cambodia, as we did in Vietnam a decade ago. We made the wrong choice then. The legislation I am proposing will prevent us from making the wrong choice now.

It recognizes that the interests of the United States in Indochina cannot conceivably justify the commitment of American forces and the loss of American lives in Cambodia. It recognizes that a widening of the war into Cambodia inevitably means its prolongation—inevitably defers the end of the Indochina conflict.

It safeguards this nation against being sucked into a war in Cambodia by small stages, against its will.

It accords with the new Cambodian government's own protestations of neutrality and its condemnation of the entry of any foreign troops on Cambodian soil.

It makes clear that the United States will not intervene in any Cambodian conflict, whether it involves indigenous antigovernment forces or the Vietnamese Communist forces that have sanctuary within the country.

It serves as a deterrent against continued South Vietnamese attacks across the Cambodian border. It places the Saigon government on notice that further incursions into Cambodian territory will be at its own risk and peril—that it cannot rely upon the customary U.S. air and logistical support, and cannot hope for rescue by U.S. forces if its Cambodian operations succumb to defeat. This deterrent can and should be strengthened, however, by clear instructions from the Commander-in-Chief prohibiting American units or advisers from providing direct logistical or other support to South Vietnamese units that make forays into Cambodia—even where the American personnel remain on the Vietnamese side of the border.

It is, above all, the ounce of prevention. It permits Congress and the President to make the rational choice in Cambodia before any commitments have been made to limit that choice. It would prevent another Vietnamese or Laotian disaster before the disaster is upon us.

The commitment of American troops in a foreign conflict is a responsibility that, under the Constitution, the President shares with the Congress. The enactment of this bill would assure that this responsibility is thus shared. Should the President, as the result of any new developments, conceivably wish to present further proposals for the utilization of American military personnel in Cambodia, he would be required to obtain the specific authorization of Congress before taking such action.

Military aid to Cambodia

The United States now provides no military hardware to Cambodia. Such aid was terminated by Prince Sihanouk in 1963, as part of an effort to reassure North Vietnam and China of Cambodia's neutrality and friendship. The Cambodian army since then has been primarily outfitted with Chinese and Soviet weapons.

In the immediate aftermath of the coup, Secretary of State Rogers stated that he did not anticipate a request for aid by the Lon Nol government.

Its losing battle with Vietnamese Communist forces has, however, made the new Cambodian regime increasingly desperate for military aid from the United States. This week, Premier Lon Nol sent an urgent appeal to the President requesting arms and equipment. And the State Department has opened exploratory talks on military assistance with Cambodian authorities.

For several reasons, I am strongly opposed to the United States' resuming military aid to Cambodia.

The basic military fact in Cambodia is that the Vietnamese Communist forces within the country are substantially stronger than the forces of the central government.

This military preponderance on the Communist side cannot, I believe, be rectified merely by supplying modern American military equipment to the inadequate Cambodian army. Military aid to Cambodia will only put pressure on Washington to dispatch American advisers to assist Cambodian forces in making use of the equipment they have received. Such aid may, in fact, worsen the plight of the hard-pressed Cambodian forces—if the Communists retaliate by a still swifter advance on the capital.

Moreover, U.S. military aid to Cambodia may be used for purposes not consistent with American objectives. One such likely purpose is the systematic murder of Vietnamese civilians living in Cambodia.

Both in Laos and in Vietnam, a massive military aid program failed to shore up failing local forces, and proved the forerunner of more direct forms of American involvement. The same pattern could easily recur in Cambodia.

Cambodia faces severe economic problems that might justify the granting of U.S. economic aid if requested. Such aid may be provided, however, without taking the hazardous concommitant steps of granting military assistance.

CONCLUSION

It is time we recognize that the Indochina war has not been and cannot ever be won.

It is time we recognize that we cannot build an Asian society at gunpoint.

It is time we recognize that the human, economic and other costs of prolonging our military presence in Indochina clearly outweigh any benefits that could conceivably result from our presence.

It is time we swiftly and completely terminate our involvement in a hopeless and evil war.

It is time we adopt a sane policy in Indochina—not one that at staggering human sacrifice, pursues the chimerical goal of Vietnamization—followed perhaps by Cambodianization.

AMENDMENT NO. 604

At the end of the bill, add the following new section:

"SEC. 7. Such Act is amended by adding at the end thereof the following new section:

" 'SEC. 47. Limitation on Assistance to Cambodia.—No part of any amount authorized to be appropriated under this Act or any other law shall be used to introduce into or maintain in the territory of Cambodia or the airspace thereof, for any purpose and for any period of time, (1) any military personnel of the United States, or (2) any other persons employed by the United States or hired pursuant to contract with the United States, who perform the functions of combat, combat support or logistical support, or who perform the functions of military advisers or military instructors.' "

OUR INVASION OF CAMBODIA

Mr. YOUNG of Ohio. Mr. President, millions of Americans are shocked and saddened that President Nixon yielded to the CIA, generals of the Joint Chiefs of Staff, and to leaders of the military-industrial complex and has ordered the invasion of Cambodia with tanks, warplanes, and fighting men of our Armed Forces termed "military advisers." This to maintain a new ruling group which overturned the neutralist government. Suddenly and without any information given the American people, our tanks, warplanes, and artillery raided neutralist Cambodia, spearheading the attack on the Pathet Lao and North Vietnamese forces opposed to the militarist group which took over in the absence of neutralist Prince Sihanouk.

Furthermore, this sudden raid must have been planned by our CIA and generals directly following the murderous brutality of the Cambodian Armed Forces in killing more than a hundred Vietnamese civilians—men, women, and children—who had been removed from their homes in Cambodia, held at a detention center at Phnom Penh. So now thousands of American rifles and ammunition have been given to this murderous, brutal Cambodian regime and our warplanes, tanks, and military advisers, so called, are spearheading the attack by two regiments of the Saigon regime. Our GI's are now being killed in Cambodia, Laos, and Thailand, in addition to Vietnam. President Nixon has accelerated and expanded our war to the entire area of the old Indo-Chinese French colonial empire. A top commanding career officer of the Cambodian Army demanded:

We will soon be short of ammunition and we are in no position to hold on alone. Look at our men. Some of these are fresh recruits with only three days' training. What we need is for the great U.S. to send us help as they did for South Vietnam. All we need is 200,000 men for two years.

President Nixon has usurped the functions of Congress. He has disregarded the will and wishes of the American people. Responding to Gen. Earle Wheeler and other militants, to whom it now appears he is giving slavish devotion, he has ordered this invasion or raid by our Armed Forces with two regiments of our puppet Saigon militarist regime without first informing the American people and without informing the Congress.

Unfortunately, more than 50,000 Americans have lost their lives in combat in Vietnam. Now more and more Americans are being killed each day in Laos and Thailand and now Cambodia will be added to that list. Pentagon officials with the expansion of the war from Vietnam throughout Southeast Asia now use the term "Southeast Asia" instead of "Vietnam" when reporting the killed and wounded. Americans should know that nearly 275,000 men of our Armed Forces have been wounded in combat in the undeclared, immoral, unpopular war we have been waging. Many of these wounded will be maimed for life. Their wounds would have been fatal in World War II. Due to the advance of medical science and quick evacuation by our helicopters, lives have been saved at this time but those men have been maimed and will suffer as long as they live. Also, men have been wounded due to "accidents and incidents" and many have died from bubonic plague, malaria fever, and other jungle diseases.

The truth is that the underdeveloped countries of Laos and Cambodia are not worth the life of one American youngster. This jungle and mountainous area more than 10,000 miles distant from the United States is of no importance whatever to the defense of our country.

The question we can ask is: "Has President Nixon changed his mind and does he now believe that the United States has a mandate from almighty God to police Southeast Asia?" It is evident that in November 1968, a majority of Americans believed presidential candidate Richard Nixon when in New Hampshire and elsewhere he said he had a secret plan to end the war. Many Americans, tired of this undeclared war and of the killing believed he would take us out of war. Yet his secret plan is still his secret. We have more war over a far greater territory in Southeast Asia.

Clearly the President no longer feels the need to be frank with the American people. The raid by Vietnamese forces with our military advisers spearheaded by our bombers, helicopters, artillery, and tanks beyond the borders of South Vietnam must have been in preparation for at least 3 or 4 days, but no Member of Congress was consulted or informed as far as any of us know. Does President Nixon listen only to the warhawks in his Cabinet and the leaders of the military-industrial complex and war profiteers?

If the Federal Government had the recall laws and electoral machinery we have in some of our States to recall State officials I believe recall petitions would be circulated to recall Richard Nixon as President of the United States.

Mr. President, could it be possible that President Nixon has no idea what his military leaders are getting this country into in Cambodia? Large numbers of North Vietnamese troops have been present in Cambodia for several years. These troops caused us no trouble until a new government seized power in Cambodia with a coup against Prince Sihanouk. By joining the South Vietnamese Army in its raid across the Cambodian border, without the slightest bit of evidence of a request from the Cambodian Government, we have given combat support and material backing with arms and munitions to an invasion of one independent country by another. Furthermore, the Cambodian Government never at any time engaged in hostile acts against us.

The recent actions of the Lon Nol regime should be enough to evoke an automatic and forceful "No" to any request for American assistance. Thousands of innocent Vietnamese civilians residing in Cambodia have been murdered by action of the Cambodian Armed Forces because of their race and nationality. American reporters have seen the bodies of these old men, women, and children floating down the Mekong River. The Cambodian Army has been using unarmed Vietnamese civilians as an advance guard to draw enemy fire. Many of these civilians were killed by gunfire. This policy was carried out under the direction of Premier Lon Nol as a "psychological war plan."

Mr. President, U.S. involvement in Vietnam has been the most destructive and divisive event in American history since the Civil War. We have hurled a greater tonnage of bombs into North and South Vietnam, Thailand, and Laos than in all of World War II in Germany and Japan. We have used defoliants and dangerous chemicals that have been shown to cause human birth defects. We have massacred hundreds of innocent old men, women, children, and babies. In short, we have corrupted ourselves in an unsuccessful attempt to impose and maintain in power in Saigon a corrupt militarist regime not truly representatives of the majority of people of South Vietnam including Buddhists, neutralists, and members of the National Liberation Front.

The sudden raid or invasion of Cambodia by our armed might and military advisers supported by our warplanes represents a madness and stupidity beyond description.

Mr. President, the polite calls throughout our country for restraint in Vietnam, Laos, and Cambodia have fallen on deaf ears. Conciliatory remarks in the Congress also have apparently had little impact. I am now convinced that only the most forceful display of opposition to this insanity can be meaningful. Responsible leaders in the Congress and all of the American people must cry out against the callous inhumanity that is being perpetrated with our support and leadership in Cambodia.

Mr. CURTIS. Mr. President, any armed conflict is serious, disappointing, and saddening to the people.

I do think that we can best serve our country by waiting to see what the Pres-

ident of the United States has to say about the recent happening in Cambodia and Laos.

We do not serve the public interest by making this matter a political football, by arousing sentiment which implies that every man who is defendng our country and fighting there is a part of a vicious military-industrial complex, or that persons of vicious, unpatriotic, and selfish motives are dominatng the course of the United States.

The junior Senator from Nebraska is not in favor of the United States extending a commitment to Cambodia to do something for Cambodia or for Laos. But, on the other hand, there are Americans in Vietnam, and they are being killed; and if it is necessary to cross the border and engage in some other country to preserve American lives in Vietnam, I want that done. It is in the interest of the United States. It is in the interest of saving lives.

I believe that is the framework in which the President has acted, and that even those who doubt it have an obligation to wait and see what the President's report is.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection? The Chair hears none, and it is so ordered. The Senator may proceed.

Mr. DOLE. Mr. President, I share the views just expressed by the junior Senator from Nebraska. I would say at the outset that there are probably three points which should be emphasized.

We are in a different place at a different time, and we have a different President. Under President Nixon, we have instituted a Vietnamization program. We have offered the withdrawal of United States and allied forces over a 12-month period. We have declared that we would retain most military bases. We have reduced our presence in Vietnam by 115,000 as of now and have announced reductions of 150,000 more in the next 12 months. We have reduced air operations in South Vietnam by more than 20 percent since January 1969. There has been no bombing of North Vietnam since November 1968. We have emphasized to our military commanders the requirement that losses be held to a minimum.

Mr. President, some of the early responses have been predictable. I know of no one in this body who wants armed conflict, who wants to extend, or expand the war in Southeast Asia, and I am certain this is not the view of the President. But let me remind my friends that we have an obligation, I assume, as Members of this body, to listen to the facts from the Commander in Chief, whether it be President Nixon, Johnson, or Kennedy, or whomever it may be before we draw conclusions.

The facts are that for the past 10 days, the enemy has greatly increased its activities in the so-called Cambodia pocket, the Parrot's Beak area. These actions have not been defensive, but provocative, and they cannot be ignored. To ignore them would jeopardize the entire South Vietnamese operation. It would affect our ability to continue to withdraw American troops—and I assume everyone in this body agrees we should withdraw American troops. It would present an open American flank to the enemy.

This is not, and I would not for a moment support, a longterm "quicksand" operation, nor would anyone on this floor support a longterm operation. This will not lead to a new Vietnam. It is a strike operation, and it is an integral part of our operations in Vietnam. It is not a reply to any request from any commander in Cambodia.

It must be remembered, as has been stated many times, that the Parrot's Beak area is only about 35 miles from Saigon. It is also well to remember that up until the present time, the Vietcong and the North Vietnamese have had absolute sanctuary in Cambodia, and they have been able to hit, run, kill Americans, and retreat to this sanctuary day after day and month after month.

It is my hope that the present effort—yes, with American personnel, but only American advisers—will clean out the enemy and result in a saving of American lives.

I happen to believe that only the President has all the facts in this situation. He must act. And I believe we agree he must act, and that he has the responsibility, as Commander in Chief, to protect the lives of American servicemen. And if that means sending South Vietnamese troops with American advisers to Cambodia for a brief period, he has that responsibility.

I may be the first to take the floor tomorrow and criticize the President, if my impression of his remarks would indicate we are about to become involved in another long conflict or that the President is going to send combat troops to Cambodia. But again I have a responsibility to hear the facts before making what to some is an automatic Pavlovian response that this is another Vietnam.

As stated at the outset, we are at a different time in history, we are at a different place, and have a different President. I would add again—and I cannot emphasize this too strongly—that we now have a President who is extricating us from Vietnam, perhaps not as rapidly as some would like; perhaps he has not escalated as some would like. But we have returned 115,000 American servicemen, and the President has announced the withdrawal in the next 12-month period of another 150,000 Americans, which will be nearly half the total.

I would remind my friends who are so quick to criticize the President of the United States that on April 20, 10 days ago, the President said in no uncertain terms that we would respond if the enemy increased its activity, because he does have a responsibility to protect the lives of American servicemen.

I would suppose that Cambodia is a remote and unreal place to most Americans. I know the public mood. I recognize the public mood. I recognize that no one wants to expand the war in Southeast Asia; no one wants to expand the war in the Middle East; no one wants to expand any war. But it has been no secret that over the years the North Vietnamese and the Vietcong have used this area as a sanctuary, and under the old Cambodian regime we could not pursue the enemy into Cambodia. However, it appears that the new regime has no objections. So, yesterday, South Vietnamese troops, with American advisers, crossed over into Cambodia to wipe out that Communist stronghold. It was obviously not a new Cambodian action. It was a part of the existing war in South Vietnam.

For the first time, Mr. President, we are in a position to protect our flank near Saigon, which, as I said, is only 35 miles from the border, and to take actions for the first time to save American lives.

My hope is that those of us who despise war, those of us who recognize the conflict in South Vietnam as perhaps the greatest American tragedy of this century, would withhold final judgment until the facts are in, until the President has made his statement, until the President has told the American people what the facts may be I would guess this is a short-range operation.

But, again, in all the earnestness I can muster as a Member of this body, in fairness to the President, who had to make the difficult decision, we owe him this much—to hear him out; and then tomorrow at this time, if we disagree, to strongly express our objections and our criticisms.

But, above all, let us keep in mind that American men are there and American lives are in danger, and that the President, more than anyone in America, has the responsibility for their safety and that must always be the paramount issue. Crossing a boundary line, yes, may be a departure for some; but saving a life, saving one American life, is the question the President must consider.

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

Mr. DOLE. I yield.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator's time may be extended for 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. I wish to commend the the distinguished Senator from Kansas upon his statement, and for making a number of points that I had intended to make. He has spoken very eloquently and well.

I would hope there might be a minimum of discussion and criticism today although, of course, I realize that every Senator has his rights and he can say what he wishes at this juncture about developments in Cambodia.

In particular, I agree with the suggestion or admonition of the Senator from Kansas when he urged that Senators hear the President out before criticizing his decision. Inasmuch as we know the President is going to present his case to the country tonight on television, I hope Senators will at least give him the courtesy of listening and weighing carefully his words, rather than rushing to criticize him at this point.

I am aware of the fact that the Committee on Foreign Relations met this morning, and although a number on that committee disagree with the President, I am glad that, in a responsible and reasonable way, they took no action, at least for today. I wish to commend all the members of the Committee on Foreign Relations, on both sides of the aisle for taking that approach and for exercising some restraint.

The Senator from Kansas referred to the fact that in his speech of 9 days ago, the President indicated that, as Commander in Chief, he might have to take action if increased activity on the part of Communist forces were to threaten American lives. I should like to read into the RECORD what the President said 9 days ago:

> But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos.
>
> I repeat what I said November 3 and December 15. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator's time be extended for 3 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. I believe that President Nixon has established his good faith in the earnest effort he is making to bring the war in Vietnam to an end. His credibility is not open to question. He has kept his word. He has taken the American people into his confidence in the past, and he will continue to do so in the future, as he will demonstrate tonight. He deserves the support now of Congress and of the American people. At the very least, those who think they disagree should await the President's message and listen to what he has to say before criticizing or undermining the important decisions he is making.

I thank the Senator for yielding.

Mr. DOLE. I thank the Senator from Michigan.

The question may be to some whether an imaginary boundary line is more important than an American life. I think not.

Mr. HART. Mr. President, few military ventures in our history have generated the sense of foreboding that now accompanies our excursions in Cambodia.

The majority of citizens in the Nation have long since concluded—rightly, I think—that we should never have gotten into Vietnam. And now we find ourselves battling within the borders of Vietnam's neighbor.

The new venture has all the earmarks of that siren song that got us deeper into Vietnam. We are told that something awful will happen if we do not open this new front.

I do not know what the fearsome results of noninvolvement would be. The fearsome results of involvement are more predictable. Cambodia is inevitably going to claim American lives. It is inevitably going to further drain our Treasury. And it is sure to further dispirit and divide the American people.

Our objective ought be to close down that first war, not open up a second. Each escalation is sure to make final withdrawal more difficult.

What is the logic of this new venture when the country is in general agreement that no vital American interests are at stake in that unhappy peninsula?

The logic cannot be political, it must be military. In that case, the argument must be that the new situation in Cambodia poses a threat to American lives.

However, I am not aware of any increase in our casualty lists in Vietnam which can be traced to the leadership change in Cambodia and the current fighting there.

But even should there be stepped-up use of Cambodian sanctuaries for attack on our South Vietnam positions, what about our massive air and ground firepower in South Vietnam itself? Why is not it possible to use our tactical airpower to protect the western flank of our forces during their withdrawal, without plunging us into a new bottomless pit of jungle warfare, political intrigue, and ancient tribal hostilities.

The logic appears very muddy, full of vague hopes and uncertain promises, and laced with those soothing reassurances that have become so familiar in the past years.

If President Nixon is listening to the same counselors who advised earlier Presidents on the conduct of Indochina affairs, then we do indeed have cause for concern and dismay.

CIVIL RIGHTS AND THE CIVIL RIGHTS COMMISSION

AMENDMENT NO. 603

Mr. McCLELLAN. Mr. President, the Members of this body, of course, recall the debate on S. 30, the Organized Crime Control Act of 1969, and especially the debate on title I of that bill, which restores to Federal grand juries their historic report writing powers. In that debate, great concern was voiced by Members of the Senate that the rights of those made the subject of jury reports should be respected. At that time, I took the position that we had adequately protected the rights of those individuals, and I was pleased when the Senate rejected by a vote of 59 to 13 an amendment which would have struck the report writing powers from title I.

The debate, however, has led me to recall that over the years we have created a number of commissions and other bodies similiar in function to the revitalized grand jury of title I, at least in reference to writing reports concerning noncriminal misconduct, and upon investigation, I discovered that the Civil Rights Commission created by the Civil Rights Act of 1957 did not protect individuals appearing before it to an extent comparable to the protection afforded by the provision of title I of S. 30.

I recognize, of course, that such limitations are not a requirement of constitutional due process—either in reference to grand juries or the proceedings of the Commission. This seems to be the clear teaching of *Hanna* v. *Larch*, 363 U.S. 421 (1959); compare *Jenkins* v. *McKeithen*, 395 U.S. 411 (1969). Nevertheless, everything that is constitutional is not necessarily wise, and I reiterate my conviction that the protections accorded by S. 30 are both adequate and necessary to protect the rights of individuals.

I can perceive no significant distinction between the sort of function that the revitalized grand jury envisioned by title I of S. 30 will play in regard to organized crime and political corruption and inefficiency and the role now played by the Civil Rights Commission in regard to the civil rights of our citizens. I have, therefore, drafted an amendment to the Civil Rights Act of 1957 to protect individuals made the subject of hearings before the Commission from unwarranted interference with their civil rights. The authorization bill for the Commission is now pending before the full Judiciary Committee, and I intend to offer this amendment to the bill when it is next taken up by the committee.

Mr. President, I make these remarks now not to draw attention solely to this amendment as it relates to the Civil Rights Commission. What I wish to accomplish is to recall for each Senator our obligation to protect the rights of individuals both at those commissions already created and at those commissions or other bodies which may be created in the future. This is a duty of which the Senate must be always aware.

Mr. President, I ask unanimous consent that the relevant passages from *Hanna* v. *Larch*, 363 U.S. 420, 440–53 (1959), the text of the relevant provisions of the Civil Rights Act of 1957, and the proposed amendment be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, the amendment will be received and will be printed in the RECORD as requested, together with the other material referred to.

The text of the amendment is as follows:

> SEC. 4. (a) Subsection (a) of section 102(e) of the Civil Rights Act of 1957 (73 stat. 634, as amended, 78 stat. 159) is amended to read as follows:
>
> "(e) (1) All evidence or testimony at any hearing shall be received by the Commission in executive session. The Commission may publish reports concerning its findings or publish excerpts of evidence or testimony received at its hearings with the concurrence of a majority of its members where the report or excerpt is not critical of or does not tend to defame, degrade or incriminate an identified individual under the laws of the United States, a State or a political subdivision thereof. Except as provided in this section, no report that tends to incriminate an identified individual shall be published. Any evidence or testimony tending to incriminate an identified individual that comes to the attention of the Commission in any hearing or otherwise shall be referred without other publication to the Attorney General of the United States or the

principal prosecuting attorney of the State or political subdivision thereof in which such conduct has or may have occurred. A report that is critical of or that does tend to defame or degrade but not incriminate an identified individual who is a public official or employee of the United States, a State or a political subdivision thereof shall be submitted to the United States district court for the district in which a majority of the hearing days were held in which the evidence or testimony on which the report is based was received. The court to which such report is submitted shall examine it and the record of the hearings and the other evidence and, except as otherwise provided herein, shall make an order accepting and filing such report as a public record where the court is satisfied that it complies with the provisions of this section and that—

"(i) The report is based upon facts revealed in the course of an authorized investigation and is supported by a preponderance of the evidence, and

"(ii) each person identified in the report was afforded an opportunity to testify during the hearings and was allowed to have a reasonable number of witnesses called to testify in his behalf.

"(2) An order accepting a report identifying an individual pursuant to this subsection and the report shall be sealed by the court and shall not be filed as a public record, subject to subpoena or otherwise made public (i) until at least 31 days after a copy of the order and the report are served upon each public officer or employee named therein and an answer has been filed or the time for filing an answer has expired, (ii) if an appeal is taken, and all rights of review of a public officer or employee named therein have expired or terminated in an order accepting the report. An order accepting a report shall not be entered until 30 days after the delivery of such a report to such individual as provided herein. The court may issue such orders as it shall deem appropriate to prevent unauthorized publication of a report. Unauthorized publication may be punished as contempt of court.

"(3) Each public officer or employee identified in a report may file with the clerk of the court a verified answer to such a report not later than twenty days after service of the order and report upon him. Upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer and may authorize such limited publication of the report as may be necessary to prepare such answer. Such an answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in said report, and except for those parts thereof which the court determines to have been inserted scandalously, prejudiciously, or unnecessarily, such answer shall become an appendix to the report.

"(4) Upon the expiration of the time set forth in paragraph (2) of this subsection, the clerk of the court shall deliver a true copy of such report, and the appendix, if any, to each public officer or body having jurisdiction, responsibility or authority over each public officer or employee named in the report.

"(5) Upon the submission of a report pursuant to this subsection, if the court finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, it shall order such report sealed and such report shall not be subject to subpoena or public inspection during the pendency of such criminal matter, except upon order of the court.

"(6) Whenever the court to which a report is submitted pursuant to this subsection is not satisfied that the report complies with provisions of this section, it may direct that additional testimony be taken before the Commission or it shall make an order sealing such report, and it shall not be filed as a public record, subject to subpoena or otherwise published until the provisions of this section are met."

(b) Subsection (h) of section 102 of the Civil Rights Act of 1957 (71 Stat. 634, as amended, 78 Stat. 160) is amended to read as follows:

"(h) Witnesses may submit brief and pertinent sworn statements in writing for inclusion in the Record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings for the purpose of preparing a report. The entire record shall be submitted to the court for its review pursuant to subsection (e) of this section."

The excerpts are as follows:

RELEVANT PASSAGES HANNAH V. LARCHE, 363 U.S. 421, 440–53 (1959)

The existence of authorization inevitably requires us to determine whether the Commission's Rules of Procedure are consistent with the Due Process Clause of the Fifth Amendment.[16]

Since the requirements of due process frequently vary with the type of proceeding involved, *e.g.*, compare *Opp Cotton Mills, Inc.* v. *Administrator*, 312 U.S. 126, 152, with *Interstate Commerce Comm'n* v. *Louisville & N. R. Co.*, 227 U.S. 88, 91, we think it is necessary at the outset to ascertain both the nature and function of this Commission. Section 104 of the Civil Rights Act of 1957 specifies the duties to be performed by the Commission. Those duties consist of (1) investigating written, sworn allegations that anyone has been discriminatorily deprived of his right to vote; (2) studying and collecting information "concerning legal developments constituting a denial of equal protection of the laws under the Constitution"; and (3) reporting to the President and Congress on its activities, findings, and recommendations.[17] As is apparent from this brief sketch of the statutory duties imposed upon the Commission, its function is purely investigative and factfinding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative or executive action.

The specific constitutional question, therefore, is whether persons whose conduct is under investigation by a governmental agency of this nature are entitled, by virtue of the Due Process Clause, to know the specific charges that are being investigated, as well as the identity of the complainants.[18] and to have the right to cross-examine those complainants and other witnesses. Although these procedures are very desirable in some situations, for the reasons which we shall now indicate, we are of the opinion that they are not constitutionally required in the proceedings of this Commission.

"Due process" is an elusive concept. Its exact boundaries are undefinable, and its content varies according to specific factual contexts. Thus, when governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process. On the other hand, when governmental action does not partake of an adjudication, as for example, when a general factfinding investigation is being conducted, it is not necessary that the full panoply of judicial procedures be used. Therefore, as a generalization, it can be said that due process embodies the differing rules of fair play, which through the years, have become associated with differing types of proceedings. Whether the Constitution requires that a particular right obtain in a specific proceeding depends upon a complexity of factors. The nature of the alleged right involved, the nature of the proceeding, and the possible burden on that proceeding, are all considerations which must be taken into account. An analysis of these factors demonstrates why it is that the particular rights claimed by the respondents need not be conferred upon those appearing before purely investigative agencies, of which the Commission Civil Rights is one.

It is probably sufficient merely to indicate that the rights claimed by respondents are normally associated only with adjudicatory proceedings, and that since the Commission does not adjudicate, it need not be bound by adjudicatory procedures. Yet, the respondents contend, and the court below implied, that such procedures are required since the Commission's proceedings might irreparably harm those being investigated by subjecting them to public opprobrium and scorn, the distinct likelihood of losing their jobs, and the possibility of criminal prosecutions. That any of these consequences will result is purely conjectural. There is nothing in the record to indicate that such will be the case or that past Commission hearings have had any harmful effects upon witnesses appearing before the Commission. However, even if such collateral consequences were to flow from the Commission's investigations, they would not be the result of any affirmative determinations made by the Commission, and they would not affect the legitimacy of the Commission's investigative function.[19]

On the other hand, the investigative process could be completely disrupted if investigative hearings were transformed into trial-like proceedings, and if persons who might be indirectly affected by an investigation were given an absolute right to cross-examine every witness called to testify. Factfinding agencies without any power to adjudicate would be diverted from their legitimate duties and would be plagued by the injection of collateral issues that would make the investigation interminable. Even a person not called as a witness could demand the right to appear at the hearing, cross-examine any witness whose testimony or sworn affidavit allegedly defamed or incriminated him, and call an unlimited number of witnesses of his own selection.[20] This type of proceeding would make a shambles of the investigation and stifle the agency in its gathering of facts.

In addition to these persuasive considerations, we think it is highly significant that the Commission's procedures are not historically foreign to other forms of investigation under our system. Far from being unique, the Rules of Procedure adopted by the Commission are similar to those which, as shown by the Appendix to this opinion,[21] have traditionally governed the proceedings of the vast majority of governmental investigating agencies.

A frequently used type of investigative agency is the legislative committee. The investigative function of such committees is as old as the Republic.[22] The volumes written about legislative investigations have proliferated almost as rapidly as the legislative committees themselves, and the courts have on more than one occasion been confronted with the legal problems presented by such committees.[23] The procedures adopted by legislative investigating committees have varied over the course of years. Yet, the history of these committees clearly demonstrates that only infrequently have witnesses appearing before congressional committees

Footnotes at end of article.

been afforded the procedural rights normally associated with an adjudicative proceeding. In the vast majority of instances, congressional committees have not given witnesses detailed notice or an opportunity to confront, cross-examine and call other witnesses.[24]

The history of investigations conducted by the executive branch of the Government is also marked by a decided absence of those procedures here in issue.[25] The best example is provided by the administrative regulatory agencies. Although these agencies normally make determinations of a quasi-judicial nature, they also frequently conduct purely factfinding investigations. When doing the former, they are governed by the Administrative Procedure Act, 60 Stat. 237, 5 U.S. §§ 1001–1011, and the parties to the adjudication are accorded the traditional safeguards of a trial. However, when these agencies are conducting nonadjudicative, factfinding investigations, rights such as apprisal, confrontation, and cross-examination generally do not obtain.

A typical agency is the Federal Trade Commission. Its rules draw a clear distinction between adjudicative proceedings and investigative proceedings. 16 CFR, 1958 Supp., § 1.34. Although the latter are frequently initiated by complaints from undisclosed informants, *id.*, §§ 1.11, 1.15, and although the Commission may use the information obtained during investigations to initiate adjudicative proceedings, *id.*, § 1.42, nevertheless, persons summoned to appear before investigative proceedings are entitled only to a general notice of "the purpose and scope of the investigation," *id.*, § 1.33, and while they may have the advice of counsel, "counsel may not, as a matter of right, otherwise participate in the investigation." *Id.*, § 1.40. The reason for these rules is obvious. The Federal Trade Commission could not conduct an efficient investigation if persons being investigated were permitted to convert the investigation into a trial. We have found no authorities suggesting that the rules governing Federal Trade Commission investigations violate the Constitution, and this is understandable since any person investigated by the Federal Trade Commission will be accorded all the traditional judicial safeguards at a subsequent adjudicative proceeding, just as any person investigated by the Civil Rights Commission will have all of these safeguards, should some type of adjudicative proceeding subsequently be instituted.

Another regulatory agency which distinguishes between adjudicative and investigative proceedings is the Securities and Exchange Commission. This Commission conducts numerous investigations, many of which are initiated by complaints from private parties. 17 CFR § 202.4. Although the Commission's Rules provide that parties to adjudicative proceedings shall be given detailed notice of the matters to be determined, *id.*, 1959 Supp. § 201.3, and a right to cross-examine witnesses appearing at the hearing, *id.*, § 201.5, those provisions of the Rules are made specifically inapplicable to investigations, *id.*, § 201.20,[26] even though the Commission is required to initiate civil or criminal proceedings if an investigation discloses violations of law.[27] Undoubtedly, the reason for this distinction is to prevent the sterilization of investigations by burdening them with trial-like procedures.

Another type of executive agency which frequently conducts investigations is the presidential commission. Although a survey of these commissions presents no definite pattern of practice, each commission has generally been permitted to adopt whatever rules of procedure seem appropriate to it,[28] and it is clear that many of the most famous presidential commissions have adopted rules similar to those governing the proceedings of the Civil Rights Commission.[29] For example, the Roberts Commission established in 1941 to ascertain the facts relating to the Japanese attack upon Pearl Harbor, and to determine whether the success of the attack resulted from any derelictions of duty on the part of American military personnel, did not permit any of the parties involved in the investigation to cross-examine other witnesses. In fact, many of the persons whose conduct was being investigated were not represented by counsel and were not present during the interrogation of other witnesses. Hearings before the Joint Committee on the Investigation of the Pearl Harbor Attack, 79th Cong., 1st Sess., pts. 22–25.

Having considered the procedures traditionally followed by executive and legislative investigating agencies, we think it would be profitable at this point to discuss the oldest and, perhaps, the best known of all investigative bodies, the grand jury. It has never been considered necessary to grant a witness summoned before the grand jury the right to refuse to testify merely because he did not have access to the identity and testimony of prior witnesses. Nor has it ever been considered essential that a person being investigated by the grand jury be permitted to come before that body and cross-examine witnesses who may have accused him of wrongdoing. Undoubtedly, the procedural rights claimed by the respondents have not been extended to grand jury hearings because of the disruptive influence their injection would have on the proceedings, and also because the grand jury merely investigates and reports. It does not try.

We think it is fairly clear from this survey of various phases of governmental investigation that witnesses appearing before investigating agencies, whether legislative, executive, or judicial, have generally not been accorded the rights of appraisal, confrontation, or cross-examination. Although we do not suggest that the grand jury and the congressional investigating committee are identical in all respects to the Civil Rights Commission,[30] we mention them, in addition to the executive agencies and commissions created by Congress, to show that the rules of this Commission are not alien to those which have historically governed the procedure of investigations conducted by agencies in the three major branches of our Government. The logic behind this historical practice was recognized and described by Mr. Justice Cardozo's landmark opinion in *Norwegian Nitrogen Products Co.* v. *United States*, 288 U.S. 294. In that case, the Court was concerned with the type of hearing that the Tariff Commission was required to hold when conducting its investigations. Specifically, the Court was asked to decide whether the Tariff Act of 1922, 42 Stat. 858, gave witnesses appearing before the Commission the right to examine confidential information in the Commission files and to cross-examine other witnesses testifying at Commission hearings. Although the Court did not phrase its holding in terms of due process, we think that the following language from Mr. Justice Cardozo's opinion is significant:

"The Tariff Commission advises; these others ordain. There is indeed this common bond that all alike are instruments in a governmental process which according to the accepted classification is legislative, not judicial. . . . Whatever the appropriate label, the kind of order that emerges from a hearing before a body with power to ordain is one that impinges upon legal rights in a very different way from the report of a commission which merely investigates and advises. The traditionary forms of hearing appropriate to the one body are unknown to the other. What issues from the Tariff Commission as a report and recommendation to the President, may be accepted, modified, or rejected. If it happens to be accepted, it does not bear fruit in anything that entrenches upon legal rights." 288 U.S., at 318.

And in referring to the traditional practice of investigating bodies, Mr. Justice Cardozo had this to say:

"[W]ithin the meaning of this act the 'hearing' assured to one affected by a change of duty does not include a privilege to ransack the records of the Commission, and to subject its confidential agents to an examination as to all that they have learned. *There was no thought to revolutionize the practice of investigating bodies generally and of this one in particular.*" Id., at 319. (Emphasis supplied.)

Thus, the purely investigative nature of the Commission's proceedings, the burden that the claimed rights would place upon those proceedings, and the traditional procedure of investigating agencies in general, leads us to conclude that the Commission's Rules of Procedure comport with the requirements of due process.[31]

Nor do the authorities cited by respondents support their position. They rely primarily upon *Morgan* v. *United States*, 304 U.S. 1; *Joint Anti-Fascist Refugee Comm.* v. *McGrath*, 341 U.S. 123; and *Greene* v. *McElroy*, *supra*. Those cases are all distinguishable in that the government agency involved in each was found by the Court to have made determinations in the nature of adjudications affecting legal rights. Thus, in *Morgan*, the action of the Secretary of Agriculture in fixing the maximum rates to be charged by market agencies at stockyards was challenged. In voiding the order of the Secretary for his failure to conduct a trial-like hearing, the Court referred to the adjudicatory nature of the proceeding:

"Congress, in requiring a 'full hearing,' had regard to judicial standards—not in any technical sense but with respect to those fundamental requirements of fairness which are of the essence of due process in a proceeding of a judicial nature." 304 U.S., at 19.

Likewise, in *Joint Anti-Fascist Refugee Comm.* v. *McGrath*, 341 U.S. 123, 140–141, this Court held that the Attorney General's action constituted an adjudication. Finally, our decision last year in *Greene* v. *McElroy* lends little support to the respondents' position. The governmental action there reviewed was certainly of a judicial nature. The various Security Clearance Boards involved in *Greene* were not conducting an investigation; they were determining whether Greene could have a security clearance—a license in a real sense, and one that had a significant impact upon his employment. By contrast, the Civil Rights Commission does not make any binding orders or issue "clearances" or licenses having legal effect. Rather, it investigates and reports leaving affirmative action; if there is to be any, to other governmental agencies where there must be action *de novo*.

The respondents have also contended that the Civil Rights Act of 1957 is inappropriate legislation under the Fifteenth Amendment. We have considered this argument, and we find it to be without merit. It would unduly lengthen this opinion to add anything to the District Court's disposition of this claim. See 177 F. Supp., at 819–821.

Respondents' final argument is that the Commission's hearings should be governed by Section 7 of the Administrative Procedure Act, 60 Stat. 241, 5 U.S.C. § 1006, which specifies the hearing procedures to be used by agencies falling within the coverage of the Act. One of those procedures is the right of every party to conduct "such cross-examination as may be required for a full and true disclosure of the facts." However, what the respondents fail to recognize is that Section 7, by its terms, applies only to proceedings under Section 4, 60 Stat. 238, 5 U.S.C. § 1003 (rule making), and Section 5, 60 Stat. 239, 5 U.S.C. § 1004 (adjudications), of the Act. As we have already indicated, the Civil Rights

Footnotes at end of article.

Commission performs none of the functions specified in those sections.

From what we have said, it is obvious that the District Court erred in both cases in enjoining the Commission from holding its Shreveport hearing. The court's judgments are accordingly reversed, and the cases are remanded with direction to vacate the injunctions.

Reversed and remanded.

[For opinion of Mr. JUSTICE FRANKFURTER, concurring in the result, see *post*, p. 486.]

[For concurring opinion of MR. JUSTICE HARLAN, joined by Mr. JUSTICE CLARK, see *post*, p. 493.]

[For dissenting opinion of MR. JUSTICE DOUGLAS, joined by MR. JUSTICE BLACK, see *post*, p. 493.]

FOOTNOTES

[16] Although the respondents contend that the procedures adopted by the Commission also violate their rights under the Sixth Amednment, their claim does not merit extnsive discussion. That Amendment is specifically limited to "criminal prosecutions," and the proceedings of the Commission clearly do not fall within that category. See *United States* v. *Zucker*, 161 U.S. 475, 481.

[17] The full text of Section 104 of the Act reads as follows:

"§ 1975c. *Duties; reports; termination.*

"(a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than two years from September 9, 1957.

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist." 71 Stat. 635, 42 U.S.C. § 1975c.

[18] It should be noted that the respondents in these cases did have notice of the general nature of the inquiry. The only information withheld from them was the identity of specific complainants and the exact charges made by those complainants. Because most of the charges related to the denial of individual voting rights, it is apparent that the Commission could not have disclosed the exact charges without also revealing the names of the complainants.

[19] Cf. *Sinclair* v. *United States*, 279 U.S. 295, holding that Congress' legitimate right to investigate is not affected by the fact that information disclosed at the investigation may also be used in a subsequent criminal prosecution. Cf. also *McGrain* v. *Daugherty*, 273 U.S. 135, 179–180, holding that a regular congressional investigation is not rendered invalid merely because "it might possibly disclose crime or wrongdoing" on the part of witnesses summoned to appear at the investigation. *Id.*, at 180.

[20] The injunction issued by the court below would certainly lead to this result since it prohibits the Commission from conducting *any* hearing under existing procedure, even though those being investigated are not summoned to testify.

[21] A compilation of the rules of procedure governing the investigative proceedings of a representative group of administrative and executive agencies, presidential commissions, and congressional committees is set out in the Appendix to this opinion, *post*, p. 454.

[22] The first full-fledged congressional investigating committee was established in 1792 to "inquire into the causes of the failure of the late expedition under Major General St. Clair." 3 Annals of Cong. 493 (1792). The development and use of legislative investigation by the colonial governments is discussed in Eberling, Congressional Investigations, 13–30. The English origin of legislative investigation in this country is discussed in Dimock, Congressional Investigating Committees, 46–56.

[23] See, *e.g.*, *Kilbourn* v. *Thompson*, 103 U.S. 168; *McGrain* v. *Daugherty*, 273 U.S. 135; *Sinclair* v. *United States*, 279 U.S. 263; *Christoffel* v. *United States*, 338 U.S. 84; *United States* v. *Bryan*, 339 U.S. 323; *United States* v. *Fleischman*, 339 U.S. 349; *Watkins* v. *United States*, 354 U.S. 178; *Barenblatt* v. *United States*, 360 U.S. 109.

[24] See Appendix, *post*, pp. 478–485. See also Dimock, Congressional Investigating Committees, 153; Eberling, Congressional Investigations, 283, 390; McGeary, The Developments of Congressional Investigative Power, 80; Liacos, Rights of Witnesses Before Congressional Committees, 33 B. U. L. Rev. 337, 359–361; American Bar Association, Special Committee on Individual Rights as Affected by National Security, Appendix to Report on Congressional Investigations, 67–68.

The English practice is described in Clokie and Robinson, Royal Commissions of Inquiry; Finer, Congressional Investigations: The British System, 18 U. of Chi. L. Rev. 521; Keeton, Parliamentary Tribunals of Inquiry, in Vol. 12, Current Legal Problems 1959, 12.

[25] See Appendix, *post*, pp. 454–471. See also Gellhorn, Federal Administrative Proceedings, 108; Report of the Attorney General's Committee on Administrative Procedure and the various Monographs written by that Committee.

[26] The Commission's practice with regard to investigations was described by the Attorney General's Committee on Administrative Procedure, Monograph, Securities Exchange Commission, 34–41. The following extract is pertinent here:

"*Where formal investigations are utilized as preliminaries to decisive proceedings, the person being investigated is normally not sent a notice, which, in any event, is not public.* The order for investigation, which includes the notice, is, however, exhibited to any person examined in the course of such investigation who so requests; since ordinarily the investigation will include the examination of the person suspected of violation, he will, thus, have actual notice of the investigation. Since a person may, on the other hand, be wholly unaware of the fact that he is being investigated until his friends who are interviewed so inform him, and since this may sometimes give rise to antagonism and a feeling that the Commission is besmirching him behind his back, no reason is apparent why, simply as a matter of good will, the Commission should not in ordinary cases send a copy of its order for investigation to the person under investigation.

"The Commission's Rules of Practice expressly provide that all such rules (governing notice, amendments, objections to evidence, briefs, and the like) are inapplicable to formal investigatory hearings in the absence of express provision to the contrary in the order and with the exception of rule II, which relates to appearance and practice by representatives before the Commission. The testimony given in such investigations is recorded . . . *In the usual case, witnesses are granted the right to be accompanied by counsel, but the latter's role is limited simply to advising the witnesses in respect of their right against self-incrimination without claiming the benefits of the immunity clause of the pertinent statute* (a right of which the presiding officer is, in any event, instructed to apprise the witnesses) *and to making objections to questions which assertedly exceed the scope of the order of investigation.*" *Id.*, 37–38. (Emphasis supplied.) See also Loss, Securities Regulation (1951), 1152.

[27] Loss, Securities Regulation (1951), 1153. See also the statutes cited in the Appendix, *post*, p. 463.

[28] Marcy, Presidential Commissions, 97–101.

[29] See Appendix, *post*, pp. 472–479.

[30] However, the courts have on more than one occasion likened investigative agencies of the executive branch of Government to a grand jury. See, *e.g.*, *United States* v. *Morton Salt Co.*, 338 U.S. 632, 642; *Oklahoma Press Pub. Co.* v. *Walling*, 327 U.S. 186, 216; *Consolidated Mines of Calif.* v. *Securities & Exchange Comm'n*, 97 F. 2d 704, 708 (C.A. 9th cir.); *Woolley* v. *United States*, 97 F. 2d 258, 262 (C.A. 9th Cir.).

[31] The Commission cites *In re Groban*, 352 U.S. 330, and *Anonymous* v. *Baker*, 360 U.S. 287, in support of its position. Each of us who participated in those cases adheres to the view to which he subscribed therein. However, because there are significant differences between the *Groban* and *Anonymous* cases and the instant litigation, and because the result we reach today is supported by the other considerations analyzed herein, the Court does not find it necessary to discuss either of those cases.

RELEVANT PASSAGES CIVIL RIGHTS ACT OF 1957

Title V—Commission on Civil Rights

SEC. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"Rules of procedure of the Commission
Hearings

"SEC. 102. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to any witness before the Commission, and a witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the Commission's rules at the time of service of the subpena.

"(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or

testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated, such evidence or testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisonment for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

"(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy of transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof.

"(j) A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

"(l) The Commission shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and method by which its functions are channeled and determined, and (3) rules adopted as authorized by law. No person shall in any manner be subject to or required to resort to rules, organization, or procedure not so published."

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 amendments of the Senate to the 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.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 4599. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corp. and its subsidiaries to other Government departments;

H.R. 14714. An act to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes;

H.R. 15693. An act to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes;

H.J. Res. 1096. Joint resolution authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week";

H.J. Res. 1101. 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";

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; and

H.J. Res. 1178. Joint resolution authorizing the President to proclaim the month of May 1970 as "Project Concern Month".

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 573. Concurrent resolution commemorating the one hundredth anniversary of The Ohio State University; and

H. Con. Res. 575. Concurrent resolution that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the one hundredth anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3544) to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations, and it was signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

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

H.R. 4599. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corp. and its subsidiaries to other Government departments; to the Committee on Government Operations.

H.R. 14714. An act to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; to the Committee on Commerce.

H.R. 15693. An act to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.J. Res. 1096. Joint resolution authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week";

H.J. Res. 1101. 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";

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; and

H.J. Res. 1178. Joint resolution authorizing the President to proclaim the month of May 1970 as "Project Concern Month"; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on the Judiciary.

H. Con Res. 573. Concurrent resolution commemorating the one hundredth anniversary of The Ohio State University; and

H. Con. Res. 575. Concurrent resolution that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the one hundredth anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come.

HEADFIRST INTO THE REST OF INDOCHINA

Mr. MONTOYA. Mr. President, no American can stand by and observe with equanimity what is transpiring between this administration and the escalating conflict in Southeast Asia. Daily reports indicate that as the Laotian and Cambodian situations deteriorate, our presence is inexorably seeping in to fill the vacuum. No policy could be fraught with more futility and danger for the long-range interests of the United States. Events of recent days, culminating in our naked military intervention in Cambodia, show how swiftly we are plumbing the depths of mistaken policy.

It is patently obvious that Cambodia is as much a tribal state as it is a national entity. It is further easily ascertainable that the government of General Lon

Nol is about as democratically inclined as is the Thieu-Ky regime in Saigon. Further, the outrageous mass killings of Vietnamese civilians in Cambodia by the Lon Nol regime is repugnant to anyone who respects democracy and values the individual.

Cambodia's armed forces are on the level of a comic opera farce, lacking the will, training, and ability to even contain the Communists, much less throw them back from positions they have recently reached. On all levels there is lack of leadership, commitment and a will to fight.

Therefore, it seems to me outright folly to jump on board such a sinking vessel. There is a limit to anyone's efforts to keep a floundering ship afloat. Such elementary common sense advice would seem to be best for any thinking person to follow.

Instead, however, the Nixon administration is in the process of leaping—body, boots, and britches—into the Cambodian area of Indochina. Already, we have been sending in captured Communist small arms to the Cambodia regime. Such a move is about as effective as canute's commanding the ocean's waves to stop rolling in. Such a tide can only be stopped by massive American military commitment on the ground, which is exactly what the Cambodians have openly asked for—and what we now seem to be doing. I have no doubts on that score. I protest it.

Now that we are edging into the Cambodian swamp, eventually, and perhaps even sooner than we think possible, we shall be committed massively. I say this because our military and political initiative is being inexorably taken away from us by parties on the scene.

Constantly now, the armed forces of South Vietnam are crossing the Cambodian border, staging major military forays with growing, direct support from American forces on the scene. There have been reports of ever more bold American involvement in the air and on the ground. Our people at home have watched helplessly as this tragedy has deepened.

Further, the situation in Laos is inextricably intertwined with the emerging situation in Cambodia. Already, major troop movements of Communist forces from Laos are going into the Cambodian area. The Pathet Lao are serving as foragers for the North Vietnamese striking forces now moving towards Cambodia.

Militarily, the situation in Cambodia is all but lost, and can only be retrieved by massive American intervention. Meanwhile, in South Vietnam the Vietcong and North Vietnamese troops keep up a steadily high level of offensive military operations against us. American planes are being brought down from the air over Indochina is appalling numbers.

Pentagon advisers are constantly pressing President Nixon for a decision which will lever us ever so irrevocably into the rest of Indochina. We will enter like a salami is sliced . . . a piece at a time. Cumulatively, we will end up doing in what remains of Indochina what we are presently engaged in seeking to disengage from in South Vietnam. I pray that the President, in his prudent wisdom, will refrain from heeding advice of the Pentagon. I pray he will instead listen to the counsel obviously being offered by Secretary of Defense Laird. His is the counsel of commonsense.

It is well to bear in mind the following facts. The North Vietnamese have an entirely intact army, considered the finest in Asia on a man-to-man basis. It is completely equipped, poised for instant commitment and absolutely ready for combat. Additionally, it is seasoned in warfare, close to all interior supply and communications lines and heavily salted with experienced soldiers.

Next, North Vietnam, although obviously loathe to do so, can and eventually will, if pressed, call upon the Communist Chinese. Already, Red China, eager for some confrontation in the name of Communist unity, has issued a pointed threat of military intervention if we broaden the conflict to include all Indochina. She has already constructed a road in Laos to within 20 miles of the Mekong River. Several thousand Red Chinese troops are stationed along that route.

In recent days there has been a significant meeting of Vietcong, Laotian, Cambodian, Red Chinese and North Vietnamese representatives at the spot where Laos, Vietnam and Cambodia meet geographically. There a united military front was proclaimed against the United States. We are confronted with an emerging Communist effort pitting most of Asia against the United States and a handful of corrupt, militarily inept, rightwing regimes. These cliques cling to the ocean shores of Southeast Asia because of American commitments in terms of dead boys, billions of wasted dollars and self-defeating efforts to salvage pride from disaster.

By allowing ourselves to be drawn into this worsening situation, we offer the often divided and feuding Communist nations of Asia a chance to unite, submerge their differences and engage in all-out combat against America. An astute observer can almost sense their joy at our offering them such an opportunity. We are healing their internal splits by our stupidity.

In the name of supporting a small group of corrupt, ineffectual and incompetent generals with no popular support, we offer the two Communist superpowers, who have been fighting constantly, a chance to compete with one another in helping our Southeast Asian opponents in the name of world Communist unity. We are offering ourselves as a sacrificial magnet to the Communist forces of the world. Only America will suffer. Our boys will continue to perish. Only our dollars will continue to disappear as our economic and geopolitical situation daily worsens internally and abroad.

Instead of widening the war in Southeast Asia, we must contract it, or at least our role in it. The ruling group in Cambodia has far less claim to any support from the United States than did any South Vietnamese regime. I daresay that the Lon Nol bunch wouldn't know liberty if they tripped over it during one of their periodic routs by the Reds. How, then, in all sense, can we rationalize becoming involved with them as allies?

If we allow ourselves to continue this war expansion policy, it will go down in history as one of the greatest blunders since Napoleon invaded Russia and Hitler thought he could do the same, avoiding Bonaparte's mistakes.

Upon this administration's head shall the blame rest for such a catastrophic decision. Let it beware of taking such an ill-advised step. We are supposed to be withdrawing from Vietnam. Well and good. Let us not laboriously climb out of one sinkhole only to plunge deeper into another.

Indochina has always been regarded down through recorded history as a single economic and political entity. I believe it is being considered in this light today by our foes. We have no national interest at stake in that immediate area. We have made our fight there and it is over. Now is the time for us to exercise elementary good judgment and refrain from repeating past mistakes.

Mr. President, I say not a single weapon for Cambodia or Laos. Not a single American soldier. Not a single cartridge. The time to get out is now. We have enough trouble in our own house. If we continue to ignore it, then instead of saving our neighbor's dwelling, we shall cause our own to tumble in about our heads.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

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

THE SITUATION IN CAMBODIA

Mr. STENNIS. Mr. President, my remarks on the Cambodian situation this morning will be largely what I said yesterday afternoon to the press.

I again point out that I am not in favor of underwriting or guaranteeing or trying to back up any Cambodian Government, present or future. On the facts as I see and understand them at this time, I would not now be in favor of any extensive or substantial arms supply or military aid on an extensive basis to Cambodia.

Those facts will be cleared up and developed further at a later date. But what I see in the present situation is a decision made by the President that if we are going to continue this withdrawal from Vietnam in an orderly fashion as planned, something must be done—and it is overdue, I think—to destroy these sanctuaries along the Cambodian-South Vietnamese border. Some of them are only 35 miles from Saigon itself.

And these are not just hideways or places where soldiers go to rest and refresh themselves. These are places where the Communist North Vietnamese and the Vietcong have the most substantial storage of arms, ammunition, guns, food to meet their needs in an almost unlimited amount.

This buildup has been going on there for some time.

With all deference to everyone, I have not heard any tangible suggestions about how to meet this situation and still continue an orderly withdrawal under our Vietnamization program I have supported the Vietnamization program and will do so as long as I can.

However, I have frankly said all of the time that we will reach a point somewhere where, if we withdraw any more men, it will leave those who are left behind in jeopardy. To avoid such a happening there will have to be a very outstanding improvement in the strength of the South Vietnamese Army.

The immediate situation now is: what are we going to do about the sanctuaries? More and more manpower takes refuge in these sanctuaries. More of this will be developing.

The decision was made to send the South Vietnamese Army in.

This will put it to a real test and trial. However, we cannot send a new army like this in alone at this stage. They must have communications and artillery, if that turns out to be needed. They must have the logistical support that can be furnished only by the modern methods we have.

This is no small thing if we are going to destroy or greatly impair those sanctuaries, it is something beyond the dropping of mere bombs. Something more than bombing must be done.

So this involves a choice. What are we going to do? Are we going to continue Vietnamization? If so, we have to destroy the sanctuaries and strongholds. Vietnamization and these strongholds cannot exist there much longer.

We have had some good statements here today, and good debate is always welcome, of course. But let us remember that we do have a President of the United States. We have a President who is charged with primary responsibility in the military operations.

If I had any doubt—and there are no affinities between him and me—about his ability or his intense efforts to cope with this grave situation, I would want to move in on his prerogative. But I do not have any doubt about those things.

I think, frankly, he is experienced and tough minded. I think he is proceeding with caution. By all means, let us hear the President tonight.

I say to my fellow Senators and to the American people, let us hear the President tonight.

This is a very grave and serious thing that the President has decided to do. Let us hear all of the facts. If we want to change the policy and get out of Vietnam under all circumstances, that is one thing. But if we go about it in a more responsible way, that is another, and a harder way.

If we are going to do it in a more responsible way, we will have to have patience, and will have to do some things that are not attractive, such as having an assault beyond the boundary of Vietnam. But war is war. And within the confines of our present policy, I think this is necessary. And I think within the confines of this policy, it is being handled as well as it could be under all the circumstances.

THE CYNICISM OF VICE PRESIDENT AGNEW

Mr. YOUNG of Ohio. Mr. President, with the advent of student unrest in our colleges and universities—much of it justified and constructive—there has been a serious erosion in the public mind of the traditional feeling of pride, trust, and comfort toward our institutions of higher learning. As a result, many colleges and universities find themselves not only confronting turmoil from within but also vicious and unwarranted attacks from without.

In a time when calm reasoning and thoughtful solutions are needed, it is unfortunate that the Vice President of the United States has assumed leadership in this assault. In his speech in Des Moines, Iowa, on April 13, Vice President AGNEW assailed open admission policies whereby some colleges and universities accept any high school graduate without reference to academic qualifications. He complained that in doing so these institutions unavoidably lower their standards and thus the value of their degrees.

This insidious argument sounds good in theory. However, in actual practice, the experience of hundreds of public colleges and universities in our Nation which have traditional open admission policies proves him wrong.

Open admission is nothing new, as the Vice President would lead Americans to believe. The fact is that many State-supported colleges and universities and all the great State universities of the Midwest have pursued that policy for years. Many still do, and it is only because of the shortage of facilities for the ever-increasing number of high school graduates that some of these institutions of higher learning have been forced to modify that policy somewhat. Evidently, the Vice President is ignorant of that fact of American life.

In my State of Ohio, Ohio State University, Ohio University, Kent State University, Bowling Green University and our other great State-supported universities have traditionally had policies of open admission. Any high school graduate who was a bona fide resident of Ohio was entitled to entry. Thousands came from rural one-room schoolhouses and city ghettoes to swell the freshman classes. All were welcome, but those who could not make the grade did not remain. The selection process was made in the freshman year on the basis of ability, not by self-appointed guardians of a so-called natural aristocracy that Vice President AGNEW wants to reign on the campus and rule the land.

In his speech Vice President AGNEW stated:

> College, at one time considered a privilege, is considered to be a right today—and is valued less because of that. Concentrations of disoriented students create an immense potential for disorder . . . It should be our objective to find, to nurture and to arouse that natural aristocracy through the rigorous demands of intellectual competition.

Mr. President, I am one of those who considers that a college education should be a right for all young Americans who have the competence and desire to attain a higher education. In fact, I believe that we must provide new programs to assure that all our young people who desire higher education have the opportunity to obtain it. To fail to do so would be to fritter away our greatest national resource—the talent and ability of our youth.

Vice President AGNEW's cynical I've-got-mine-now-you-get-yours philosophy typifies the class conflict and the racial hostility that plague our society today. It is extremely disheartening to hear the Vice President of the United States attempting to convince Americans that our troubles arise from open admission policies and college quotas for minority groups. The fact is that many of our social ills have arisen precisely because for too long many of our colleges and universities maintained quotas to keep out all but a comparatively few members of minority groups. It was not too long ago that many college doors were barred to children of Irish, Polish, Slav, Jewish, and Greek descent.

The Vice President knows this—or he should. He should also be aware of the report recently issued by the Department of Health, Education, and Welfare showing Negro enrollment in colleges receiving Federal funds. The University of Maryland, in the State of which the Vice President was formerly Governor, reported 484 black undergraduates in 1968 out of a total of 24,222 students, or less than 2 percent in a State that is 17 percent black. In his remarks pandering to the prejudices of a troubled and ill-informed populace, the Vice President is pursuing a policy which would perpetuate such unconscionable ratios.

I am confident that college administrators are aware of the calamity that awaits both higher education and the country if higher education is made the special province of an American aristocracy.

Mr. President, education, and especially higher education, has traditionally been the key to the realization of the American dream. It is the hope for our future. Therefore, it is particularly unfortunate for the second highest elected official in our Nation to be viciously attacking open admission to education—the one peaceful route for upward social and economic mobility for millions of underprivileged young Americans.

CAMBODIA

Mr. CHURCH. Mr. President, it is very difficult to speak on any subject unrelated to the fast breaking developments in Cambodia. Yesterday the distinguished Senator from Kentucky (Mr. COOPER) and I, joined by the Senator from Montana (Mr. MANSFIELD) and the Senator from Vermont (Mr. AIKEN), announced our intention to offer an amendment to the pending Military Sales Act which would have the effect of barring the delivery of military equipment, personnel, instructors, and supplies to the new government of Cambodia, in an effort to draw the line against a deepening American involvement in the widening Indochinese war.

In view of the fact that the President

is speaking to the Nation this evening, I shall refrain from making any further commentary on the Cambodian situation until tomorrow. At that time I hope to speak at length on the crisis in the Indochinese war, the implications of the President's decision, the Vietnamization policy in connection with these new developments, and to discuss more fully the amendment we intend to offer. But I do think it appropriate to wait until the President has delivered his message this evening, and I intend to do so.

In the meantime, I wish to have several articles printed in the RECORD and to make reference to the Atomic Energy Commission and to a suppressed report which recently has been released. In that connection I ask unanimous consent that I may proceed for 5 additional minutes.

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

OF PRESIDENTS AND CAESARS

Mr. CHURCH. Mr. President, during my 13 years in the Senate, I have been a reluctant witness to the steady decline of Congress in the performance of the role assigned to it by the Constitution. The waning authority of Congress relates not only to peripheral matters, but reaches to the very core of its legislative responsibility—to the war power, the treaty power, and its power over the public purse.

The resultant ascendancy of the executive, built upon the steady erosion of congressional power over a long period of years, should command the urgent attention of all those who believe in balanced Constitutional government. It is not too much to say that the very preservation of the Republic, itself, is the ultimate issue at stake.

Therefore, it is the duty of Congress to redress the imbalance which has arisen by reclaiming its authority under the Constitution. It will be a long and difficult undertaking. But, begin we must, before Congress is reduced to the level of a badly tarnished pageant, and little more.

With these thoughts in mind, I addressed the 50th anniversary observance of the establishment of the Political Science Department at Stanford University. I ask unanimous consent that the text of my address, entitled "Of Presidents and Caesars: The Decline of Constitutional Government in America," be printed at this point in the RECORD.

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

OF PRESIDENTS AND CAESARS: THE DECLINE OF CONSTITUTIONAL GOVERNMENT IN AMERICA

The Roman Caesars did not spring full blown from the brow of Zeus. Subtly and insidiously, they stole their powers away from an unsuspecting Senate. They strangled the Republic with skillful hands. Gibbon describes their method in this stately passage from the *Decline and Fall*:

"It was on the dignity of the Senate that Augustus and his successors founded their new empire . . . In the administration of their own powers, they frequently consulted the great national council, and *seemed* to refer to its decision the most important concerns of peace and war . . . The masters of the Roman world surrounded their throne with darkness, concealed their irresistible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees they dictated and obeyed . . . Augustus was sensible that mankind is governed by names; nor was he deceived in his expectation, that the Senate and the people would submit to slavery, provided they were respectfully assured that they still enjoyed their ancient freedom."

Senators of the United States may still enjoy their "ancient freedom" to debate and legislate, but through our own neglect, we have come to deal increasingly more with the form than with the substance of power. Again and again, the Senate has acquiesced, while American Presidents have steadily drawn to themselves much of the power delegated to Congress by the Constitution. In the process, especially with the war powers abroad and the power of the purse at home, Congress as a whole—and the Senate in particular—has permitted a pervasive erosion of the bedrock principle on which our political system was founded, the separation of powers.

THE CONSTITUTIONAL ISSUE

As crisis has followed upon crisis in these last thirty years, the concentration of power in the hands of the President has grown ever more rapidly. Congress has been reduced to virtual impotence in the making of foreign policy and, increasingly, in the control of public spending. The cause of this change has been the climate of crisis itself, each one of which necessitated—or seemed to necessitate—decisive and immediate action. As each emergency arose, the President assumed, and the Congress usually agreed, that the Executive alone was capable of acting with the requisite speed. No one thought very much about the Constitutional consequences; we tended to think only of the crisis we were dealing with, of the assumed need for speedy action, and of the importance of national unity in a time of stress.

Now, however, we must think about Constitutional problems, because nothing less than the survival of the Constitutional government is at stake. There is no end in sight to the era of crisis which began some thirty years ago. We cannot safely wait for quieter times to think about restoring the Constitutional balance in our government. The extended crisis of our own time was measured by President Nixon in the unsettling remark he made in his speech at the Air Force Academy last year. He said the United States, since 1941, "has paid for 14 years of peace with 14 years of war."

The corrosive impact that such an exorbitant payment invariably imposes upon democratic systems was described long ago by Alexis de Tocqueville, who wrote:

"No protracted war can fail to endanger the freedom of a democratic country. War does not always give over democratic communities to military government, but it must invariably and immeasurably increase the powers of civil government; it must also compulsorily concentrate the direction of all men and the management of all things in the hands of the administration. If it leads not to despotism by sudden violence, it prepares men for it more gently by their habits."

THE TREATY POWER

Our protracted engagement in warfare has produced, first of all, a striking discrepancy between the ways in which many of our foreign commitments have been made in recent years and the treaty process through which they were meant to be made. Article II, Section 2, of the Constitution states that the President "shall have power, by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur . . ." In light of this clear language of the Constitution consider the following:

On August 25, 1966, Secretary of State Rusk told the Senate Preparedness Subcommittee that "No would-be aggressor should suppose that the absence of a defense treaty, Congressional declaration or U.S. military presence grants immunity to aggression." The statement was meant to convey a stern warning to potential aggressors. It did that, and that was all to the good, but it also put Congress on notice that, with or without its consent, treaty or no treaty, the Executive will act as it sees fit against anyone whom it judges to be an aggressor, and that is not to the good. It is indeed nothing less than a statement of intention on the part of the Executive to usurp the treaty power of the Senate.

The denigration of treaties goes back at least to 1940, when the current era of world crisis began. In the summer of that year, when France had fallen and Britain was in imminent danger of German invasion, President Roosevelt made an agreement with Great Britain under which fifty over-aged American destroyers were given to her in exchange for certain naval bases on British territory in the Western Hemisphere. The arrangement was made by Executive agreement despite the fact that it was a commitment of the greatest significance, an act which, according to Churchill, gave Germany legal grounds for declaring war on the United States. It is unlikely that President Roosevelt wished to usurp the treaty power of the Senate; he acted as he did because he feared that Great Britain might be invaded and overrun before the Senate would pass on a treaty. In retrospect, this seems unlikely but, granting that the danger may have seemed real at the time, the Constitutional effects of President Roosevelt's action would have been mitigated if he had frankly stated that he had acted on an emergency basis in a manner which may have exceeded his Constitutional authority. Instead, he had the Attorney General prepare a brief contending that the President had acted entirely within his Constitutional powers. Instead, therefore, of a single incursion on the Senate's treaty power, acknowledged to be such, the act was compounded into a precedent for future incursions on the Constitutional authority of the Congress.

The destroyer deal was the first of a long series of significant foreign commitments made by Executive Agreement, each one of which has constituted an added precedent for the taking over by the President of the treaty powers meant to be exercised by the Senate. So far have things gone that treaties are now widely regarded, at least within the Executive Branch, as no more than one of a number of available methods of committing our country to some action abroad.

Indeed, Executive Branch officials have at times sought by simple statement to create "commitments" going far beyond those agreed to under normal treaty processes. Thailand is a case in point. Under the SEATO Treaty, the United States is obligated to "act to meet the common danger in accordance with its Constitutional processes" should Thailand be attacked, and, should Thailand be threatened with subversion, the United States and other treaty signatories are obligated to "consult." But in 1962, Secretary of State Rusk and the Thai Foreign Minister, Thanat Khoman, issued a joint statement in which Secretary Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion"—a commitment going far beyond that contained in the SEATO Treaty to "consult" in case of subversion.

One of the newest devices used to circumvent the treaty power of the Senate is the Congressional resolution, framed in such sweeping language as to give advance consent to unspecified future action by the Pres-

ident. As used in recent years, these resolutions have not been specific and carefully considered grants of power but blank checks on the Constitutional authority of Congress written in an atmosphere of commanding emergency. With these developments in mind, let us examine more closely the war power under the Constitution.

THE WAR POWER

Unlike the treaty power, the Constitution did not divide the war power equally between the two branches of government, but vested it predominantly in Congress. Article I, Section 8, of the Constitution states that Congress shall have the power to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the armed forces; to provide for calling forth the militia for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for executing the foregoing powers. Article II, Section 2, of the Constitution states that the President shall be Commander-in-Chief of the Army and Navy.

The language of the Constitution is clear and the intent of the framers beyond question: the war power is vested almost entirely in the Congress, the only important exception being the necessary authority of the President to repel a sudden attack on the United States. Only in recent years have Presidents claimed the right to commit the country to foreign wars, under a sweeping and, in my opinion, wholly unwarranted interpretation of their power as Commander-in-Chief.

The framers of the Constitution very deliberately placed the war power in the hands of the legislature, and did so for excellent reasons. All too frequently, the American colonies had been drawn, by royal decree, into England's wars. The leaders of the newly-independent republic resolved to make certain that their new country would never again be drawn into war at the direction of a single man; for this reason they transferred the war power to the Legislative Branch of the newly-created government. In so doing, they recognized that the President might sometimes have to take defensive action to repel a sudden attack on the United States, but that was the extent of the war-making power they were willing for him to exercise.

The intent of the framers is made quite clear in the proceedings of the Constitutional Convention and in the subsequent writings of the Founding Fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

"We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."

During the first century of American history most of our Presidents were scrupulously respectful of Congress' authority to initiate war. When President Jefferson sent a naval squadron to the Mediterranean to protect American commercial vessels from attack by the Barbary pirates, he carefully distinguished between repelling an attack and initiating offensive action. When he thought the latter necessary, he sent a message to Congress asking for the requisite authority. Stating that he himself was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense," he requested authority to take offensive action, acknowledging that such authority was "confined by the Constitution to the legislature exclusively."

The Monroe Doctrine is often cited by proponents of unrestricted Presidential power as a precedent for executive authority to commit the country to military action abroad. In fact, President Monroe, himself, regarded his declaration as no more than a policy statement. When the Government of Colombia inquired, in 1824, as to what action the United States might take to defend the newly-independent Latin American states against European interference, Secretary of State John Quincy Adams replied:

With respect to the question, "in what manner the Government of the United States intends to resist on its part any interference of the Holy Alliance for the purpose of subjugating the new Republics or interfering in their political forms" you understand that by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government . . .

In 1846, President Polk sent American forces into disputed territory in Texas, precipitating the clash which began the Mexican war. Abraham Lincoln, then a Republican member of the House of Representatives from Illinois, was certain that the President had acted unconstitutionally, and he worte:

"Allow the President to invade a neighboring nation whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *Whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose.

The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings have always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention undertook to be the most oppressive and all kingly oppressions; and they resolved to frame the Constitution that *no one man* should hold the power of bringing this oppression upon us."

Nonetheless, by the end of the 19th Century, precedents had been established for Presidential use of the armed forces abroad for certain limited purposes, such as suppressing piracy and the slave trade, "hot pursuit" of criminals across frontiers, and protecting American lives and property, as well as for repelling sudden attack. But in the early 20th Century, Presidential power over the commitment of the armed forces abroad was greatly expanded. Presidents Theodore Roosevelt, Taft and Wilson, acting without authority from Congress, repeatedly intervened militarily in Mexico, Central America and the Caribbean. The Congresses of that period, most unwisely, failed to resist these Presidential incursions on their Constitutional authority, with the result that they became corrosive precedents for the further and much greater incursions that were to follow during and after World War II.

I have already noted how President Franklin Roosevelt usurped the treaty power of the Senate in making his famous destroyer deal with Great Britain; he also went further than any previous President in expanding Executive power over the armed forces. In the course of the year 1941, he committed American forces to the defense of Greenland and Iceland, authorized American warships to escort, as far as Iceland, convoys which were bound for Britain, and ordered American naval vessels to "shoot on sight" against German and Italian ships in the western Atlantic. Well before Congress declared war on the Axis Powers, President Roosevelt had already taken the country into an undeclared naval war in the Atlantic. Few would deny that he did these things in an excellent cause, that of assisting Britain in those desperate days when she stood alone against the tide of Nazi aggression. But in doing what he did for a good cause, President Roosevelt enabled his successors to claim the same authority in the furtherance of causes much more dubious.

After World War II, the trend toward Presidential dominance accelerated greatly and the real power to commit the country to war is now exercised by the President alone. As one historian, Professor Ruhl Bartlett, has pointed out, "the positions of the executive and legislative branches of the Federal Government in the area of foreign affairs have come very close to reversal since 1789 . . ." In other words, the intent of the Constitution has been virtually negated.

In 1950, President Truman committed the armed forces of the United States to the Korean War without any form of Congressional authorization. The President himself made no public explanation of his action, but an article in the Department of State *Bulletin* asserted that "the President, as Commander-in-Chief of the Armed Forces of the United States, has full control over the use thereof." No one in Congress protested at the time, but some months later, in January 1951, Senator Taft asserted that the President has "simply usurped authority" in sending troops to Korea.

When the Korean war went badly, President Truman's political opponents, who had supported him at the outset, charged him with responsibility for the war and accused him of exceeding his authority. In order to protect themselves from this kind of accusation, subsequent Presidents have adopted the practice of asking Congress for joint resolutions when they contemplate taking military action in some foreign country. Presidents Eisenhower, Kennedy and Johnson all have requested such resolutions and Congress has readily complied. Resolutions were adopted pertaining to Formosa, the Middle East, Cuba and, finally, Southeast Asia. Couched in the broadest of terms, these resolutions have generally expressed Congress' advance approval of any military action the President might see fit to take in the area concerned.

The most important and fateful of all these was the Gulf of Tonkin resolution adopted in August 1964, after only two days of hearings and debate. The resolution expressed Congressional approval of any measures the President might choose to take to prevent aggression in Southeast Asia and further stated that the United States was prepared to take any action the President might judge to be necessary to assist a number of Southeast Asian states, including Vietnam.

The Gulf of Tonkin resolution has been cited again and again as proof of Congress' approval of the war in Vietnam. It was later said by Under Secretaary of State Katzenbach to be the "functional equivalent" of a Congressional declaration of war. In my opinion, Congress neither expected nor even considered at the time of the debate on the resolution that the President would later use it to commit half-a-million American soldiers to a full-scale war in Vietnam.

IMPOUNDMENT AND THE POWER OF THE PURSE

Despite Congressional abdication of its constitutional responsibilities vis-a-vis the war power, some suggest that Congress has nonetheless managed to preserve the scope and significance of its policy role by using other available tools, such as open debate, committee investigations, and especially, its continuing control over public spending. Before the Vietnam intervention, for example, then Senator Hubert Humphrey stressed:

"With its power of the purse, and through the right to investigate, to criticize and to advocate, the Congress does exert a significant influence on the quality and direction of United States foreign policy, and it usually does so without violating the integrity of the Executive Branch."

If anything, it is the integrity of *Congress* that stands in jeopardy. As I have said, most of the authority over foreign affairs which

the Constitution vests in Congress has already passed to the President. Now, through a process of subtle attrition, Congress also appears to be surrendering its traditional wellspring of strength, the power of the purse.

Constitutionally, the right to appropriate belongs to Congress. Article I, Section 9.7, of the Constitution reads: "No money shall be drawn from the treasury, but in consequence of appropriations made by law . . ." However, through the growth of "central clearance," the appropriations power has become as much the Executive domain as the Congressional. One author suggests: "Congress, according to the Constitution, must appropriate—but what is appropriated, speaking very generally, is what is presented to them by the Administration." The growing volume and complexity of governmental transactions, and the speed and flexibility with which they must be handled, inevitably has led to increased Executive responsibility over public spending. In light of the major role that the Executive Branch has assumed, the importance of safeguarding what remains of the Congressional power over the purse is manifest. However, the growing practice of Executive impoundment represents a clear threat to that remaining Congressional power, as the historical record illustrates.

It was during the Roosevelt Era, with its joint emergencies of Depression and World War, that a quantum jump occurred in the frequency of Executive impoundment. Measures were passed by Congress to permit Roosevelt to pursue those activities deemed necessary to ease the economic crisis of the Thirties; and, similarly, during the Forties Congress usually supported the President in his policy of deferring projects which might absorb funds required for the war effort.

Throughout this period of crisis, the Executive Branch based its rationale for impounding funds chiefly upon the war powers of the President. Writing a year after America's entry into the war, Professor Edward Corwin concluded: "The chief lesson of the war to date for constitutional interpretation is that the Constitution is an easily dispensable factor of our war effort—perhaps one might say an 'expendable' factor." Professor Corwin underlined part of the problem:

"In its control of the purse-strings, Congress possesses its most effective check on Presidential power. At best, the promise of this rule is seriouly impaired by war, inasmuch as legislative prying into Presidential budgets at such a time always involves the danger of revealing military secrets."

Congressional abdication of its "most effective check on Presidential power" was, thus, directly linked to the war. Therefore, the true test of the practice of impoundment would seem to lie in its use since the Second World War.

Post-War Impoundment. The record on impoundment since the war discloses that—far from abating—the practice has grown markedly. Most disturbing of all, the impoundment procedure has expanded beyond the general area of "national defense" to challenge Congressional control over civilian spending. We are increasingly confronted by news items like the following: ". . . under Congressional pressure the Budget Bureau released a backlog of 56 projects." One must wonder how many projects approved and funded by the representatives of the American people are similarly trapped in the Executive snare. *Must Congress pass legislation creating and funding programs and then lobby the Executive Branch to release the funds so that the duly enacted laws may be carried out?* Surely not!

Also seen with startling regularity are references concerning whether or not funds for housing, for pollution control, for medical research, and other important programs, ought to remain impounded or released for use. The more fundamental question, of course, is whether these funds should have been allowed to be impounded in the first place. The words of one Senator, speaking on the impoundment issue during World War II, are even more poignant today: "Then how does the Congress express itself or announce a Congressional policy? After all, we represent the people."

The importance of examining the constitutional and political implication of (1) the impoundment trend and (2) the abdication of the war and treaty powers, should be obvious. Before turning to these implications, however, it may be worthwhile to probe further into why Congress abdicated in the first place.

WHY CONGRESS ABDICATED

How did it come about that Congress tamely yielded to the President powers that, beyond any doubt, were intended by the Constitution to be exercised by Congress?

With respect to the war and treaty powers, the reasons are varied and several. To begin with, the politics of crisis is that of anxiety in which Congress, like the country, tends to unite behind the President. Because the United States has exercised its role as a world power for only a short time, we have not really gotten used to dealing with foreign emergencies and, more important still, to discriminating between genuine emergencies and situations that only seem to require urgent action. Lacking experience in dealing with such flaps as the Gulf of Tonkin incident in 1964, we have tended to act hastily with insufficient regard for the requirements of Constitutional procedure, assuming, quite wrongly, that it would somehow be unpatriotic to question the President's judgment in a moment of assumed emergency.

Then there is the way our history has been taught since the end of the first World War. It is now part of the conventional wisdom that the Senate's refusal to ratify the Versailles Treaty not only destroyed Woodrow Wilson's dream of world order, but actually accounted for the failure of the League of Nations to prevent World War II. The theory persists, despite the anemic peacekeeping record of the United Nations in which we have so actively participated, and, though outdated, its continued respectability has doubtlessly had an intimidating effect on Congress. But even if the Senate blundered in 1919, it doesn't follow that the President must therefore be regarded as infallible. The myth that the Chief Executive is the fount of all wisdom in foreign affairs today lies shattered on the shoals of Vietnam. The lesson to be learned may well be found in the observation of James Bryce, the British statesman, who said:

"In a democracy the people are entitled to determine the ends or general aims of foreign policy. History shows that they do this at least as wisely as monarchs or oligarchies, or the small groups to whom, in democratic countries, the conduct of foreign relations has been left, and that they have evinced more respect for moral principles."

The "small groups" to whom Bryce refers have themselves induced the Congress to underrate its own competence in foreign affairs. The Executive Branch of our government is populated with specialists and experts. These men have added greatly to the government's skill in conducting foreign relations, but they have also shown a certain arrogance, purveying the notion that anyone who is not an expert, including Congressmen, Senators and ordinary citizens, is simply too uninformed to grasp the complexities of foreign policy. Now, modesty and self-effacement are not characteristics usually associated with politicians but, curiously enough, many Members of Congress seem to have accepted the view that foreign policy is best left to the experts. This view is patently false: Clemenceau said that war is too important to be left to the generals; similarly, the basic decisions of foreign policy are too important to be left to the diplomats. As Professor Bartlett puts it: ". . . there are no experts in wisdom concerning human affairs or in determining the national interest, and there is nothing in the realm of foreign policy that cannot be understood by the average American citizen."

No discussion of Congressional abdication in the realm of foreign policy would be complete, however, without mention of the great impetus given the growth of Presidential prerogative by the general acceptance, following World War II, of the doctrine of bipartisanship in the conduct of our foreign relations. The lure of that beguiling slogan, "politics stops at the water's edge," led us to the erroneous conclusion that any action taken by the President abroad demanded bipartisan backing at home. Ironically, it never seems to have occurred to us that bipartisanship, as actually practiced, has neither eliminated partisanship nor politics from foreign policy matters. In 1952, for example, the Republicans rode to power on the issue of Korea, while Castro's takeover of Cuba became a major political argument in the Kennedy campaign of 1960. Far from removing foreign policy from the arena of partisan politics, the doctrine of bipartisanship has simply gathered more power into the hands of the President by eliminating, between elections, any semblance of organized opposition in Congress. When the duty to oppose no longer rests, as it normally must, upon the "loyal opposition" in Congress, the day-to-day responsibility for holding the President to account, for the timely questioning of his policies, and for the posing of alternatives, falls much less effectually to the scatterfire of individual members expressing their personal dissent. All in all, the proposition is well summed up by Mr. James O'Gara, the distinguished editor of *Commonweal,* who observes:

"As it is usually interpreted, all we get from the exhortation to keep politics out of foreign affairs is the illusion of agreement. This result may make us feel more secure, but it does not really help us. It only papers over real differences and prevents that discussion and debate which could lead to better policies and a stronger, more effective position abroad."

And what of the slackening Congressional control over the purse-strings? As we have seen, in the crucible of "national emergency," the Constitution becomes malleable. For the sake of secrecy, speed, flexibility, and national unity, Congress has traditionally relaxed its grip on the purse-strings, slacked off on its watchdog functions, and generally given broad discretion to the Executive. This same permissiveness has no place in a democratic government during periods when a national crisis has not been declared by Congress. Examining the British and American democratic experiences, Professor Kenneth Waltz writes:

"Congress should not tolerate a situation remotely approaching the British condition, where general statements by Ministers replace detailed descriptions of programs and a careful account of how money requested will be spent. The fusion of executive and legislature, as in Britain, means that one must control the other. The separation of legislative and executive branches, as in America, places each in a position of strength."

To be assured that both branches maintain a position of strength, it is vital that the President follow the letter of the law in carrying out appropriations bills. Thus, if the need exists, Congress should legislate the requisite flexibility for the President. Other-

wise, when Congress "requires," "mandates," "orders," or "directs" that appropriated funds be expended, this is precisely the duty of the President, unless he chooses to veto the bill. Otherwise, he usurps by impoundment an absolute veto which Congress cannot override—a power not conferred on the Chief Executive by the Constitution.

THE CONSEQUENCES OF ABDICATION

In concluding these remarks, let me outline the implications of Congresional abdication. As a result of the passing of the war power and much of the purse power out of the hands of Congress, the most important of our constitutional checks and balances have been overturned. For the first time in our history, there has come into view the possibility of our President becoming a Caesar, because, as Gibbon wrote in *The Decline and Fall,* "The principles of a free constitution are irrecoverably lost, when the legislative power is nominated by the executive."

The brilliant columnist, James Reston, has written of the ascendancy of the Presidency in these words:

". . . on the great acts of foreign policy, especially those involving the risk or even the act of war, he is more powerful in this age than in any other, freer to follow his own bent than any other single political leader in the world—and the larger and more fateful the issue, the greater is his authority to follow his own will."

No human being can safely be entrusted with such enormous powers. Professor Henry Steele Commager wrote not long ago that: ". . . the possession of power encourages and even creates conditions which seem to require its use, and the greater and more conclusive the power the stronger the argument for its use. Those who possess authority want to exercise it: children, teachers, bosses, bureaucrats, even soldiers and statesmen. . . . Men who possess power think it a shame to let power go to waste and, sometimes, perhaps unconsciously, they manufacture situations in which it must be used—as in Santo Domingo, for example. All this was dangerous but not intolerable in the pre-atomic age; it is no longer tolerable."

Even the wisest and most competent of Presidents is still a human being, susceptible to human flaws and human failures of judgment. The greatest insight of our Founding Fathers was their recognition of the dangers of unlimited power exercised by a single man or institution; their greatest achievement was the *safeguards against absolute power* which they wrote into our Constitution.

SWINGING BACK THE PENDULUM

Recently, there have been some hopeful signs that Congress may intend to recapture some of its lost powers. For one thing, the Senate has pulled off the shelf its all-but-atrophied confirmation power, and rejected the last two Presidential "appointees" (nominees) to the Supreme Court!

For another, as the Executive has made increasingly extravagant use of joint resolutions, Congress has begun to develop a belated but healthy wariness of such vague and hasty grants of authority. Hence, two years ago, the Senate was asked to adopt a sweeping resolution promising large new sums of aid money for Latin America. The Senate was asked to approve this resolution in great haste so that President Johnson might carry it with him to his meeting with the other hemispheric Presidents at Punta del Este. The Foreign Relations Committee judged that it simply could not assess the merits of the proposal in the short time allowed and, since the proposed measure was not urgent, the Committee declined to act on the President's request, adopting instead a substitute resolution promising to give due consideration, in accordance with its normal procedures, to any proposals for increased aid to Latin America which the President might later submit. The substitute resolution, which the Committee adopted by a vote of nine to nothing, was rejected by Presidential advisor Walt Rostow as "worse than useless." Mr. Johnson went to Punta del Este without his resolution and the effects, I think, were salutary. Having no gifts to dispense, the United States was obliged to deal with the Latin Americans as a friend rather than as a patron; having no new bauble dangled before them, the Latin Americans were obliged to deal with the United States as equals rather than as supplicants.

The significance of the Foreign Relations Committee's rejection of the proposed Latin American resolution had much more to do with Executive-Legislative relations at home than with the Committee's attitudes toward Latin America. The Committee was exhibiting a new but well-founded reluctance to grant the Executive any more blank checks. The Executive was being put on notice that its account with Congress is overdrawn.

More recently, the National Commitments Resolution (S. Res. 85)—passed in the Senate June 25, 1969, by an overwhelming vote of 70 to 16—seeks to set in motion a process pointing toward the restoration of the vital balance in our system prescribed by the Founding Fathers. The resolution speaks for itself:

"Be it resolved, that it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

On December 15, 1968, I offered an amendment to the Military Appropriations bill prohibiting the use of any of the money for introducing American ground combat troops into either Laos or Thailand. Adopted 73 to 17, the amendment represents a reassertion of the constitutional right of Congress to determine where and how public money is spent. If a change of circumstances should cause the President to favor the sending of American combat troops into either country, then, before the money could be spent for that purpose, the matter would have to be brought back to Congress for its concurrence. Later this year, Senator John Sherman Cooper and I will undertake to include Cambodia within the limitation.

Presently pending before the Senate is the Mathias Resolution (S.J. Res. 166), which would repeal the 1955 Formosa Resolution, the 1957 Middle East Resolution, the 1962 Cuba Resolution on Latin America, the 1964 Tonkin Gulf Resolution, and, finally, President Truman's Korean emergency proclamation, of December 16, 1950, which is still the basis for the protracted exercise by successor Presidents of many "emergency" powers.

Of course, these Senate actions will not, of and by themselves, restore the constitutional balance which has been lost. They will not, of and by themselves, restore to Congress the war power, now abdicated away. They are not guarantees against misguided fiscal practices such as impoundment. However, they are designed to *initiate* a swing back of the pendulum; they are designed to remind Congress of its responsibilities and to help create a new state of mind.

What, one may ask, could be expected to come of a new Congressional attitude? First, one may hope that the Congress hereafter would exercise its own judgment as to when haste is necessary and when it is not. One may hope that, in considering a resolution such as the Gulf of Tonkin resolution, the Congress would hereafter state as explicitly as possible the nature and purpose of any military action to be taken and, more important still, that it would make it absolutely clear that the resolution was an act of authorization, granting the President specific powers which he would not otherwise possess. One may hope that Congress will be more alert to the dangers of Executive impoundment of appropriated funds and will monitor carefully the expenditure of congressionally-mandated public money. One may hope, finally, that the Congress will never again forget that its responsibility for upholding the Constitution includes the obligation to preserve its own constitutional authority.

One hears it argued these days—by high officials in the Executive Branch, by foreign policy experts, and by some political scientists—that certain of our Constitutional procedures, including the power of Congress to declare war, are obsolete in the nuclear age. This contention, in my opinion, is without merit. Nothing in the Constitution prevents—and no one in Congress would ever try to prevent—the President from acting in a genuine national emergency. What is at issue is his authority to order our military forces into action in foreign lands whenever and wherever he decides. What is at issue is unchecked Executive discretion over public spending. What is at issue is the right of the President to alter Constitutional processes at his option, even in the name of defending those processes.

I do not believe that the Constitution is obsolete; I do not believe that Congress is incapable of discharging its responsibilities; but, if either of these conditions ever should arise, the remedy would lie in the amendment process of the Constitution itself. As George Washington said in his farewell address:

"Let there be no change in usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

GIVE EARTH A CHANCE

Mr. CHURCH. Mr. President, as one who has long been concerned about conservation and the fouled state of our environment, I found April 22—Earth Day—a welcome event in this country.

Like many of my colleagues, I went home to observe Earth Day. My State has its problems with pollution, even though they are not yet of the magnitude of the more industrialized parts of the country. Still, I found the concern in Idaho every bit as great as elsewhere. At every university and college in Idaho, programs were held in support of environmental action either on Earth Day or earlier. Many high schools set aside time to observe April 22. The Boy Scouts in southwest Idaho mounted a week-long war on litter.

I spent Earth Day speaking at two campuses—at Ricks College in Rexburg and at Idaho State University in Pocatello. I ask unanimous consent that the text of the speech I delivered, entitled "Give Earth a Chance," be printed at this point in the CONGRESSIONAL RECORD.

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

GIVE EARTH A CHANCE

(By Senator FRANK CHURCH)

Three thousand years ago, Man began to till the soil. The plow and its companion piece, the axe, were his first major tools for survival. But also they were his first weapons against Nature.

Two thousand years ago, Seneca complained about Rome:

"As soon as I had escaped the heavy air and the smokey chimneys which, when stirred, poured forth whatever pestilent va-

pors and soot they enclosed, *I felt a change in my disposition.*"

Not much more than a century ago, during the rising tide of our country's westward expansion, Henry Thoreau exclaimed:

"Thank God, they cannot cut down the clouds!"

Today, we asphalt Americans, our eyes smarting, are rocketing men to the moon while standing knee-deep in our own litter. Our rivers are clogged with filth; smog is the "air apparent" in our large cities. Our eyes are assaulted by unrelieved urban ugliness; our nerves frayed by incessant noise, congestion and confusion. Much of our land is hideously defaced.

For more than seventy years, we have been warned about our dissipations:

By George Perkins Marsh, Carl Schurz, John Wesley Powell, John Muir and Theodore Roosevelt.

By Evelyn Waugh who cried out that half the basis of English poetry was being destroyed.

By John Kennedy who said that conservation is the highest form of national thrift.

By Aldo Leopold who explained that we abuse land because we regard it as a commodity belonging to us. When we see the land as a community to which we belong, we may begin to use it with love and respect.

The practitioners of ecology, those Twentieth Century Paul Reveres, have compiled tomes of dismal statistics . . . the rising levels of health-shattering noise . . . the spreading flood of foul water . . . the thickening smog shrouding our cities. I shall recite some of the grimmer statistics later on. But perhaps the best way to illustrate the carnage is by anecdote.

Earlier this year, a million catfish were found dead in a canal-dam-river complex designed to irrigate the lush Central California valley. The cause is not yet known, but the deaths were not natural.

In California, there are being distributed posters showing a naked female breast with a notation:

"Milk in such containers may be unfit for human consumption—DDT content .10 to .30 parts per million in milk of nursing mothers—two to six times the amount allowed in milk for commercial sale."

Lake Erie itself is virtually "dead" in a biological sense—its life-cycle ruptured to the point where dead fish and other marine life litter its shores. A river feeding into Lake Erie once caught fire—so loaded was it with oil and other combustibles.

It is the declared policy of the Los Angeles public school system that there shall be no hard exercise on the playgrounds on smoggy days.

You university students are part of a "new" generation in an unenviable sense that yours is the first to be born with Strontium 90 in your bones—the result of the nuclear-bomb age.

We certainly do not lack for examples of what is happening to us—to you and to me. But *how* did it happen that we so ravaged our national home, this richest pad on Planet Earth? Of what are we guilty?

First, we are guilty of an uncritical acceptance of technology for its own sake. We have mistaken the production of merchandise for "progress," which we keep measuring on the scale of our Gross National Product.

Second, our habit is to downgrade the importance of conserving our natural habitat; instead, we exult in its exploitation. A case in point, here in Idaho, is the plan to desecrate the White Clouds by open-pit mining for molybdenum, even though present production is far in excess of our national needs.

Third, we are congealing as a people. An estimated 20-million Americans moved from the countryside into urban areas during the years between 1942 and 1967. The weight of this massive migration has all but crushed our cities.

Fourth, we are gripped by a mania for growth, revering it as a virtue. "The bigger," we say, "the better." According to the flawed logic that growth is good, uncrowded Idaho would become twice as fine a place to live each time our population doubled! Of course, this is nonsense.

When we took the land away from the Indians, we did not take with it their most precious knowledge—that Man doesn't stand apart from Nature—but is a part of it. A few far-seers tugged at our elbows to remind us of this truth. They pleaded with us to recognize that, like grazing land, the Earth, too, has a maximum "carrying capacity." Their warnings went heedlessly ignored, as did the Biblical injunction that we are to be the keepers of the Earth.

As we gather ourselves, at long last, to make amends, we must understand that it is *not* only the other fellow's faults that need to be corrected, but our own faults as well.

For example, the Federal Government is not without its share of blame. Congress has distributed some ninety separate environmental programs, fed on slender rations and slight authority, to a maze of different departments, bureaus and agencies. A dozen or more inter-agency committees struggle to synchronize these programs. While one Federal agency, the National Park Service, tries to protect a great wetland, the Florida Everglades, another Federal agency, the Army Corps of Engineers, is working at cross-purposes by building irrigation canals that divert water away from the Everglades.

The Federal Government has also stinted on the money needed to launch an adequate clean-up campaign.

To be sure, Federal funds for combatting pollution have increased—for cleansing the water: from an annual appropriation of $1.2 million to about $300-million during the last fifteen years; for cleansing the air—from the $2.7-million to $89-million. However, the cost for actually cleaning up our air and water may run to five billion dollars a year for capital investment, and more than eight billion dollars for operations, according to an estimate of the Harvard Center for Population Studies. Obviously, in terms of expenditures, we have hardly begun the fight!

Out of the bloody anguish of the Vietnam war came a moratorium movement composed of aroused citizens of all ages. Their objective was—and still is—to stop the war. Now, out of the anguish over our decaying environment, has come still another "moratorium movement," whose partisans have undertaken a mammoth venture to reclaim our heritage. All across the Nation on this April day, life-oriented battalions are gathered to proclaim a healthier order. My surmise is that, if properly conducted, profound and wholesome changes can occur.

Of course, we must understand that a successful campaign cannot be mounted without a major national commitment. In the field of education, the Congress made a major decision in the early Sixties. We decided to give generous help now for the public education of the child rather than pay infinitely more later for the ignorance of the man. We need to make an analogous decision in respect to pollution, where the Federal Government must necessarily assume a leading role.

Until recently, life's natural cycle could assimilate the wastes of man. But mass production in the highly industrialized United States has grown so mammoth that we search for places to stow the stuff we throw away, our rubbish and debris, not to speak of our industrial wastes. Where consumer products are concerned, we surely must overcome the "use-and-discard" method of merchandizing. The recycling of bottles, cans and other containers is a "must."

But what about the products which pollute while being used, the ubiquitous automobile, for example?

AIR POLLUTION

In terms of air pollution, the biggest offender, ecologists agree, is the internal combustion engine. Each day, our automobiles, trucks and buses cast almost 300,000 tons of pollution into the air. Two years ago, Los Angeles had five micrograms of lead per cubic meter of air—highest in the Nation at that time. But last year, New York City earned this dubious distinction—seven and one-half micrograms. And scientists estimate San Diego may exceed even that this year—eight micrograms. The level of ten micrograms, but a short span away, is the maximum tolerable limit set by the United States Public Health Service.

Grudgingly, as the saturation limits closed in, a movement has finally commenced to remove lead from gasoline. Automobile manufacturers and oil companies are at last discussing—negotiating might be the better word—alterations in engine design and fuel composition, so that unleaded gasoline may be efficiently used. At least one brand-name has commenced to sell unleaded "gas" in its eastern stations. To speed this process along, I introduced a bill last month to require that, as of next January, the Federal Government buy for its civilian departments only those motor vehicles adapted to operate on unleaded fuel.

Of course, the internal combustion engine is not the only offender. A multitude of factory chimneys spew forth their columns of thick smoke—sometimes noxious smoke. Thousands of jet aircraft gulp oxygen from the air, replacing it with endless trails of soot.

Another pollutant, a newcomer of great potential peril, is radioactive nuclear waste. Pollution from nuclear waste is different from that of ordinary fuels. You cannot see it; you cannot smell it. But it is far more deadly. In our own State of Idaho, we have an example of the possible danger. Radioactive wastes from the National Reactor Testing Station are being buried above the Snake Plain Acquifer—the vast underground reservoir which feeds the Snake River. Safe-permanent depositories for nuclear wastes must be devised, for now we have the opportunity to assure that these wastes are properly stored before the problem grows to the magnitude of the other, more common, forms of pollution. The warning signal has been sounded on this matter, and now is the time for the AEC and other responsible agencies of the Federal Government to respond.

WATER POLLUTION

What has been said about air pollution applies equally to water pollution.

Once upon a time, our clean water was plentiful. Creeping crud went largely unnoticed.

Today, all that has changed. Water is a problem—in many locations it is a hazard to health. The Northeast has its Merrimack River; the Midwest, its Missouri River; our Nation's Capital, the Potomac River—the smelliest you ever could imagine on a Summer's day. Robert Kennedy once remarked that if someone fell into the Hudson River he wouldn't drown, he'd decay.

A leading water specialist is Dr. R. L. Nace of the Geological Survey, who informs us that the problem has *not* to do with quantity but with quality. "The continents are *not* running out of water," he explains, "but men are fast running out of ways to avoid provision of adequate water works and rational management of available supplies."

Dr. Nace warns us that out of its total potentially controllable water, the United States now uses "ninety-five percent as a conveyor belt on which to send waste products out to sea." In other words, our problem is *not* the risk of running out of water, but of giving water a running chance by providing sufficient sewage and industrial treat-

ment plants, so that our rivers and streams may flow clean again.

It is, of course, also a matter of curbing other practices that corrupt the water—soil erosion, detergents and pesticides, all of which kill fish, make beaches unswimmable and water undrinkable. Having turned our rivers into running sewers, we have come to treat the oceans like huge septic tanks. The emerging hazards of these accumulated wastes, ecologists say, will affect variegated plant and marine animal life, including commercially valuable clams, oysters and shellfish, in ways yet unknown. Pesticides present still another apparent hazard. An experiment at the Stoney Brook campus of the University of New York has shown that pesticides make it difficult for the process of photosynthesis to occur in phytoplakton, the basic food on which all sea life must depend.

The need to reverse these trends is undeniable because they are rupturing the delicately balanced, interdependent system of air, vegetation and water, of which photosynthesis is a part. This is the "eco-system" of which scientists speak.

Dr. F. Fraser Darling of the Conservation Foundation describes this eco-system as "a system of great age and stability which we are now taxing with immense amounts of carbon dioxide which we're adding from the fuel we burn."

Scientists are divided in their view as to the consequences if we keep on pouring such immense quantities of carbon dioxide into our atmosphere.

Some foresee a "green-house effect." This presumably could lead to a warming of the surface of the Earth, thereby melting the polar ice caps—a development that would raise ocean levels and inundate existing coasts of every continent. Other scientists, to the contrary, foresee a cooling trend that could conceivably introduce a new Ice Age.

Such is the importance of air and water. Let us now turn our attention to those who breathe the air and drink the water—the people of the Earth.

THE POPULATION EXPLOSION

So far, we have been discussing *man in relation to Nature*. The environmental problem has another vital dimension, *man in relation to man*.

There were only a few hundred million human inhabitants on Earth at the time of Christ's birth. The number did not reach a billion for another nineteen centuries. But, within little more than a single century since, the last hundred years, the Earth's population has leaped up to three and a half billion. Projecting present, nearly vertical, growth curves, the Human Race will number a staggering thirty-five billion in another hundred years! Every 24-hours, a city the size of Salt Lake is being added to the population of the world!

What chance, then, will our great grandchildren have to know the outdoor life we still enjoy? How long, then, can so packed a planet, on its thin layer of soil, water and air, and with its limited supply of fuels and minerals, support the swarming human horde?

The problem posed by the population explosion is, I recognize, an extremely sensitive one—rooted to the most intimate aspects of the human personality and to the most enduring of his religious and secular institutions, the family, church and state.

Yet, a solution to the population problem is indispensable to any lasting salvation of our environment. Already, in some parts of Asia and Latin America, the problem of feeding, clothing, sheltering and providing gainful employment for the mushrooming population is reaching nightmarish proportions. And the United States also confronts the problem of a burgeoning population.

Within the next thirty years, according to reputable demographers, an additional hundred million persons will live in the United States—a fifty percent increase. This is equivalent to adding almost as many people as live today in France and West Germany combined. Projections, based on current trends, suggest that in the year 2000, nearly eighty percent of these anticipated three hundred and seven million Americans will live on less than ten percent of the land—along the Atlantic and Pacific seaboards, in a midwestern pocket and within a dense maze in Florida. These are sections of the Nation already suffering from congestion.

In terms of a healthy, rational distribution of population, this concentration makes no sense—no sense at all.

Three years ago, Orville Freeman, then Secretary of Agriculture, said bluntly:

". . . it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handful of our fellow citizens rattle tapped resources and empty dreams . . . the whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Strong language, that.

Out of it, however, has grown a branch of research known as "proxemics." It deals with the condition of human beings living in close quarters. An exponent of proxemics is Dr. Edward Hall, an anthropologist.

In a fascinating book, "The Hidden Dimension," Dr. Hall refers to "the human space bubble." If an individual's space bubble is continuously made smaller by virtue of living in crowded conditions, then, according to Dr. Hall, that individual "suffers virtually as much damage as though his body were crushed, or dented, or pushed out of shape. The only difference is that the effects take longer to make themselves evident."

Experiments with rats subjected to the stress of extreme over-crowding shows that they develop all sorts of anti-social behavior—from perversions to killing their young.

With the evidence of our festering cities before us, and the memory of ghetto riots still clear, can we deny that an analogous situation may exist in those "steel and concrete storage bins" to which Secretary Freeman referred?

For many years, a few far-sighted planners have conjectured that there should be a national incentive policy to stimulate and encourage population dispersal. This is an idea whose time has surely come. During the last quarter-century, we sat by, either unknowing or uncaring, while twenty million Americans moved out of the countryside into the cities. Historians of the future may write that it was nothing less than wanton that the government did nothing to offset this mighty movement of peoples which pressured our cities to the bursting point, while our rural regions were drained of young life.

Urgently, we must now contrive to reverse this disastrous pattern of migration. Incentives are needed to effect a rational redistribution of our population. What is called for is a vigorous national program for the restoration of rural America, one that will salvage the sinking family farm, and revitalize our dwindling small towns. Tax incentives should be provided to encourage the dispersal of capital investment, so that new industries might be induced to locate in smaller communities. If good payrolls are made available, innumerable people would welcome the opportunity to exchange their unhealthy, often unhappy lives in our declining cities for a new start in more wholesome surroundings. It is the business of good government to help give them that chance.

Yes, spreading out our population would result in immediate benefits for millions of American citizens for whom conditions of life could be greatly improved. Still, the hard truth is that it would do no more than buy time, if the whole of our population continues to grow at the current rate. Every remedy is merely a palliative, as long as the population explosion goes unchecked.

We have allowed modern medicine, that miraculous friend of the individual human being, to become the relentless enemy of the human race. In the noble cause of overcoming pestilence, infection, and the most common forms of death-dealing disease, Nature's balance has been undone. As a consequence, the human species is multiplying like the cells of a malignant tumor in its terminal phase.

Typically, the United States has recognized the threat elsewhere. The Federal Government stands ready, through its foreign aid program, to give technical assistance to foreign governments that desire to curb their explosive population growth. This year, for example, we expect to obligate some $50-million to a handful of foreign nations which, in the face of internal calamity, have finally undertaken to restrain the growth of their populations on a national scale.

However, no comparable program exists within the United States itself. If one of our state governments, or an individual community, felt the need, based on the local situation, to set up a family planning service, to be administered in a purely voluntary manner, neither the state nor the community could get any technical or financial help from the Federal Government. For nearly everything else, Federal aid is available—for building a highway, a hospital or a school, for training a policeman or doling out relief. But, except for foreign governments, no Federal grant-in-aid money is available for family planning.

To be sure, the Federal Government conducts its own program of family planning services for women of low income, most of whom are on public assistance. These are the women who buy and discard the least. As compared to the affluent, they are among that part of our population which imposes the smallest demands, and therefore exerts the least adverse impact upon the environment.

Now, under our political system, I do not believe it appropriate for the Federal Government to offer family planning services to every prospective mother who may want them. Our country is much too big, and much too diverse, for any such standardized, uniform approach. Many sections of the United States—like our own Intermountain West—feel no particular population pressure. Public sentiment in such areas might well be opposed. Moreover, there are other localities where the predominant religious beliefs bar the use of artificial methods for controlling birth. In these communities, any Federal intrusion would be devoutly resisted.

So I conceive the Federal role as a passive one. Let each locality decide this question for itself. Wherever local conditions are such that a given community freely chooses to set up strictly voluntary family planning services, then I think that that community should be as much entitled to financial and technical assistance from the Federal Government as it would be if it sought to build a needed new sewage disposal plant. In all cases, the decision would be left in local hands, with the Federal Government lending support only when requested.

The population problem may seem very remote here in spacious Idaho, the sixth least densely populated state in the Union. But many other places in our country are not so fortunate. To cite an extreme example, a 3½ square mile section of Harlem, smaller than some Idaho ranches, contains 237,000 persons—more than live in the State of Alaska!

Before such hideous concentrations become the usual condition of life in this country, we must take timely action. If we act now, it is

still possible to stabilize our population on a strictly voluntary basis. But as other countries have already learned to their sorrow, if we fail to act, our country will face, within the lifetime of many of you who are present here today, the inevitable pressures for compulsory birth control.

We must summon up the wisdom to avoid such a fate. This is one of those times in our history when we have been given ample warning in advance. The evidence lies all about us, challenging us from each rubbish heap to master our impulses and rescue our imperiled habitat.

We must do it. For we have discovered from our plunge into space that the Earth alone, among all the planets in our solar system, is capable of sustaining life. Our Earth, spinning on its fixed course through the forbidding void, furnishes the only life-supporting system within the reach of Man. Here, in the infinite stretch of the universe, is our finite home; here on the Earth's surface, beneath a thin layer of air which, in proportion to the globe, has less thickness than the skin on an apple.

Here the human race shall have its rendezvous with destiny, without assurance that it will long endure. The archeological "digs" of East Africa, southern Europe and the western United States have handed up evidence to fill the museums of the contemporary world—evidence that other living species came into being and seemingly flourished, and then succumbed and became extinct. Only their buried, scattered skeletons remain as proof that they once existed.

Will Man's vaunted intelligence save him from, or seal him to, his own extinction? The issue is very much in doubt. Our peculiar genius has been to learn *how* before learning *why*. We have pinned wings upon ourselves before achieving a winged spirit. We have shrunk the world into a close neighborhood of nations, before nations learned to live as neighbors. And we have poisoned, polluted, defiled and degraded our living space in the arrogant assumption that Man could conquer Nature—that the creature could somehow subdue its creator.

Unless wisdom can at last overtake Man's runamuck willfulness, the scales will tilt inexorably beyond the point of redemption. Then we shall be left to contemplate in the melancholy twilight the mocking sentence of an unyielding fate:

The Moving Finger writes
And, having writ,
Moves on; Nor all thy Piety nor wit
Shall lure it back to cancel
Half a line,
Nor all thy Tears wash out
a Word of it.

THE ATOM: ITS DANGEROUS AFTERMATH—PART III—A SUPPRESSED REPORT IS RELEASED

Mr. CHURCH. Mr. President, in my remarks concerning atomic waste disposal practices at the National Reactor Testing Station in Idaho, delivered in the Senate on March 6, I pointed out that the Atomic Energy Commission had not made public for over 3 years a report of one of its specially commissioned committees, which criticized its nuclear waste disposal practices. I stated my belief that the AEC should make public this suppressed report unless it involved classified information. That very day, following my remarks, the AEC released the report to the press, but denied it had been suppressed. The agency's explanation was that I had not asked for the report.

I do not propose, Mr. President, to quibble with the AEC. If this report, critical of the agency's practices, was not "suppressed," it was carefully sequestered away from public view for over 3 years.

On October 7, 1969, I wrote the AEC, noting that this report had not been published, despite the attempts of two successive chairmen of the National Academy of Sciences Division of Earth Sciences to have it published.

In their reply, far from denying the charge, the AEC carefully explained why the report was not released. For the record, Mr. President, I ask that my letter to the AEC and the reply of the Commission appear at this point in my remarks.

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

OCTOBER 7, 1969.

GLENN T. SEABORG,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR CHAIRMAN SEABORG: It has recently been called to my attention that, in 1965, a review of waste disposal practices at the National Reactor Testing Station and certain other AEC installations was conducted by a committee of the National Academy of Sciences. I further understand that the committee, called the Committee on Geologic Aspects of Radioactive Waste Disposal, was advisory to the Atomic Energy Commission and, because of this fact, a completed report was transmitted directly to the Commission in May of 1966.

I have been advised that even though the Academy had been granted permission to publish two prior reports of the same committee, no such permission was granted by the AEC for the May 1966 report, despite the efforts of two successive chairmen of the Academy's Division of Earth Sciences.

The members of the Committee in question were:

Chairman, John E. Galley, Midland, Tex.; Charles W. Brown, Mobil Oil Co., Dallas; George B. Maxey, University of Nevada; John C. Maxwell, Princeton; Charles Meyer, Univ. California (Berkeley); Robert S. Scott, U.S. Geol. Survey (Denver); Charles V. Theis, USGS (Albuquerque); A. F. VanEverdingen, DeGolyer & McNaughton (Dallas); and M. King Hubbert, USGE (Washington, D.C.), Ex officio.

In light of the concern which waste disposal over the Idaho Aquifer is causing in my state, I would appreciate a report from the AEC explaining why this report has not been made public.

Sincerely,

FRANK CHURCH.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., October 17, 1969.

HON. FRANK CHURCH,
U.S. Senate.

DEAR SENATOR CHURCH: Your letter of October 7, 1969 inquires about a report of a Committee of the National Academy of Sciences and requests an explanation as to why it has not been made public.

In May of 1966, the Academy Committee on Geologic Aspects of Radioactive Waste Disposal submitted a report to the AEC's Division of Reactor Development and Technology (RDT). The Committee was organized to advise RDT on its research and development program pertaining to radioactive waste disposal pursuant to a contract between that AEC Division and the Academy.

The May 1966 report has not been published by AEC. However, this is not unusual since AEC receives many reports and communications from its advisory committees which are not published because, in most instances, AEC is seeking advice pertaining to its own programs.

In its May 1966 report, the Committee went beyond the requested appraisal of AEC's R&D program on radioactive waste disposal and commented at length on operational activities not under the jurisdiction of RDT and concerning which the Committee had been given only short briefings incidental to the R&D program appraisal. AEC staff had many criticisms concerning the Committee report and these were not resolved before the Committee was dissolved by the Academy in 1967 preparatory to the establishment of another advisory committee with a broader spectrum of scientific disciplines.

The current Academy Committee on Radioactive Waste Management has been active since early 1968 and has recently completed visits to each of the AEC operating sites where significant radioactive waste management operations are conducted. The Commission has requested that Committee to prepare a report on its visits which will include the Committee's comments on the AEC R&D program and waste management operational practices.

The May 1966 report is but one facet in the lengthy history of Academy Committees which have been advisors to AEC on radioactive waste management. The first Committee was established in 1955 and there have been a number of communications between the Committees and AEC.

Cordially,

GLENN T. SEABORG,
Chairman.

Mr. CHURCH. Mr. President, I might also point out that even though a special committee was appointed in the State of Idaho to study waste disposal problems at the NRTS, this report was not made available to them until after my remarks.

I will let the record speak for itself. A refusal to publish a critical report for over 3 years amounts, in my opinion, to suppression.

Because this report is of such importance to the issue of atomic waste problems, and due to its particular interest to my State, I feel that it should be made more widely available. Accordingly, I ask unanimous consent that a newspaper account regarding the contents of the report, written by Bob Smith of the New York Times, together with the full text of the report, be printed at this point in the RECORD.

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

A.E.C. SCORED ON STORING WASTE; SENATOR CITES STUDY PREPARED IN 1966 BY SCIENCE PANEL

(By Bob Smith)

WASHINGTON, March 6.—In what one Senator called a "suppressed" report, a panel of the National Academy of Sciences sharply criticized the way in which the Atomic Energy Commission is storing its radioactive waste.

Senator Frank Church, Democrat of Idaho, called attention to the study today when he urged the A.E.C. to institute reforms in its handling of nuclear waste at the National Reactor Testing Station in his home state.

The Senator said that "the refusal of the A.E.C. to release" the report "is regrettable."

"If security reasons are involved, or the Atomic Energy Commission does not feel the report is factual," the Senator said in speech on the Senate floor, "it should say so. But to simply indicate that the study did more than the A.E.C. felt it should and use that as

a basis for not releasing the report is a dubious procedure."

The A.E.C., denying that it had suppressed the report, made a copy of it available to The New York Times. The A.E.C. also said that Senator Church had not requested a copy of the report.

PREPARED IN 1966

The report was prepared in 1966. It made three basic criticisms of the A.E.C.'s radioactive waste program:

1. The four major A.E.C. plants where the wastes are now stored are in poor geological locations. The scientists said that "the current practices of disposing of intermediate and low-level liquid wastes and all manner of solid wastes directly into the ground above or in the fresh-water zones, although momentarily safe, will lead in the long run to a serious fouling of man's environment." The "level" of material refers to its degree of radio-activity. The four plants are the Hanford plant near Richland, Wash.; the Savannah River plant, near Aiken, S.C.; the national reactor testing station, near Idaho Falls, Idaho, and the Oak Ridge, Tenn., facility.

2. The A.E.C.'s general practice of storing waste in the ground may pose a hazard through build-up. The report said the committee wished to guard against "the possibility of cumulative buildups of long-lived activity that may exceed (allowable) limits after continued use of doubtful practices. As the earth materials under a disposal site become saturated after long-continued disposal of even low-level wastes, the concentration of radioactivity eventually could become equivalent to that which would result from lesser volumes of high-level wastes . . . "

3. There are various standards for the radioactivity of materials at different A.E.C. plants. What constitutes the "high," "intermediate" and "low" classifications differs from place to place. The classification sometimes determines whether or not a material may be stored or disposed of in a particular way.

The report also faulted "the working philosophy of certain operators, although certainly not that of A.E.C., that safety and economy are factors of equal weight in radioactive-waste disposal." The A.E.C. does not operate its plants. It arranges for their operation by various corporations.

In the economic area, the group also criticized the fact that "lack of funds has been cited at one location or another for inability to conduct needed research or to use alternate disposal methods which are agreed to be safer than current practices."

The committee said that it saw no current hazard in the way that the A.E.C. was storing or disposing of nuclear wastes. And it praised the "competence, dedication and sincerity of all of the people in A.E.C. and its contractor companies who are responsible for the safe handling of radioactive-waste materials."

John Erlewine, the A.E.C.'s assistant general manager for operations, said that the report had not been suppressed. He said that the A.E.C. received "many, many" studies and a good deal of them are never published.

He added that the panel was supposed to confine its work to the research side of waste-handling but went into operations on its own. The committee members explained in an introduction that they took a broader scope because of their concern for "the development of safeguards against hazards which might threaten the safety of man and his environment."

In reply to the committee's report, Mr. Erlewine said that "their premise is that the material should be stored over a site that is suitable for its final disposal." Although the A.E.C. is putting the waste into the ground, he said, it does not necessarily intend to leave it there.

"We intend to do different things with these wastes," he said.

An A.E.C. list of "comments on the panel's report also pointed out that moving its plants to other sites would involve "the expenditure of billions of dollars." It said the commission "could see no need for going to the enormous expense."

Mr. Erlewine said that the A.E.C. operated within safety limits set by the Federal Radiation Council. "You just can't operate with zero radioactivity," he said. "We operate within the limits the council sets."

Mr. Erlewine also said that the commission stored in the ground only material with a low level of contamination. It keeps chemicals with a high-level of contamination in tanks, he said, and pumps low-level liquids into rivers only after they have been diluted enough so they meet standards for drinking water.

The A.E.C. said that the report had been "useful" and had received "careful consideration." It pointed out that the committee had been dissolved and replaced "with one having a broader spectrum of scientific discipline."

The chairman of the eight-member panel appointed by the National Academy of Sciences was John E. Galley, a private consultant in earth sciences from Texas.

NATIONAL ACADEMY OF SCIENCES-NATIONAL RESEARCH COUNCIL

I. INTRODUCTION

The work of the Committee on Geologic Aspects of Radioactive Waste Disposal of the National Academy of Sciences-National Research Council (NAS–NRC) is supported by the Division of Reactor Development and Technology of the United States Atomic Energy Commission (AEC), whom the Committee serves as adviser. The Committee's responsibility to that Division is to observe and study critically the research and development activities of the Division with respect to radioactive waste disposals in the ground, and to provide counsel regarding the safety of the Division's current and proposed operations insofar as they are affected by geologic considerations.

The membership of the Committee has changed from time to time as earlier members were replaced by new ones. Of the present eight members, one has served on the Committee since its inception in 1955, and the three newest were appointed in March 1965. The professional backgrounds of the present members reflect a broad range of experience in the earth sciences. They are, respectively, hydrology, geohydrology (two members), radiohydrology, petroleum reservoir engineering, mining geology, structural geology and geophysics, and subsurface geology.[1]

Like all responsible citizens, the members of the Committee are concerned for the welfare of man and the perpetuation of an environment in which he can satisfy his physical needs and realize his cultural aspirations. The development of safeguards against hazards which might threaten the safety of man and his environment is therefore a prime desire of the Committee. In pursuit of this broad objective the Committee concerns itself with all phases of ground disposal of radioactive wastes, although its specific delegated responsibilities are the geologic aspects of the research and development program of the AEC's Division of Reactor Development and Technology. While this report, therefore, deals primarily with the several items of that program that are discussed in the chapter on "Research and Development Program of Division of Reactor Development and Technology," some observations on the general subject of radioactive waste disposal in the subsurface are outlined, with suggestions regarding research or other investigations which may be useful to personnel engaged in those activities.

[1] See Glossary for meanings of unfamiliar terms.

II. HISTORICAL REVIEW

A. General

The Committee on Geologic Aspects of Radioactive Waste Disposal, first assembled in April 1955, originated as a steering committee whose principal function was to assist the AEC's Division of Reactor Development and its agents in a search for safe methods of ground disposal of hazardous wastes. From late 1955 until mid-1960 the Committee was known as the Committee on Waste Disposal; in January 1961 it acquired its present name.

In the beginning the Committee's specified responsibilities were limited to the disposal of high-level wastes, and in its conferences with other groups it was actively soliciting and evaluating ideas for any methods of disposal into the earth.

It early established for itself a set of guidelines which it continues to observe:

(1) Safety is a primary concern, taking precedence over cost.

(2) Radioactive waste, if disposed of underground, should be isolated as permanently as possible from contact with living organisms

(3) The disposal of waste is a special problem for each particular installation.

(4) In addition to problems requiring urgent attention at existing plants, other problems will be created by the long-range development of power from atomic energy.

(5) Selections of future plant sites must include consideration of waste-disposal sites and methods, waste transportation and other potentially hazardous operations. Study of a specific site requires complete geologic mapping as well as a combination of geophysical and geochemical studies.

B. 1955

In September 1955, the Steering Committee sponsored a conference at Princeton University (Ref: "The Disposal of Radioactive Waste on Land," NAS–NRC Publ. 519) at which 65 scientists representing many branches of earth sciences, biology and medicine, chemistry, physics, engineering, and other pertinent fields of knowledge, considered various problems of radioactive waste disposal on land and offered suggestions toward their solution. Among the proposed disposal methods which developed from this meeting were disposal in salt, deep-well disposal in permeable formations, and conversion of liquid wastes to solids. A conclusion of the Committee after reviewing the Proceedings of the Princeton Conference was that continuing disposal of low-level waste in the vadose water zone, above the water table, probably involves unacceptable long-term risks.

C. 1956

By the end of 1956, the Committee's activities expanded to include reviews of results obtained from research and development work carried out by the Atomic Energy Commission and its contractors, recommendations of necessary or desirable areas of investigation or specific projects evaluations and recommendations regarding work proposals from responsible organizations, periodic reviews of operational experience, and assistance in the integration of available earth-science knowledge pertaining to waste-disposal problems.

D. 1958

One of the early results of the Committee's interest in subsurface disposal methods was the publication in July 1958 of a report, "Thermal Considerations in Deep Disposal of Radioactive Waste," by Francis Birch (NAS-NRC Publ. 588). Having considered the theoretical aspects of heat generation and dissipation from radioactive wastes that might be placed in deep permeable strata or in salt deposits, and after calculating the heat levels

that would be reached, Birch concluded that—

"The results suggest that nearly any quantity of waste producing heat at the rate of 0.01 watts per gallon, if distributed in a layer of the order of 100 meters thick, can be accommodated without undue rises of temperatures. Concentrations much above this level would raise questions exceedingly difficult to answer. It does not appear that any decisive advantage is gained by burial at excessive depths (greater than a few thousand feet, for example) provided that potable water supplies and other natural resources are adequately protected."

In October 1958, when its area of responsibility had been broadened to include low-level and intermediate wastes, the Committee considered a proposal to inject radioactive wastes under pressure into artificial fractures in shale. At that time the Committee expressed doubt that this injection procedure would always produce horizontal fractures but agreed that the concept should be tested in the field. Meanwhile, Oak Ridge National Laboratory (ORNL), in Tennessee, had initiated plans to investigate possibilities for disposal in salt beds, and on request from AEC a subcommittee in the Division of Production, American Petroleum Institute (API), had recently completed a report on "Problems in the Disposal of Radioactive Waste in Deep Wells" (October 1958). The NAS-NRC Committee endorsed API's proposed program of studies for deep-well disposal, involving ion-sorption studies on naturally occurring sedimentary rocks, plugging, and corrosion and radiation damage, as well as regional geologic studies to highlight favorable areas for more detailed analysis. At the same time it expressed continuing concern about the disposal of intermediate and low-level waste liquids in seepage pits at ORNL because they contaminate the environment. It concluded that low-level waste is particularly amenable to disposal in deep porous media or possibly in moderately permeable shale, and it urged a long-range effort to find sites and methods of treatment so that these wastes can be emplaced safely at depth.

E. 1960

A proposal to construct bedrock storage facilities for high-level liquid wastes at the Savannah River Plant (SRP), South Carolina, was brought to the attention of the Committee in March 1960, it having first been submitted to AEC in 1958. Recognizing that the wastes must be contained indefinitely and that grouting, sealing or lining might be necessary, the Committee recommended that SRP proceed with test borings, and that the project then be reconsidered after the results of the tests were available. The Committee noted that the investigation should include study of the sedimentary section and hydrologic conditions above the basement, and that within the basement the studies should include the extent of fractures, water content and conditions, and the physical and chemical properties of the rocks.

The Committee commended the program of studies in hydraulic fracturing at ORNL and the progress on investigations toward deep disposal in salt, which project had progressed from the laboratory to field tests in a salt mine in Kansas.

During the same meeting the Committee expressed concern over the fact that no existing AEC installation is in a geologically acceptable location for disposal of highly radioactive liquid waste and that future waste-producing plants might also be placed in unfavorable locations if the feasibility of safe ultimate disposal is disregarded. The Committee also expressed its belief that there is serious need to get beyond the problems of disposal at existing installations that were located with little regard to ultimate disposal procedures, and to give additional emphasis to the job of finding safe permanent disposal sites.

In May 1960, the Committee visited the Carey salt mine near Hutchinson, Kansas, where ORNL was conducting its investigations on the feasibility of disposal in salt. Studies at that time were still being directed toward disposal of high-level liquids in salt, although attention was beginning to turn to development of a process for calcination of high-level liquid wastes in stainless-steel pots suitable for subsequent burial.

In view of increasingly unsatisfactory results of disposals into seepage pits at ORNL, the Committee reiterated its concern about that type of disposal, observing that similar disposal methods were being used at the National Recator Testing Station (NRTS), Idaho, and at Hanford Atomic Products Operation (Hanford), Washington.

Still concerned about disposals into seepage pits, the Committee visited the Hanford and NRTS sites in June and July 1960. Its conclusion as a result of the visits was that neither location had been shown to provide safe and permanent disposal, although some confidence was expressed by the local staffs, based on the fact that the sites are located in areas of little rainfall. It commented that—

"The protection afforded by aridity can lead to over-confidence: at both sites it seemed to be assumed that no water from surface precipitation percolates downward to the water table, whereas there appears to be as yet no conclusive evidence that this is the case, especially during periods of low evapotranspiration and heavier-than-average precipitation, as when winter snows are melted. At the National Reactor Testing Station pipes were laid underground without ordinary safeguards against corrosion on the assumption that the pipes would not corrode in the dry soil, but they did. At NRTS plutonium wastes (plutonium half-life 24,000 years) are given shallow burial in ordinary steel (no stainless) drums on the same assumption. Corrosion of the drums and ultimate leakage is inevitable. . . .

"The movement of fluids through the vadose zone and the consequent movement of the radioisotopes are not sufficiently understood to insure safety. The work in progress is commendable and deserves encouragement. The mounting pace of nuclear developments will add to the pressures on waste disposal facilities, procedures, and research at Hanford and Idaho Falls, and the future emphasis should be on safe ultimate disposal viewed from the long range and with attention to a rapidly changing world. . . ."

F. 1961

The Savannah River Plant was visited by the Committee in December 1961, when four test holes had been drilled into the crystalline "bedrock" and the logging and testing of the first had been completed. At this early stage of the investigations the nature and extent of fractures in the bedrock were not clear, and the hydrologic system had not yet been determined. In the general discussion, doubt was expressed that the ideal, absolutely dry, opening in the basement rock could be attained, and the problem of protecting fresh water from contamination loomed large. The Committee recommended that much more precise information on the amount, rate, and direction of movement of water in the area under consideration be obtained; types of recommended measurements and tests were specified; steps for obtaining more information on the orientation of structures in the crystalline bedrock were urged.

Reports also were heard on the progress of fracturing experiments at ORNL and on studies of various types of grout mixes. The Committee commended the present status of the project, but stressed the importance of learning the orientation of the hydraulically induced fractures. It further cautioned that the specific information produced by hydraulic-fracturing experiments in folded and faulted rocks of a heterogeneous sequence such as that at Oak Ridge cannot be extrapolated safely from one formation to another or from one area to another.

Further laboratory and field studies on the disposal of radioactive liquids in salt were reported, and the Committee learned that the project, which had been initiated soon after the Princeton Conference, was now being returned to the original objective of determining the phenomena that might be associated with the storage or disposal of solid wastes. The Committee was satisfied with the progress of the studies, and recommended that the effect of storing dry, packaged, radioactive wastes in a salt bed be tested as soon as possible.

Proceeding further, the Committee noted:

"The containment of fission products in an inert solid is still the manner of waste disposal that the Committee most favors. Research and development designed to produce a material from which fission products cannot be leached should be encouraged and supported as long as there is a reasonable possibility of attaining the desired objective. Nevertheless, the Committee still supports the idea that liquid wastes may be disposed of with safety into deep synclinal basins, below the level of the lowest potable water."

G. 1963

At a meeting in Washington in June 1963, the Committee heard reports regarding the Savannah River bedrock-storage proposal, the grout-injection experiments at ORNL, and the feasibility studies of disposal in salt; much time was devoted also to reports of studies of deep-well disposals in permeable formations. These are outlined in more detail in the following paragraphs.

SRP personnel provided the Committee with volumes of data that had been derived from 2½ years of careful drilling and testing of exploratory boreholes. The ultimate objective of the research was to determine the hydrologic characteristics of subsurface sedimentary and crystalline rocks at the plant site and the various other parameters that, it was hoped, eventually would determine whether or not the crystalline bedrock would be a suitable reservoir for the storage of high-level waste liquids. The Committee commended the SRP staff on the progress that had been made in its investigations, and expressed its opinion that for long-term safety, underground disposal at this locality is much better than storage in near-surface tanks. The Committee also observed that much work remained to be done before the safety of a bedrock storage chamber could be demonstrated, and it offered suggestions regarding further steps that would be desirable. It recommended that work be started on the next phase of the program, and that SRP personnel visit existing mines in crystalline rocks of the Atlantic Coast piedmont in order to study the bedrock as exposed in mine openings and to observe some of the problems of water control in such chambers.

Progress in the development of technology for artificial fracturing and grout injections at ORNL appeared to be satisfactory. A number of experimental injections had been made, using simulated wastes, and the location, shape and extent of the resultant grout sheets had been determined. No evidence of vertical fractures had been found, and it was reasonably certain that the ideal of producing horizontal fractures had actually been attained. The Committee recommended initiation of a pilot-plant operation for disposal of actual low-level wastes as the next stage in the continuing experiments. Further, because of the danger of creating vertical fractures by high-pressure injections at depth, the Committee recommended that

disposals be limited to the relatively shallow red-shale member of the Conasauga Formation.

Investigations toward disposal of high-level liquids in salt beds had been discontinued since 1961, and attention in the Kansas salt mines had been directed instead to the problems of storing high-level solids in salt. Experiments designed to determine the heat-diffusion characteristics of the salt beds and the effects of radiation on the salt were under way. Continuation of the studies toward ultimate disposal of high-level solid waste in salt was recommended by the Committee.

In connection with AEC's research program regarding disposal of liquid wastes by injection into deep permeable formations, the Committee heard reports on a series of studies of geologic basins initiated to select a site for pilot-plant injection operations in a deep disposal reservoir. Individual basin reports were being prepared by personnel of the U.S. Geological Survey (USGS), together with a summary report on all basins in the conterminous United States. Simultaneously a study of six basin provinces was being conducted by a subcommittee of the American Association of Petroleum Geologists(AAPG). The six provinces had been selected on the basis of geologic conditions in each province that might be suitable for three different types of underground disposal: (1) Shallow salt beds for high-level solids, (2) shale strata at depths suitable for injection of grouted intermediate-level wastes into hydraulically produced fractures, and (3) a deep permeable sandstone for injection of low-level waste liquids.[2]

Dr. W. J. Kaufmann described experimental work being conducted at the University of California where a group of injection and relief wells in a five-spot pattern within a 36-foot square plot of ground were drilled to depths of about 95 feet in a thin (3 to 7 feet) confined layer of unconsolidated sand and gravel. Studies had been made of the movement of tritiated water, of water containing Strontium 89, and of the radioisotope solutes themselves as their progress was retarded by sorption on the aquifier surfaces.

In order to extend the studies into deeper subsurface systems which might more closely resemble the deep permeable reservoirs toward which AEC had been looking for possible disposals, a field study had been proposed in which fluids would be injected into a permeable sandstone at a depth of a few hundred feet. A site for this purpose had been selected near Bartlesville, Oklahoma, where the U.S. Bureau of Mines would conduct injection tests in the Cottage Grove sandstone member of the Pennsylvania Chanute Formation. The description of the stratigraphic section, as presented to the Committee, indicated that the objective sandstone is underlain by a coal bed. Inasmuch as the permeability of coal is likely to be fairly high, the Committee suspected that the coal would probably act as a bypass for injected fluids, in which event the experiment would fail. A somewhat deeper sandstone, the Wayside Member, was considered too thick for satisfactory experimentation, and because it is overlain by a limestone stratum of doubtful quality as a seal it was considered even more unsuitable. The Committee judged that although the proposed injection experiment *per se* probably would provide some of the desired results, the chosen site probably was unsuitable, and recommended that a more favorable geologic location be sought if subsequent testing confirmed this evaluation.

[2] The results of this study have been reported in "Radioactive waste-disposal potentials in selected geologic basins," USAEC Div. of Technical Information Report SAN–413–2 (1964).

H. 1965

The present report of the Committee stems from a series of meetings that began on April 12 to 15, 1965, when the Committee visited plant sites at the Savannah River Laboratory, South Carolina, and at Oak Ridge, Tennessee. At Savannah River the Committee was briefed thoroughly on the present status of the investigation into prospects for storage of high-level liquid wastes in the Precambrian crystalline bedrock; it visited current disposal operations including the open seepage basins for low-level liquids, trash burial grounds, and the storage tanks for high-level liquids. All of the operations were discussed in detail during indoor sessions. Before leaving Savannah River the Committee also heard briefly from Dr. E. H. Baltz regarding present efforts by USGS to find a site suitable for subsurface injection experiments of the type attempted at Bartlesville, Oklahoma.

At Oak Ridge the Committee visited the site of grout-injection operations and learned of developments since its 1963 meeting. Downhole logging after one injection had revealed gamma activity above the grout sheet, which may have been the result of migration of the grout upward between the well casing and wall of the hole or may have been evidence of vertical fracturing; however, because formation water had flowed back into the hole after the injection, the gamma activity was more probably the result of contamination from that source. Additional briefings and discussions included studies of fixation of radionuclides on solids and in emulsified asphalt, the movement of nuclides in ground-water streams, the programs for converting high-level liquids to solids, and various current waste-management practices such as the use of seepage pits and trenches, the use of burial grounds for radioactive trash, the construction of an evaporator plant, and the monitoring of radioactivity both at ORNL and in the surrounding countryside.

On May 10 the Committee visited the Carey Salt Company mines at Hutchinson and Lyons, Kansas, to observe experimental work on storage of high-level radioactive solids in salt beds. It then travelled to Idaho Falls and Arco, Idaho, for a 1½-day review of research programs and operations at NRTS. Because of the large number of facilities and the diversity of operations at NRTS, the range of subjects discussed and processes observed was broad. The subjects included the ground-water hydrology of the Snake River Plain and the NRTS reservation, to which much time was devoted during the visit; the need for a deep (5000-foot) exploratory bore-hole; tritium-tracer studies of the movement of ground water and injected wastes; ion-exchange phenomena; present disposal practices for both liquid and solid wastes of high, intermediate and low levels of radioactivity; monitoring procedures; calcination processes for conversion of high-level liquids to solids; and considerations of costs and economy.

Although impressed by the competence and dedication of the NRTS staff in its efforts to solve many vexing disposal problems, at the conclusion of its visit the Committee departed with two unrelieved major anxieties: (1) that considerations of long-range safety are in some instances subordinated to regard for economy of operation, and (2) that some disposal practices are conditioned on overconfidence in the capacity of the local environment to contain vast quantities of radionuclides for indefinite periods without danger to the biosphere. These concerns will be discussed further in this report.

On May 13 and 14 the Committee examined disposal operations and installations at the Hanford Atomic Products Operation, Washington, and discussed research programs and operational practices with local staff. As at NRTS the spectrum of waste-disposal projects at Hanford is a wide one. Subjects that were discussed included the geology and ground-water hydrology of the Hanford site and the Pasco Basin; research in hydrology with respect to ground disposals at Hanford, both for saturated and for unsaturated flow; studies pertaining to anticipated changes in the hydrology after completion of the Ben Franklin Dam on the Columbia River imposes its influence on the ground-water levels; soil chemistry and mineralogy of the Hanford site; the migration of radionuclides in the subsurface, their monitoring and control; current waste-disposal practices for radioactive trash and low, intermediate and high-level liquid; progress in development of technology for calcination of high-level liquids and disposal of the solid products. Tours of the Hanford site enabled the Committee to observe various installations and procedures.

As at NRTS, the Committee was concerned over the prevailing belief that the unconsolidated soil, sand and gravel that comprise the surficial materials to a depth of several hundred feet provide a reservoir for safe storage of tremendous quantities of wastes of all levels of radioactivity, and that no hazardous amounts of radioactivity will percolate down to the water table. The inadequacy of present understanding of hydrology in unsaturated earth materials (the vadose zone) was generally recognized.

The Committee assembled in Washington, D.C., on June 7 to 9, primarily for the purpose of drafting its report to AEC, but it also took advantage of an opportunity to receive further briefing on developments in AEC's deep-well disposal program, particularly the completion of the basin studies by USGS and AAPG. It also heard and considered a proposal for preparation of a subsurface reservoir that would be held in standby readiness in the event of an unanticipated release of radioactive gas from a plant accident.

Inasmuch as certain aspects of the report draft required further investigation and prolonged study by the Committee, another meeting was held on August 30 and 31, in Dallas. This was solely a discussion and work session, and the final drafting of this report has been done subsequently. The Committee's appraisals, comments and recommendations pertaining to the research and development programs and the waste-disposal practices that were reviewed in all of the 1965 visits and meetings are contained in the following pages.

I. Conclusions

Throughout the fabric of the 10-year history of the Committee's deliberations run some continuing threads of purpose and conviction. Prominent among them is the realization that none of the major sites at which radioactive wastes are being stored or disposed of is geologically suited for safe disposal of any manner of radioactive wastes other than very dilute, very low-level liquids, with the probable exception of grout injection into fractured shale at Oak Ridge. Another is the knowledge that the safety and the needs of populations in centuries to come demand that methods and facilities be developed now to receive and contain safely in perpetuity the volumes of wastes that will be produced as the nuclear industry expands and sites for new plants are selected and developed.

Research and subsequent development of promising techniques have provided a series of improvements in disposal methods that augur well for the handling of the larger amounts of radioactivity that are expected to be produced beyond the year 2000. These are bright strands in the warp through which are woven the observations and recommendations of the present report.

III. ACKNOWLEDGMENTS

As related in preceding paragraphs, during April and May 1965 the Committee was

privileged to visit operations at five sites where radioactive-waste management practices are being developed, these being the Savannah River Plant (SRP), Oak Ridge National Laboratory (ORNL), the Lyons salt mine of Carey Salt Company, the National Reactor Testing Station (NRTS), and Hanford Atomic Products Operation (Hanford or HAPO). The Committee appreciates the hospitality and cooperation that were shown by the staffs at all sites. They generously supplied copies of reports and data, and patiently answered a multitude of questions. Additional useful information has been provided by staff members of AEC and USGS.

IV. OBSERVATIONS

A. *General*

The Committee is favorably impressed by the competence, dedication and sincerity of all of the people in AEC and its contractor companies who are responsible for the safe handling of radioactive-waste materials. We are happy to acknowledge the conscientious efforts that generally are being applied to the problems of safe storage and disposition of hazardous materials. We particularly commend the progress on the solidification of the high-level and intermediate waste liquids, the extension of the program of disposal in salt to a field study, and the continuing developments in technology for disposal by grout injections.

In radioactive-waste disposals all plants operating under AEC surveillance are guided by the radiation-protection standards that have been developed by the Federal Radiation Council (FRC). These standards are defined specifically in reference to such terms as the Radiation Protection Guide (RPG), Radioactivity Concentration Guide (RCG), and Protective Action Guide (PAG). In operations that have been observed by or described to the Committee, efforts are directed toward restricting radioactivity to a fraction of the amounts permitted by the FRC standards.

The choice of treatment and disposal procedures for radioactive wastes is based not only on the characteristics of the radionuclides and the chemical and physical properties of the media in which they are contained, but also on the total amount of radioactivity in the wastes. A scale of radioactivity commonly used in AEC's Division of Reactor Development and Technology is the following:

Low-level: Less than one microcurie per gallon.

Intermediate: One microcurie to one curie per gallon.

High-level: More than one curie per gallon.

On the other hand, at each site the staff has established its own scale of levels of radioactivity in waste materials, and these are not entirely uniform from site to site. For example, intermediate-level wastes in some places may contain as much as 10 curies per gallon. Straub ("Low-level radioactive wastes," AEC Division of Technical Information Publication, 1964) cites a usage in which low-level wastes have activity measurable in microcuries per liter or per gallon, intermediate levels measurable in millicuries per liter or per gallon, and high levels in curies per liter or per gallon.

Another suggested "classification," adapted from other industrial operations, is based directly on methods of handling and disposal, rather than on a numerical scale of concentrations:

Concentrate and contain (high-level wastes).

Delay and decay.

Dilute and disperse (low-level wastes).

To the extent that consideration is given to the longevities of the various radioisotopes in the wastes, such a classification appears to be applicable to radioactive-waste disposal. It is, however, not a classification of wastes but rather a summarization of concepts for methods of handling them. All three concepts require isolation from the biosphere of radionuclides in hazardous concentrations. To "concentrate and contain" carries the stringent requirements that the container must be leak-proof throughout the period of hazard. Because artificial containers are subject to corrosion, fracture, and other forms of damage over periods of centuries, safe natural containers totally and permanently separated from the zone of fresh water must be used. To "delay and decay" requires that isolation from biosphere be complete during the period when hazardous concentrations exist. To "dilute and disperse" requires particular attention to the quantities of long-lived radionuclides in the wastes, especially in view of prospects that concentrations in the ground may increase cumulatively through the years, and that changes in soil chemistry or hydrologic patterns may release the sorbed nuclides. To the extent that radioactive decay exceeds input, there is no reason for alarm.

The Committee acknowledges AEC's awareness of the potential hazards of cumulative build-up of radioactivity from long-lived nuclides, as well as careful monitoring that is part of the routine at disposal sites to avoid such danger. The procedure includes recording of the amounts of all radionuclides in the waste streams, sampling and analysis of fluids obtained from monitor wells in disposal areas, and computation of activity held in the ground. The continuation and improvement of such procedures at all sites, including privately owned plants to be built in both the immediate and the far future, are anticipated.

In view of the hazards inherent in a cumulative build-up of long-lived radioactivity above or in a fresh-water aquifer after decades of a disposal operation, it might be well to consider the use of a scale of radioactivity based on the longevity of nuclides in the waste as well as on the concentration of activity.

B. *Geology*

1. Savannah River Plant

The Savannah River Plant occupies about 315 square miles in South Carolina, 20 miles southeast of Augusta, Georgia. The site lies in the Atlantic Coastal Plain physiographic province, near its inner edge where the wedge of coastal plain sedimentary strata is relatively thin. Intake areas for the fresh-water aquifers in the strata lie a short distance westward, the edge of the Piedmont province being only a few miles upstream from Augusta. The average annual precipitation is 43 inches. The topography is one of rolling hills with local relief as much as 250 feet; maximum surface elevations are about 350 feet above sea level.

The stratigraphic section has a total thickness of about 1000 feet above the Precambrian basement and consists of unconsolidated and partly consolidated sedimentary strata ranging in age from Upper Cretaceous to Recent. The thickest unit is the Tuscaloosa Sandstone (Upper Cretaceous), near the base of the sedimentary section. It consists of about 600 feet of gravel, sand and intercalated clay beds and contains the largest volume of fresh-water reserves in the area.

Between the Tuscaloosa Sandstone and the Precambrian rocks is a thin layer (average about 70 feet) of saprolite clay which presumably is a residual from decomposition of the Precambrian crystalline rocks and spread across the surface of the coastal plain as encroaching seas advanced across the area in late Cretaceous time. Although the thickness of the saprolite layers appear to be fairly uniform, data from boreholes reveal places where the layer seems unusually thin. The log of borehole (DRB–2) in the SRP test series failed to show any of the saprolite clay, but accuracy of the drillers' log has been questioned. There may be buried channels or broader openings in the saprolite layer which interrupt its continuity, but none have been revealed clearly by the sparse data from scattered boreholes. In view of the small area that would be occupied by a channel, and in the present stage of subsurface technology, recognition of the presence of old channels could come only through fortuitous circumstances in which more than one boring would by chance penetrate an identifiable "window" or hole in the clay layer.

Underlying the saprolite clay is the basement of Precambrian rocks which consists chiefly of foliated gneiss and schist with lesser amounts of quartzite and phyllite. The rock is fractured in varying degree, the upper sections being more highly fractured than deeper ones.

2. Oak Ridge National Laboratory

This plant site of 92 square miles, about 25 miles west of Knoxville, Tennessee, lies in the Valley-and-Ridge physiographic province between the Great Smoky Mountains on the east and the Cumberland Plateau on the west. The topography within the site area is characterized by parallel asymmetric mountain ridges separated by valleys whose floors are rolling or hilly. Topographic relief between ridges and valleys is generally in the range of 200 to 350 feet; surface elevations are between 800 and 1150 feet above sea level. The average annual precipitation is about 47 inches.

Except for thin covers of Recent alluvium the surface is cut mainly in Cambrian and Ordovician strata, which form the bedrock both on the ridges and in the valleys. As elsewhere in the Valley-and-Ridge province the Paleozoic strata have been subjected to lateral compression to the extent that much severe folding and thrust faulting have occurred; the topography is mostly a reflection of the tectonic structures. Abundant jointing and other fracturing of competent strata, as well as bedding-plane slippages, are to be expected. Fresh-water supplies are found at relatively shallow depths in Paleozoic strata and locally in the Recent alluvium. Deeper waters are brackish or saline.

3. National Reactor Testing Station

The area enclosed within the boundaries of NRTS amounts to about 894 square miles lying in southeastern Idaho, some 30 to 60 miles west of Idaho Falls. It is semi-arid land, the average annual precipitation being between 7 and 10 inches. The physiographic province is the Snake River Plain, a subdivision of the Columbia Plateau, about 200 miles long from northeast to Southwest and 50 to 60 miles wide. The east and south margins of the Plain are drained by the Snake River; elsewhere the drainage is largely centripetal, the surface water disappearing by a combination of evaporation and seepage into the ground in areas of topographic depression. Streams such as the Big Lost River entering the Plain from mountains on the west and north debouch into mud flats or prairie sinks.

The surface of the Plain, which at NRTS is about 4800 to 5000 feet above sea level, is generally flat or hummocky except that here and there are a few buttes rising several hundred feet, in one instance more than 2000 feet, above the Plain. The surface rock over large areas is black basalt of Recent origin; some flows are still fresh, unaltered by weathering, and bare of vegetation. Elsewhere the lava is covered with a thin veneer of soil derived from decomposed lava, gravel, alluvial or aeolian sand and silt, or in some places lake beds or playa deposits. Beneath the dark basalt are flows of older, paler, acid lavas.

The subsurface sequence of layered rocks, to an unknown depth, consists of lavas interbedded with pyroclastic and clastic sedimentary strata. The basement under them

presumably consists of indurated Paleozoic rocks similar to those that can be seen in outcrops in adjacent mountain areas. They probably are strongly folded and fractured. Some of the lava beds above the basement are remarkably porous and permeable; together with beds of sand and gravel they are the chief aquifers of the province. It is estimated from discharged data that more than 13,000 acre-feet per day of water flows through these aquifers under the Snake River Plain. The direction of flow is southwestward, and a large portion of the water appears again at springs along the Snake River at the southwest end of the Plain. A conspicuous local feature there, near Hagerman, is known as the Thousand Springs, where an estimated volume of 500 cubic feet of water per second gushes from a basalt layer that crops out in the escarpment 185 feet above the river level.

4. Hanford Atomic Products Operation

The Hanford site occupies 567 square miles in southeastern Washington about 30 to 50 miles east of Yakima on the Columbia Plateau. It lies in the Pasco Basin subdivision, a topographic depression between the Saddle Mountains on the north, Rattlesnake Hills and Horse Heaven Hills on the west and southwest, and the Blue Mountains of Oregon on the southeast. Within the site boundaries, surface elevations above sea level range from about 350 feet at the Columbia River to 600 feet at the base of the Rattlesnake Hills. Topographic relief within the basin is low, the surface being generally hummocky except for the ridge of Gable Mountain, in the north part of the site, which rises some 600 feet above the plain. Rattlesnake Hills, at the southwest edge of the site, have a maximum elevation of 3500 to 3600 feet above sea level.

In a broader view, the site is in a structural basin of southern Washington and northern Oregon which was filled in late Tertiary (Miocene and Pliocene) and Quaternary times with thousands of feet of lava, pyroclastics, and interbeds of continental gravel, sand and silt. The base of the layered series lies at an unknown depth more than 10,000 feet below the surface. The nature of the rocks beneath the volcanic series is unknown; presumably the basement rocks are highly indurated and deformed Mesozoic and Paleozoic rocks similar to those seen in outcrops at the margins of the Columbia Plateau. The interval between the basement and the base of the lava series is a matter of speculation as to thickness, lithology, age, and fluid content.

All permeable strata that have been tested, lava as well as sedimentary beds, are freshwater aquifers. In spite of the semi-arid climate (between 6 and 9 inches average annual precipitation), the reserves of fresh water in this great thickness of aquifers are enormous, most of the supply being derived from adjacent mountain heights.

The lava series is overlain in large areas by beds of gravel, sand, silt, and volcanic ash which constitutes the upper part of the Ellensburg Formation and the Ringold Formation, and these in turn by late Quaternary alluvium and lake beds. These beds above the lava series also are aquifers, in which porosity and permeability are adequate. They and the underlying, permeable lava flows and interbeds are being used as reservoirs for ground disposal of radioactive wastes.

5. Comparative Geology

It has been pointed out by R. M. Richardson [3] that conditions at SRP and ORNL are alike in respect to the fact that the water table at each site is shallow (a few feet or tens of feet) and the distance from any disposal operation to a point of ground-water discharge is short (hundreds of yards); further, that NRTS and Hanford are alike in that the water tables there are deep (hundreds of feet) and the distance to points of discharge are relatively great (miles). The different conditions result from the difference between humid and semi-arid climatic regimes. The operations at Lyons, Kansas, are exempt from such considerations being restricted to salt beds far beneath freshwater aquifers.

Another set of tentative similarities, subject to confirmation by deep exploratory drilling at NRTS and Hanford, also should be recognized. Geologic conditions at SRP, NRTS, and Hanford probably are alike in respect to the fact that the fresh-water aquifers at each site occupy a thick sequence of relatively undisturbed layered rock lying directly on a basement of less permeable, folded, faulted and fractured "bedrock." At Savannah River the water in the basement contains a total dissolved solids concentration of about 6000 ppm, in contrast to about 34 ppm for water in the overlying layered aquifers. In other respects also the two rock systems appear to contain different hydrologic systems. The layered rocks at Savannah River, about 1000 feet thick, all lie in the zone of saturation.

At NRTS and Hanford no borings have penetrated the complete thickness of layered rock, and the degree of folding and fracturing in the underlying basement is unknown. Likewise the presence of any salaquifers above the basement is now known. The deepest boring in the Snake River Plain (NRTS) is only 1500 feet deep, and the deepest in the Pasco Basin (Hanford) is 10,655 feet. Only fresh water has been found in analyzed samples from either province, and the depth to which fresh water extends therefore has not been ascertained at either place. Between the water table and the thin root zone is a zone of unsaturated basalt and unconsolidated sediments, the so-called "dry soil," or zone of aeration several hundred feet thick. Nothing is known about the water regimen in the basement rock, or about any possible flow barrier between the basement and the overlying layers.

At ORNL, on the other hand, the folded, faulted and fractured bedrock composed of distorted sedimentary layers, is near or at the surface and contains fresh-water aquifers. Only a veneer of loose sediments, also containing fresh water, lies above it.

In contrast to these four sites, there are large areas in the United States, particularly in the stable interior of the continent, in which fresh-water aquifers are separated from the basement by many thousands of feet of layered strata which contain saline waters and are not likely to be drawn upon for water supplies. It is in such areas that disposal of radioactive liquids into permeable subsurface strata can more firmly be relied on as a safe procedure.

The above similarities and distinctions point out the major characteristics of the geologic environments on which decisions regarding disposals at the present plants must be based.

C. Hydrology

At all sites the Committee noted insufficient knowledge of or, at least, too little consideration of the three-dimensional movement of water and contained materials in porous media. Usually it is the vertical dimension that is poorly understood, and in the establishment of flow paths and velocity of movement this dimension is highly important.

V. GENERAL PRINCIPLES

The deliberations of this Committee continue to be guided by the basic rule that concentrations of radionuclides in waste materials should not be allowed to appear in the earth's biosphere before they have decayed to innocuous levels. This concept requires assurance that during any storage or disposal [4] operations hazardous amounts of nuclides are isolated from the biologic environment, and that upon completion of the procedures the nuclides will remain isolated as long as they might constitute a hazard. For some nuclides this requirement means isolation for periods of 600 to 1000 years, periods so long that neither perpetual care nor permanence of records can be relied upon. *All supplies of potable [5] ground water, whether or not they are now being drawn upon, are considered as being part of the biosphere.*

It is recognized that radioactivity in concentrations less than RCG is allowable, and within these limits the Committee has no concern. It is the possibility of cumulative build-ups of long-lived activity that may exceed these limits after continued use of doubtful practices, and the prospect of unforeseen concentrations in excessive amounts resulting from unexpected and uncontrollable alterations in the environments in future decades that the Committee wishes to guard against. In this report, terms such as "excessive amounts," "excessive concentrations," and "hazardous accumulations" are used with reference to excesses beyond the limits established by the Federal Radiation Council.

The economics of disposal and storage operations are of concern, but they are relegated to second-rank consideration, safety being the matter of first concern always.

All studies of waste disposal below ground level have borrowed heavily from the geohydrologic knowledge developed for the production of water from aquifers and the production of oil and gas from petroleum reservoirs. However, whereas the hydrodynamics of fluid production largely involve a concept of statistical homogeneity of the formations involved, the disposal of an insidiously dangerous waste involves the necessity of tracing or predicting its course through all the intricacies of the nonhomogeneities of these beds. Hydrodynamic concepts including dispersion, sorption, and erratic flow in all types of sediments and rocks in nature need development and documentation. Such problems are properly first studied in the laboratory, but some of them cannot be brought into the laboratory and all of them need checking in the field.

In view of the clear prospect for ever-growing production of atomic energy and therefore the probability of increasing output of radioactive wastes, the Committee believes that safe disposal procedures should be established now rather than at later stages of power development. Because perpetual care of hazardous wastes cannot be assured, storage and disposal procedures should be so designed that permanent safety is certain. At the same time, land areas, water supplies, and other resources that are appropriated for permanent storage or disposal of hazardous wastes should be the least quantities that are compatible with the prime objective of perpetual safety.

In the last analysis, it is the property of mobility of hazardous radionuclides in any fluid medium that baffles all who are concerned with safety of disposals. Operators will, therefore, continue to face dilemmas in waste disposal until hazardous radioactive

[3] "Significance of climate in relation to the disposal of radioactive waste at shallow depth below the grounds," Proceedings of International Conference on Retention and Migration of Radioactive ions through the Soil; Saclay, France, Oct. 15–19, 1962.

[4] As far as possible in this report the word "storage" means emplacement with the intent and in such manner that the materials can later be retrieved. "Disposal" means emplacement in a manner or location that renders them practically irretrievable. In practice the two words often are used interchangeably, especially where the intent is not clear or retrievability is uncertain.

[5] Here "potable" refers to the quality of water which is now being consumed or eventually may be consumed by humans.

waste is reduced to solid form in the smallest possible volumes. This is the concept the Committee favors above all others: a procedure of disposal involving concentration of radioactive solutions, their conversion to almost insoluble solids, and subsequent burial far below fresh-water aquifers in almost impermeable rock such as salt.

The present larger installations of AEC represent widely varying types of waste production and disposal. Anything learned at these sites will be of increasing importance in the future when waste-disposal problems will be magnified. AEC quite properly has considered that it has the responsibility of developing all types of reactors and of assessing the safety and economics of each type. We believe that it has also the responsibility of studying in detail all of the phenomena involved in the disposition of wastes to the environment, not only on the basis of assessing any known or suspected hazard, but more broadly on the basis of founding a discipline of waste disposal that will be of increasing importance in the future, especially when private operators may dispose of such waste and consequently the profit motive will become more prominent. We believe that there should be no phenomenon involved in any of the waste-disposal schemes that is not completely understood.

VI. RESEARCH AND DEVELOPMENT PROGRAM OF DIVISION OF REACTOR DEVELOPMENT AND TECHNOLOGY

A. Disposal in salt

1. Introduction

Storage or disposal of radioactive wastes in underground cavities in salt deposits was discussed at the Princeton Conference in 1955, and in succeeding years this concept has been developed to a stage approaching operational use.

Definite advantages in this method of disposal are inherent in the unique physical properties of halite, the chief mineral in most natural salt deposits. The principal advantages are that salt is impermeable, soft, plastic, and easy to mine; in addition, it is an efficient natural shield against gamma radiation and is not associated in the earth with potable water.

2. Early research

During early stages the investigation involved disposal of high-level *liquid* wastes in salt caverns. Studies began with laboratory tests of the physical properties of halite and the effects of heat and atomic radiation on those properties. At the same time, theoretical considerations of heat generation in liquid wastes and of thermal properties of subsurface salt deposits in which the wastes might be stored, were examined by Francis Birch. Preliminary conclusions from these studies were that heat-transfer characteristics, shielding properties, and other parameters are suitable for the use of salt as a disposal reservoir, and that salt flow or creep as a result of heating or radiation would not be so rapid as to endanger storage operations in a cavern. Experiments on the radiolytic production of chlorine from salt indicated that no serious problems from this source in a mine would be expected.

Field experiments then were conducted in a disused mine of the Carey Salt Company near Hutchinson, Kansas, in which simulated acidic and neutralized Purex wastes were placed in salt chambers for periods of several weeks to months. Some cavity alterations resulted, but a more serious effect was the radiolytic production of hydrogen and oxygen. While studies of radiolytic gas production were continuing, the advent of techniques for solidification of high-level liquids led to diversion of the major effort toward experiments in the salt storage of these more manageable, solid, wastes. The first of these experiments were conducted in existing chambers, where tests were performed on the rate of creepage and the effects of heat on those rates.

The salt beds in central Kansas are of Permian age, part of the Wellington Formation in the Leonard Series. The salt is closely associated with anhydrite, magnesite, dolomite, and shale. It consists chiefly of halite, but polyhalite occurs in small amounts, and other accessory minerals are minor impurities. Widely separated thin layers of clay form dark bands up to one inch thickness in the otherwise pale salt rock.

Field research more recently has been transferred to a mine of the Carey Salt Company near Lyons, Kansas. The total thickness of the salt section here is about 300 feet, and the chambers excavated in the Lyons mine are about 1000 feet below the surface.

3. Current Research

Preparations are being made in the Lyons mine, in a new chamber constructed for this purpose, to test the effects of heat and radiation in simulated operational procedures for the storage of solid wastes by the emplacement of irradiated fuel elements obtained from the Engineering Test Reactor at Idaho Falls. A pattern of seven holes will be drilled in the floor of the chamber, one in the center of the pattern and six in a circle around it, spaced five feet apart. The holes are to be one foot in diameter, 13 feet deep, lined and shielded, and designed each to contain two fuel elements in canisters. The assemblies will be replaced by fresh ones at six-month intervals over a period of two years. Supplementary heat will be provided artificially in order to maintain a temperature of 200°C as the heat from the fuel elements declines. This temperature is the selected maximum temperature desired, because naturally trapped moisture in the salt produces a shattering of the salt when temperatures approach 250°C.

In another part of the chamber a similar array of electrical heaters will be installed for the purpose of distinguishing those effects due to heat alone.

Further studies of creep or flow are being conducted by measuring changes in the shape and dimensions of mine pillars, walls, ceiling and floor. The measurements are obtained by the use of both internal and external gauges. Preliminary results indicate increases in flow rates with heating that conform closely to laboratory results. The initial rates of closure of mined openings are high but they decrease with time. Heating increases the rates markedly, the effect of elevating the temperature being essentially the same as that of increasing the pillar load.

Small amounts of water have been found in the heated holes in initial tests, the moisture presumably having been released from thin shale interbeds in the salt.

The experimental operations also include tests of equipment and methods for transporting and handling the radioactive fuel elements.

4. Conclusions

The Committee is in complete agreement that (1) the use of caverns in salt beds as permanent storage sites for high-level radioactive solids has promise of being successful and satisfactory, and (2) that the tests now underway and scheduled in the mine at Lyons are well planned and should provide the data required for guidance of future operations. This experiment is now largely an engineering project. Our only suggestion regarding the geologic aspects is that ORNL include a study of the behavior of shale interbeds that will be subjected to long periods of elevated temperatures and radiation, in order to anticipate possible changes in wall, ceiling, and floor conformation additional to those caused by creep and flow of salt.

B. Grout injections in shale

1. Background

The principal objective of this research and development project, first examined by the Committee in October 1958 and actively pursued at ORNL since then, is the disposal of intermediate-level waste liquids by mixing them in grout and injecting the mixture into artificially produced fractures in subsurface shale strata. The grout enters the fractures and spreads out in thin sheets, later solidifying in place.

As explained earlier in this report, the bedrock at Oak Ridge lies at or near the surface of the ground, and the shallowest permeable beds in it contain fresh water. The altitude of the ground surface here is about 800 feet above sea level, and in the disposal area the surface strata are part of the Conasauga Formation of Cambrian age. Directly under it is the Rome Sandstone, Lower Cambrian, which, owing to reverse faulting, lies on Chickamauga strata of Middle Ordovician age. All of the strata are folded and locally crumpled as well as faulted. The rock that was selected for experimental fracturing and injections is the Pumpkin Valley Shale Member in the basal part of the Conasauga Formation. At this locality it is about 300 feet thick and is first reached in the overthrust fault block at a depth of 700 to 1000 feet below the surface. It is overlain by thin limestone beds and these in turn by gray shale.

2. Engineering Procedures

Preparation of a borehole for injection consists of drilling a hole through the injection formation, then lowering and cementing casing to the total depth. Prior to injection the casing is cut at the depth at which a fracture is desired, by directing against it, at high pressure, a jet of slurry consisting of sand in water. The horizontal slot thus cut in the casing and into the rock wall of the hole is thought to provide the initial orientation of the ensuing fracture.

Water is then pumped into the hole at pressures exceeding that of the combined weight of the overlying strata, with the result that the shale is fractured. Success of the operation depends in part on the creation of horizontal rather than vertical fractures, inasmuch as vertical fractures might lead upward into permeable strata and provide channels of escape through which radioactive grout fluid could contaminate potable ground water.

The grout mix is prepared at the surface, where all of the injection equipment is housed in concrete cells as a safety precaution. It is then pumped into the borehole under pressures sufficient to drive it through the slot in the casing and into the newly created fracture in the shale. The grout spreads through the fracture, forming a sheet which extends outward around the point of injection. It then sets up into a hard solid in a period of a few days.

The most recent series of injection experiments at ORNL consisted of five separate injections through one well, of both synthetic and real wastes, of various types of grout mixes, of dyes or radioactive tracers for subsequent identification of the grout sheets, of various fluid-loss additives, and of ion-exchange additives. The depths of the five injections, in the order of operation, were respectively 945, 924, 912, 900, and 890 feet. Breakdown pressures, at which the shale became fractured in each case, ranged from 2150 to 3800 psi. The volumes of synthetic or real wastes mixed into grout and injected into the shale ranged from 27,300 gallons to 148,000 gallons per injection.

ORNL currently produces about 4,000,000 gallons of intermediate-level waste liquids per year. It is estimated that the evaporator which is now being constructed at the site will concentrate the wastes to a volume of about 400,000 gallons per year, and that this

annual amount can be disposed of in two batches of 200,000 gallons each.

3. Post-Injection Research

Monitor holes drilled around the injection well provide information on the extent of the grout sheets. It has been found that in some instances the sheet bifurcates, one or more times, resulting in multiple sheets from one injection. One explanation of this behavior is that the leading edge of the advancing grout becomes dehydrated, owing to absorption of water by the shale, with the result that increased viscosity creates a dam against which the more fluid grout cannot move; the fluid then breaks through to another bedding plane. An alternative explanation is that multiple fractures were produced by water under pressure and that the grout entered two or more fractures more or less simultaneously. Similarly, the grout sheet could divide at points of natural weakness in the formation, passing up or down along pre-existing fractures, and then propagating laterally along bedding planes. The field data suggest that all of these processes were operative in the ORNL experiments.

Further research involves measuring the amount of uplift of the surface of the ground resulting from insertion of several sheets of grout between beds of rock strata in the subsurface. The areal extent of each sheet is first determined in a general way by observing the arrival of the leading edge at predrilled monitor wells and also by drilling core holes in the area after the grout has set. The exact outline is impossible to obtain by this method, and it may be presumed that lobes or fingers extend beyond the mapped area in places and that indentations likewise occur. This would be true especially where the lithology of the reservoir formation is uneven so that travel of the grout is free in one direction or place and impeded in another.

The mapping shows that in many cases in the Oak Ridge experiments the outline of a grout sheet is ovoid rather than discoid, and that it is eccentric to the point of injection. The shape and accentricity are presumably due largely to structural attitude or dip of the beds, in which increasing overburden weight downdip forces the grout to move updip.

A series of traverses by precise spirit-leveling of the ground surface across the area of injections was conducted, in order to determine the amount of uplift caused by each injection. It was found that the amount of uplift is generally equivalent to the thickness of the group sheet as observed in cores taken from post-injection borings. The area of uplift, however, is not identical with the area of the sheet. The rock strata apparently reacted as a semi-rigid crust, so that uplift commonly extends beyond the observed edge of the sheet. As would be expected from such behavior, the outline of the uplifted area has no lobes or indentations. Although the seams of grout that can be observed in core samples of the strata are generally only about 1/16 to 1/8 inch thick, the maximum uplift of the surface is about 1/2 inch. As the maximum invariably occurs at or near the injection well, it is assumed that the grout sheet there is about 1/2 inch thick whereas farther away, at the cored locations, it is thinner.

The relations between volumes of waste and the amount of uplift are indicated by the following tabulation of two injections selected as examples:

Volume injected (gallons)	Area of grout (feet)	Diameter of uplift (feet)	Height of uplift at apex	
			Feet	Inches
97,000	700×250	1,000	0.014	0.168
132,000	650×400	1,500	.040	.480

The possibilities of damage that might be caused by repeated uplift of the ground surface around a single much-used injection well have been considered. As the amount of uplift increases cumulatively, presumably a position would eventually be reached at which structural damage would be caused to surface installations such as pipelines and buildings. Evaluation of this possibility is an engineering problem which the Committee is not prepared to discuss.

Another possible type of damage, more serious but also more difficult to appraise quantitatively in advance of its occurrence, is contamination of potable ground waters above the grout sheets when tension cracks, small faults, or other fractures are created in near-surface strata by stresses resulting from arching. This kind of damage is not probable, however, for in a vertical sequence of 900 feet of layered rock the distortion would probably be created by elongation, which presumably would result in normal faulting; the slippage would be of small displacement, leaving no open fractures. In contrast, the amount of vertical uplift created by the injections is trivial, where 100 injections in the same well would raise the surface only 50 inches.

4. Conclusions

Hydraulic fracturing of rock formations is widely practiced throughout the petroleum industry. Experience gained through this work has indicated that fracture orientation depends on naturally inherent local stress distribution and rock inhomogeneities which vary from one geologic environment to another. We now know that general statements regarding fracture behavior can be misleading. For example, although it was early recognized that bottomhole pressures equal to 0.6 or 0.7 times the overburden pressure would always produce vertical fractures, it was also held that horizontal fractures would always be formed if overburden pressures were exceeded in the well bore. Experience has shown that the majority of all induced fractures are vertical; there is probably little horizontal fracturing at depths greater than 1000 feet, and 50 percent of shallow fractures are vertical. Inasmuch as vertical joints produced by natural forces commonly occur even in areas of tectonic stability, the prevalence of vertical induced fractures must be anticipated. Each case and area must be evaluated individually in terms of rock characteristics and pressures required to produce various types of fractures.

A few examples of fracture-pressure relations in the field illustrate the preceding comments. At depths of 1300 to 1500 feet in the Anona Chalk, Pine Island oil field, Louisiana, only vertical fractures were produced at pressures exceeding overburden pressure. In Colorado, the Green River shale yielded only vertical fractures at depths of 100 to 200 feet and at pressures two to ten times the overburden pressure. Horizontal fractures were produced at 400 feet in the Athabasca tar sands in Alberta at two to three times the overburden pressure, but the fractures did not coincide with notches that were cut in the well bore. Thus, in any given field situation the formation of interest should be subjected to experimental fracturing in order to determine how it will respond to various bottomhole pressures. As apparently is the case at ORNL, certain formations with characteristic bedding-plane weaknesses will be amenable to horizontal fracturing at shallow depths. At the same time, however, some vertical fracturing should also occur, especially where pre-existing joints are present.

It must be emphasized, therefore, that the successful experiments at Oak Ridge are probably not duplicatable at all other sites, because of differences in geologic conditions from place to place. Local conditions should be investigated carefully and pilot tests conducted before a site and a shale formation are accepted for grout injection.

In the routine of monitoring the grout injections, continuous liaison should be maintained between waste-disposal personnel and the specialists at major industrial research laboratories where new subsurface engineering techniques are being developed. Technological advances in downhole logging and reservoir mechanics, such as the use of cement-bond locks and fracture-finding devices, should be exploited in subsurface disposal procedures. The use of tiltmeters to record minute changes in surface levels will help to map the distribution of grout sheets. Disposal technologists may well profit from early knowledge of new subsurface devices and methods.

C. Solidification of liquid waste

Several processes for converting high-level liquid wastes to solids have been investigated, and some have reached an advanced stage of development. Basically, the products of these processes fall into two categories, the calcines and the glasses or ceramics. These processes which have shown sufficient promise to warrant more extensive development are: pot calcination, fluidized-bed calcination, spray calcination, and the introduction of phosphate, borate, or silica to yield a glassy product that is resistant to leaching. Currently a Waste-Solidification Engineering Prototype is under construction at Battelle Northwest Laboratories (formerly Hanford Laboratories) where some of these processes will be tested under operating conditions with actual high-level radioactive wastes. To be demonstrated are the pot and spray calcination processes and the production of phosphate glass and ceramics. Under present plans the solid products will be stored at the surface in stainless-steel tanks enclosed in concrete shells, and will be studied in order to determine their long-term stability.

The ultimate objective of the entire solidification program for high-level wastes is the production of a form of waste which can be stored safely, economically, and with the greatest security to mankind. The engineering aspects of the processes are not within the scope of this Committee's ability to evaluate, but the manner of disposal or storage of the end products is of concern to use to the extent that it involves the geologic environment. In this respect we are interested also in the stability of the product.

The Committee is favorably impressed with the whole solidification program, because it promises relief from the problems of storing and disposing of high-level liquid wastes at present sites where disposal into the ground anywhere near the fresh-water aquifers would be intolerable. We are especially hopeful about the glass or ceramic products, because they may be safe from serious leaching and, thus, from release of hazardous radionuclides, for periods of many centuries.

At the same time, the Committee does not favor the suggestion that high-level radioactive calcines may safely be stored above ground or at shallow depths and above fresh-water aquifers at existing plant sites as a permanent disposal. In our opinion such a disposal of high-level long-lived radioactive solids is contrary to the rules of safety which AEC has sought to establish for handling of radioactive materials. The emplacement of such hazardous solids in salt vaults after a suitable cooling period would appear to be an obvious requirement.

An alternate suggestion that high-level radioactive solids might safely be stored in tunnels constructed in hillsides in a desert environment cannot be accepted without thorough research and experimentation. Of particular concern here would be the travel of ground-water floods resulting from once-a-century catastrophic deluges.

D. Ion-exchange studies

1. General

Ion exchange and other sorption phenomena have been studied by research personnel at the various AEC installations with respect to both synthetic materials and natural minerals. The studies include not only evaluation of the usefulness of synthetic materials and natural ion-exchange minerals for predisposal waste-treatment processing, but also the determination of the ion-exchange characteristics of the earth materials underlying the AEC reservations and environs. The earth materials are best studied *in situ* rather than in the laboratory, because of directional phenomena resulting from lithographic variations from place to place. The studies concerned with waste-treatment processing reveal economic parameters which compare favorably with those of other forms of fixation that are being considered for predisposal processing of waste.

We concur with the investigators that ion-exchange materials may be useful as a means of removing radionuclides from low and intermediate-level wastes in order to permit waste water to be disposed to the environment. By ion exchange the radioactivity in high-level wastes also is fixed in a form for easy packaging as a recovery procedure in order to render the isotopes available for subsequent beneficial use. It should be noted that efficient sorbants that are completely or nearly saturated with radionuclides must be considered as intermediate-level waste and treated as such during ultimate storage or disposal.

In connection with direct disposals to the ground, it is emphasized that (1) where the exchange capacity of the soil or rock is high, constant watchfulness will be necessary in order to avoid excessive concentrations of radioactivity, and that the distribution pattern of the waste will not be known exactly; (2) where the exchange capacity is not high, channelization will take place, as in the basalt at NRTS. In either case future changes in groundwater composition or patterns of flow may desorb the radionuclides and move them—an intolerable risk, or they will eventually proceed at excessive levels directly to the environment.

Ion-exchange studies of the earth materials underlying the four operating sites are in progress, and the Committee agrees with the investigators that in some areas much remains to be done. At no site have studies been completed on the distribution and exchange capacities of the reactive materials in the soils and the underlying consolidated or unconsolidated rocks, and thus there is not a full understanding of the sorption and fixation processes and rates of movement of radionuclides beneath the plant sites.

2. Savannah River Plant

The Savannah River Plant is located in a humid region having a complex drainage network tributary to the adjacent Savannah River. The site is underlain by about 1000 feet of partially consolidated sediments. Because much of the surficial material is sandy and admixed with kaolinitic soil or clay lenses, ion exchange can be overemphasized as an important retardant of radionuclides at this site. Low-level wastes have been discharged to pits and streams. Abandoned pits have been isolated hydrologically by clay caps and peripheral dikes. Radioactively contaminated solid trash is buried in shallow treaches about 20 feet deep under a soil cover. High-level wastes are neutralized and stored in steel tanks which are buried under 8 or 10 feet of soil. Several factors point to a potentially hazardous problem resulting from past and present disposal practices. Long-term hydrologic studies of the ground-water regimen at Savannah River Plant have not been made; therefore, predictions of the maximum (once-in-century) rise of the water table would be tenuous. At this site, with its shallow water table, an exceptional rise of the water table could easily cause invasion of the abandoned pits and trash-containing trenches. Radionuclides would then be subject to desorption and other forms of leaching that would permit them to be mobilized and carried into the regional ground-water system. A major failure of one of the high-level tanks would probably overwhelm the safety devices designed to cope only with small seeps or leaks.

3. Oak Ridge National Laboratory

At ORNL much research is in progress in the field of mineral sorption; emphasis currently is on "fixation" (irreversible) phenomenology as compared to ordinary ion-exchange processes. The value of these studies will be proven if an economical process is developed to remove large quantities of radionuclides from liquid wastes by fixation on material that can be safely and economically stored or disposed. Unfortunately, most of the natural minerals that are able to "fix" radionuclides commonly found in waste are uncommon in the earth materials underlying the ORNL site. However, it has been reported by ORNL that desorption of cesium from Clinch River sediments is so low under most conditions that it may be considered "fixed." Past pit disposals, unscheduled releases, and leaks from stored or transported material have saturated the ion-exchange capacity of some of the sediments and rocks for certain radionuclides in parts of the ORNL site. Ground water that is tributary to the Clinch River or to its tributary streams commonly contains substantial quantities of strontium^{90} and rubidium^{106}. It was reported to the Committee that in the reach of the Clinch River between ORNL and its confluence with the Tennessee River, radioactivity measurements indicated that the gross radioactive burden of the bottom sediments was 2000 curies. Most of this activity is, in all probability, derived from radionuclides sorbed on the sediments. However, it is not known what fraction is actually adsorbed and what is immobilized by being held to particulate matter by some other mechanism.

Because ORNL, with a climatic and geohydrologic environment similar to that of the Savannah River Plant, has little in its environment to attenuate radionuclides except the ion-exchange capabilities of the system, here too disposal of waste to the environment should be discouraged. Limited ion-exchange capacity and hydrogeologic characteristics at these plants prescribe that much of the environmental disposal capacity should be held in reserve as insurance for operational accidents or possible accelerated movements of radionuclides from waste previously disposed. It would appear that a systems analysis of the ORNL site, the Clinch River, and part of the Tennessee River is called for, in order to determine the waste budget of the entire system. In this way, the impact of radioactive waste on the biosphere from both the stationary ion-exchange media (earth materials at the site) and the mobile ion-exchange media (stream-bed sediments) may be appraised.

4. National Reactor Testing Station

The National Reactor Testing Station, Idaho, is underlain by basalt flows which include intercalated sediments and in large areas a surficial cover of alluvium. Some liquid wastes are released to the environment at the site through wells or into ponds. Radioactive trash and other low-level solid material are buried in slit trenches covered by several feet of back fill. Gross ion exchange beneath the site is thought to be small not only because of the limited amount of sedimentary material, both surficial and intercalated, but also because the basalt has been little altered to minerals having ion-exchange capabilities. Although some ground water is perched in both the sediments and the basalt, the top surface of the regional ground-water body lies entirely deeper in the basalt, the water table lying several hundred feet beneath the land surface. Thus, with transmissibilities in the basalt as high as 15 million gallons per day per foot and a maximum rate of travel time of 50 to 60 years to springs in the Snake River Canyon, it is imperative that dilution and decay of radioactive wastes be considered when evaluating the safety of ground disposal at this site. Storage basins using clinoptilolite or other ion-exchange material seemingly are very effective for removing radiocesium and slightly less so for removing radiostrontium to less than drinking-water standards. It would seem that this method should be encouraged for primary treatment of wastes and that the ion-exchange capacity of the earth materials should be reserved for emergency safety procedures.

5. Hanford Atomic Products Operation

The Hanford Atomic Products Operation is making studies for the use of ion-exchange both as part of its waste-processing practice and as a useful natural radionuclide retainer in the subsurface material at the site. Additional waste is now being disposed of directly to the ground. Most of this waste is discharged to and contained in the sedimentary Ringold Formation which overlies the basalt terrane in this area. The movement of the waste has been down gradient towards the Columbia River, but with a laterally spreading dispersion front. Careful monitoring of the movement of this waste indicates that there has been some differential retardation of the various radionuclides by ion-exchange; tritium and ruthenium seem to have been the least attenuated. A problem may occur when this waste front breaks through at the river channel. After break-through, continued disposal to the Ringold Formation would sustain the volume of effluent to the river, but cessation of waste disposal to the ground would not necessarily alleviate immediately the problem of radioelement contamination of the Columbia River. The Ringold Formation could drain for years after ground-disposal practices have been stopped, but probably with a tapering-off of the volume of effluent. Any contributions of radionuclides to the Columbia River from subsurface effluents will have to be considered as part of the river burden when determining the one-tenth RCG at the nearest point of use. Should direct discharge of waste to the Columbia River be at or near the concentration restrictions that are determined by the downstream use, plant operations may have to be curtailed or other means found for disposal of the waste.

6. Conclusions

At all sites where continuous disposal of low-level wastes or frequent unscheduled releases to the earth materials underlying the site occur, there is always the danger of a build-up of concentrations in the soil and underlying rocks. An equilibrium may be established by balancing the rate of disposals with the rate of decay of radioactivity; continuous disposals beyond this rate could lead eventually to hazardous excesses of concentration, at which point the earth materials would no longer be a suitable disposal medium.

Future changes in the ground-water regimen through intensive agricultural irrigation or nearby construction of dams or other water-regulatory works may easily affect earth materials containing adsorbed radionuclides. Especially reactive will be the unconsumed irrigation water containing dissolved fertilizer components and biological refuse from plants and soils. Since ion-exchanged nuclides on earth materials are subject to reversible equilibria, under leach-

ing conditions that may be superimposed by radically different water introduced into the system, there may easily be induced a removal rate that is much faster than the sorption rate. The future chemical condition of the soil and applied water is not always predictable, as man's requirements from his environment are likely to change in future years of land use in the United States.

E. *Bedrock storage at Savannah River*

1. The Waste-Disposal Problem

High-level liquid wastes at SRP are alkaline, aqueous solutions derived from the treatment of spent reactor fuels in chemical-separation plants. They are piped first into water-cooled tanks to remain there until the greater amount of heat from decaying radioactivity has been dissipated. Low-activity water is then evaporated and the condensate sent to seepage basins; the residue goes into uncooled storage tanks. The tanks, built of steel and concrete, are located below the surface of the ground, each one on a steel "saucer" which serves to collect small quantities of liquid in case of a leak in the tank. At present there are 24 tanks having a total capacity of 23,400,000 gallons.

After about eight years of storage for decay of the shorter-lived isotopes, a typical waste contains several inorganic sodium compounds, 0.1 to 10 curies per gallon each of strontium^{90} and cesium^{137}, and trace amounts of plutonium and neptunium. Physically it consist of two fractions—a supernatant liquid containing nearly all of the cesium and a sludge containing nearly all of the strontium, probably as an insoluble carbonate. Inasmuch as laboratory tests indicate that reaction between either an alkaline or an acid waste liquid and the rock of the basement complex would form a nearly neutral solution, it is assumed that after several years storage in a bedrock chamber the strontium would be in solution as a bicarbonate.

Strontium^{90}, with a 28-year half-life, and cesium^{137} with a 30-year half-life, are the elements of hazard in these wastes, for a period of at least 600 years would be required for their decay to innocuous levels. Although no severe emergency has yet appeared in the tank-storage program, four lesser leaks have occurred in a little over ten years, and it is commonly agreed that safer permanent storage or disposal facilities are demanded. The concept of emplacement in caverns to be excavated in the basement rock under the plant site is currently a proposed solution to the problem. The engineering design would include the construction of a shaft through the sedimentary column and far enough into the basement rock to be clear of the upper interval of more highly fractured rock. Investigations to determine the feasibility of the method are being conducted by SRP personnel.

The critical factor in all of the investigations and in the Committee's discussions is the proximity of the basement rocks to the fresh-water aquifers which overlie them, the only separation between the two being approximately 50 to 100 feet of clay. Pertinent aspects of the geology of the proposed disposal site are described more fuly in the following paragraphs as a prelude to further discussion.

2. Geology

Sedimentary strata that have been penetrated in various borings at the site have a combined thickness ranging from 877 to 972 feet.

* * * * *

The topography of the interstream areas must have been similar to that of the present Piedmont province, uneven and hilly, and the crystalline rocks undoubtedly were exposed at the surface in some of the more prominent hills as well as in stream-cut banks. It is difficult to imagine an area of Precambrian outcrop in which a soil cover blankets the entire surface without a break. Recognition of the probable existence of buried channels and erosional knobs beneath the Tuscaloosa Formation in the coastal plain is critical to any interpretation of subsurface data regarding lateral continuity of the layer of saprolite clay.

The basement rock consists of gneiss and schist, both of which are foliated crystalline rocks, and lesser amounts of quartzite and phyllite. The upper portion of the rock complex is generally highly fractured and weathered, the degree of fracturing and decomposition becoming less with greater depths. Below the upper 200 or 300 feet the rock is generally more nearly whole, although fractures do persist to the greatest depths that have been observed. Some fractures are "hairline" cracks which can be detected in hand specimens only by the application of penetrating oils. Others may be a measurable fraction of a millimeter. In the case of faults, where the rock mass on one side has moved in relation to the rock on the opposite wall, they may be inches wide and filled with fracture rubble. No such fault-gouge or breccia zones have been recognized in the deep boreholes thus far at SRP.

Obviously the rate of flow of ground water through the fracture system should be expected to vary from place to place, depending on the width of the cracks and crevices, but over large areas a single rate may be computed. It is the hydrology of this flow system that SRP has endeavored to analyze by tests and observations in deep boreholes. Seven holes have been drilled to depths approaching 1000 feet below the top of crystalline basement rocks at the proposed excavation site. An eighth hole, near the Savannah River in the west corner of the SRP reservation, reached the basement at a depth of 690 feet and was completed at a total depth of 765 feet. A ninth, in the south part of the reservation, reached the base of the Tuscaloosa(?) Formation at 1218 feet; a core taken from the interval 1299 to 1313 feet, the total depth, is rock that has been identified as Triassic in age.

The southeastward or seaward slope of the pre-Cretaceous surface is revealed by the increasing depth of the base of the Tuscaloosa sandstone in that direction. The well logs also indicate increasing thickness of the Tuscaloosa Formation itself in the same direction, although exact stratigraphic correlation of the sand stone units above the Triassic sedimentary rock in the ninth hole has not been determined. Ground-water reserves are therefore assumed to increase southeastward toward indefinite boundaries where the aquifers, becoming deeper, are more compacted and less permeable, the sandstone becomes more shaley, and the water is more saline.

3. Hydrology

a. Present status of investigation

A great mass of information has been accumulated concerning both the nature of the rocks and the hydraulic characteristics of the water systems in the sedimentary strata and in the underlying basement. In addition to the nine deep wells mentioned above, nine shallower borings have been drilled, in clusters of three at three different locations in the prospect area, as observation wells at various depths in the Tuscaloosa Formation. Data regarding water levels and their fluctuations have been recorded from all eighteen observation wells in addition to shallower water wells that are producing in the area, and estimates of permeability and flow rates in various zones have been made by computations from input and output volumes in pumping tests. Samples of fluids and rocks in the Tuscaloosa Formation and the basement complex have been analyzed for chemical and physical characteristics. As would be expected, fluid movements were found to be much slower in zones of essentially "unfractured" basement rock than at depths where conspicuous major fractures had been logged. At the same time, withdrawals from major fracture zones in one well affected water levels in other wells, indicating that the network of fractures contains a single hydrologic system throughout the observed portion of the basement.

Several groups of data, computations, and lines of apparently related evidence lead SRP to conclude that the hydrologic system in the basement rock is effectively separated from that in the Tuscaloosa Formation by the saprolite clay layer:

(1) The clay layer is essentially impermeable or only slightly permeable and is believed by the on-site investigators to be continuous and unbroken throughout the area of the SRP reservation.

(2) The hydraulic head in the basement aquifer stands about 20 feet higher than that in the Tuscaloosa Formation.

(3) Both chemical analyses and electric conductivity measurements show a greater content of dissolved solids in the basement waters (822 to 7140 ppm; 1250 to 9650 micromhos) than in the Tuscaloosa (39 to 65 ppm; 55 to 100 micromhos).

(4) Chemical analyses show different gas contents in the two aquifers:

	Total gas ml/l	Average composition (percent of volume)						
		N	He	A	O	H	CO	CO_2
Tuscaloosa	0.1	93.2	0.00	1.09	4.14	----	----	1.61
Basement	.6	91.0	6.0	1.1	1.1	0.3	0.4	.2

Mapping of fractures in the basement, and calculations of the rates of water movements in both systems, coupled with the interpretations of the saprolite clay layer as an effective seal between the two, led to the following conclusions by the SRP staff regarding the safety of the proposed storage procedures.

(1) By the aid of the preliminary borings at a selected site for excavation it should be possible to place a storage chamber in a location that is not crossed by a major fracture.

(2) By only partially filling a storage chamber with waste liquid and then sealing it and thus creating locally a hydrodynamic low-pressure anomaly, the influence of the natural hydraulic gradient as a mechanism in moving the radioactive fluid out of the chamber would be delayed. In view of the slow movement of fluids in the "sound" rock in which the chamber is to be constructed, it is estimated that a delay of perhaps 100 years can be effected.

(3) Having escaped into fine fissures in the "sound" rock, the radioactive fluid will move at a rate which is calculated to be about 1.4 feet per year, or 840 feet in 600 years. At this rate, travel time to the Savannah River would be 30,000 years.

(4) If in its travel the radioactive fluid finds and enters a major fracture, its velocity then becomes something on the order of 7.2 feet per year or 4320 feet in 600 years. Travel time to the Savannah River would be 5500 years.

(5) If escape routes should lead upward into the Tuscaloosa Formation through an unsuspected path in the saprolite clay layer, the fluid would move downgradient in the Tuscaloosa at a rate computed to be 360 feet per year or a travel time of 100 years to the Savannah River.

(6) The above computations disregard the effects of ion-exchange, which would be relatively insignificant in unaltered basement rock, moderately effective in weathered rock, and substantial in the Tuscaloosa Formation. Laboratory studies have been made to determine the ion-exchange characteristics of the various rock types in the Tuscaloosa Formation and the Precambrian basement.

SRP concludes that the delaying actions of the several "barriers" cited above are sufficient to make the proposed disposal method safe. The long travel times would render the radionuclides ineffective as hazards by the time the Savannah River is reached, and numerous impermeable barriers above the Tuscaloosa aquifers would protect surface drainage from contamination by fluids that might escape from the basement storage chambers.

Accordingly, a conceptual design has been developed for excavating a storage facility in the basement rock. It would consist of four 5,000,000-gallon storage chambers 1300 to 1700 feet underground, an access shaft, service facilities, and encased pipelines from the Separations Areas. The construction cost is estimated to be $12,500,000, a unit cost of $0.625 per gallon of stored waste. If the chambers are filled to only two-thirds of capacity, in order to create the negative hydrodynamic anomaly that has been suggested, the unit cost would be $0.938 per gallon.

b. Evaluation of present hydraulic information

Much ingenuity in testing the systems and a great deal of thought in interpreting them have been demonstrated by the SRP staff. However, in the absence of readily available other methods, computations of transmissibility and of velocity of movement in the crystalline rock of the basement have been based on the concepts which originated and were developed for homogeneous sandy formations ("granular aquifers"). Many anomalies in the reactions of the wells to pumping, earth tides, and atmospheric changes show that the concept is of doubtful validity in this application. Further, the concept for computation of velocity of the water in the fractured crystalline rock is based as an essential part on the potentiometric gradient between the prospective site of the shaft and the Savannah River. Knowledge of the water level in the Precambrian bedrock at the river is based on the water level in one well, in which it can be determined only with considerable uncertainty. The potentiometric map for the bedrock water, based in part on this water level, represents an unexplainable pattern of flow. In any future work all of the data that were used in constructing this map should be evaluated anew in the light of the overall pattern of flow that is implied.

With regard to the pumping test data, the use of the Jacob method by the SRP staff, in which only the constant and log terms in the expansion of the exponential integral or "well function" are used, is not justified because for these data the other terms in the expansion are significant. However, the inaccuracies in the computation of transmissivity and storage do not appear to be serious in the present context. More seriously, the given data do not conform in detail to the theory of cylindrical flow in a quasi-homogeneous acquifer. In most wells there was a different rate of response in the early stages of pumping of DRB–6 than in the later stages.

All data from the pumping tests seem to indicate that the hydrologic system in the basement rock in the test area is completely or almost completely isolated from that in the overlying Tuscaloosa aquifer; the drawdown curves for the wells increase with time in rate of fall, relative to that required for cylindrical flow, instead of flattening as they should if vertical replenishment through the saprolite were taking place. However, so long as the characteristics of flow are not completely understood some elements of doubt remain.

Five types of information are available for the combined rock-water system in the basement:

(1) A model to serve as a criterion may be set up as a flow through a series of equally spaced plane fractures to account for the transmissivities observed during the pumping tests. Using values of transmissivities and thicknesses of aquifer that are acceptable for the data of the pumping test, the width of such a fracture, in centimeters, is in the order of $10^{-3}s^3/_2$, in which s is the spacing of such fractures in centimeters. The porosity of such a system is $10^{-3} \times (^1/_2)\ ^2/_3$. These data indicate fracture widths and porosity, for fracture spacings as follows:

Distance between fractures (centimeters)	Width of fracture (millimeters)	Porosity (percent)
1	0.01	0.001
30	.03	10^{-4}
300	.067	2×10^{-5}
3,000	.173	5×10^{-6}

These fantastically small widths must be increased somewhat for (a) increased length of path between points through an intersecting joint system, (b) irregular and probably rough walls in the actual fractures, (c) motion around places of contact of the walls, (d) perhaps electrical effects on the moving dissolved ions. The previously indicated porosities would be increased proportionately. Nevertheless it seems probable that the actual velocity of the water in the cracks in the crystalline rock would be much greater than that computed by the SRP staff because these small porosities apply to the "major fracture zones." A very interesting problem is also posed as to ion-exchange characteristics of such very small cracks, perhaps with mineralogically somewhat altered walls.

(2) With the reduction in head and pressure in the water in the fracture system during pumping, an equal pressure from the weight of the overburden is transferred to the rock system, and the strain pattern in the rock is changed. Some water is taken from storage owing to the expansion of the water and any change in the volume of rock that may occur owing to the shift instress distribution. In hydrologic work with granular aquifers it is usually assumed that the overall thickness of the aquifer is changed by the shift in stress, and that the total volume of the sand grains is not changed. A fairly simple model results. In fractured crystalline rocks of very low overall porosity, the contribution of the expansion of the water to the "coefficient of storage" of the hydrologist, or to the "compressibility of the water and formation" of the oil-reservoir engineer, is comparatively small, and the deformation of the rock masses between fractures may be of great importance. This model is apparently more complicated.

(3) An increase in barometric pressure depresses water levels in wells. If none of the pressure was impressed on the water in the aquifer, the drop in water level would be equal to the rise in a water-barometer. The difference between the two represents the part of the barometric load that is imposed through the overburden on the water in the aquifer. In the case of a granular, confined aquifer, there is again a simple relation between the "coefficient of storage" and the "barometric efficiency" of a well, and one can be computed from the other, at least approximately. Again the model for a fractured crystalline rock may be more complex, but a proper interpretation may further indicate the characteristics of the fractures. Apparently about one-half of the barometric variation is transferred to the water in the rock system in the Savannah River wells, although apparently also there are some lag effects that may suggest other characteristics of the fracture system.

(4) The body tide of the earth produces a small strain in the rocks near the surface of the earth amounting to the order of 10^{-7} on the horizontal cross section. This tiny strain produces in all wells in confined aquifers a measurable fluctuation, in many wells concealed by larger fluctuations from other causes. In the wells that are in good connection with the fracture system in the Savannah River area (all but deep wells DRB–2 and DRB–7), the maximum fluctuation at times of new and full moon, is about 0.3 feet. Because the tide is a cyclinical phenomenon those wells that are in poor connection with the joint system should theoretically show fluctuations with decreased amplitude and a lag in phase. DRB–2 has a maximum fluctuation of about .03 feet and seems to be about four hours out of phase. DRB–7 has a still smaller fluctuation, and its phase lag is difficult to determine.

The tides produce a definite small strain in the aquifer as against a stress due to barometric loading and a shift in stress from water to rock material during pumping tests. It is possible that an analysis of the three effects will give a clue to both the size and the distribution of the fractures in the main water-transmitting joint system.

A very peculiar perturbation of water level occurred during the pumping of wells DRB–3 and DRB–6 in the two tests involving pumping of these wells. Ostensibly these fluctuations are periodic, suggesting earth tides and probably barometric efforts, but if so the effects are greatly magnified in the pumping wells, apparently amounting to a few feet in DRB–3 and ten feet or more in DRB–6. Unfortunately changes in the pumping rate were made during both tests and, especially in DRB–6, measurements of pumping rate and depth to water were made at erratic times during the day. However, the fluctuations do not correlate with the recorded data on pumping rate and water level. If such large fluctuations are indeed to be correlated with the deformation of the rock system by tidal and barometric change, apparently they can only be caused by a change in fracture width and consequently in permeability. The observed changes could be so explained in at least a simple model if the main fractures are spaced something in the order of 100 feet apart.

(5) The tracer test with tritium, for which data are not now available, should provide among other things an independent estimate of the total volume of fracture space between the two wells. Thorough investigation of the hydrologic system in the basement complex by tracer injections of tritium should be of great value in revealing the direction, extent, and rates of movement of fluids. Full use of this technique is highly desirable.

c. Recommendations for further hydrologic research

The combinations of all the above forms of data should indicate a consistent model for the hydraulic characteristics of the basement complex, and therefore the nature of the rocks and the fractures in them. Until such an analysis is made it will be difficult to know the sort of hydrology with which we have to deal.

In order to make the hydraulic data more meaningful two things should be done. Continuous water-level recorders should be installed on all wells, including those with small piezometer tubes and the two deep piezometers at a distance from the closely drilled site. A microbarograph or other means of maintaining a continuous record of barometric fluctuations should be installed at the main drilling site. The regimen of barometric response and of tidal response should be determined for all wells

and should be of primary importance in learning the nature of fracturing at all available test points.

The second thing to be done is to make another pumping test under carefully controlled conditions with great care to maintain the rate of flow within an accuracy of one percent. Readings of water level should be made in the pumping well at fixed times of the day with assurance that no errors occur. The test should be run at least through periods between full moon and new moon, and at these times readings of water level in the pumping well and flow should be made around the clock. Evidently a continuous recorder would be preferred.

In the previous tests, anomalies in the data were treated as nuisances to be disregarded in fitting the data to the concept of a granular aquifer. Another test should be made in search of anomalies that are due to the nature of fractured rock aquifers, and no anomalies that are due to faulty procedure can be tolerated. Wells can be used as geophysical instruments, and the fluctuations of water in them under known conditions are likely after adequate study to give a truer picture of the hydraulic system than do any of the conventional geophysical techniques.

4. Conclusions

The Committee recognizes with appreciation the intensive and intelligent work of the SRP staff on the problems connected with the bedrock-storage concept, but is still dubious about its demonstrated safety. The placement of high-level wastes 500 or 1000 feet below a very prolific and much-used aquifer is in its essence dangerous and will certainly lead to public controversy. Any demonstration of its safety must leave no shadow of doubt.

The Committee is divided with respect to the advisability of continuing the investigations toward bedrock disposal of high-level wastes at SRP. Those who favor continuance feel that the next steps should include:

(1) Re-analysis of all of the hydrologic data from the basement rocks on the basis of fracture porosity rather than by methods designed for analyses of granular aquifers.

(2) If the new analyses provide sufficient justification, the performance of new and more carefully controlled tests in existing wells as described elsewhere in this report.

(3) If analyses of data from the new pumping tests are encouraging, the drilling of several additional deep observation wells at locations where the excavation of shafts and vaults might be contemplated. At least four borings into the basement at any such location should be planned. Presumably the new drillsites would be chosen where the least permeability in the basement rocks might be expected, as perhaps in the vicinity of DRB–2 and DRB–7, and eastward. The hydraulic characteristics of the rock-water system would be studied in these wells in the ways outlined in Chapter VI–E.

In drilling any new borings the shale and clay interval at the Mesozoic-Precambrian contact should be sampled and studied, particularly with respect to dissolved elements in extracted fluids at progressive levels in the interval. Also, sonic (acoustic) logs of the complete borings, from top to bottom, should be made at each drillsite, for use in evaluating the possibilities for a successful seismographic survey of the basal clay layer.

The value of tritium-tracer tests for empirical determinations of flow direction and velocity in the basement rock is emphasized again because of their immediate usefulness and accuracy.

The excavation of a shaft and chambers would provide the best evidence of the possibility of permanently leakproof chambers. The Committee reiterates its recommendation of earlier years that SRP representatives visit one or more mines in Precambrian basement rocks in the Piedmont province, in order to observe the water-entry problems in those places. It probably is pertinent also to point out that although the integrity of a mined opening as a leakproof chamber can be examined and evaluated, the construction of a shaft and chambers is not expected to add substantially to knowledge of the hydrologic conditions in the basement rock in sectors not contiguous to the excavations.

It is the opinion of the majority of the Committee that the prospect of storing high-level nuclear wastes safely in the crystalline rocks below the prolific Tuscaloosa aquifer is poor. Mining experience indicates that the amount of water developed in mines is much greater than that produced by wells in the same rocks, because mines intersect a much greater number of fractures and other water-bearing zones than wells of comparatively small diameter are likely to do.

There are several elements of indecisiveness in the present evidence for or against the safety of the proposed storage system. In the first place, rapid growth in demand for water can well lead within much less than 600 years to the need for heavy withdrawals of water from both Tuscaloosa aquifers.

In the second place, work on the hydrology of the bedrock has been based largely on methods developed under the concept of the homogeneous granular aquifer. Many anomalies in the hydrologic data thus far obtained confirm the *a priori* doubt that such a model can be trusted when applied to fractured crystalline rocks.

Thirdly, any slow leakage from the bedrock system into the much greater flux in the Tuscaloosa Formation would almost certainly be unrecognizable by chemical means. The difference in helium content between the two systems, for example, may be due to the inability of analytical methods to detect minute amounts of helium that might enter from the basement rock into the Tuscaloosa Formation, there to be promptly swept downstream. A similar observation may be made with respect to the differences in salinity. The greater amounts of nitrogen, oxygen, and carbon dioxide in the Tuscaloosa water may simply reflect a greater intake of air in recharge areas.

Fourthly, the difference of only 20 feet in hydraulic heads between the systems above and below the saprolite clay layer at the observation wells is insufficient evidence to prove complete effectiveness of the clay barrier throughout the area of basement rock which could become contaminated by escaped radioactivity. The hydrologic data, if correctly interpreted, reveal conditions at and near the test borings, but at short distances down-gradient, the direction in which contamination would move, different conditions may exist. There may even be an area in which no clay layer separates the two aquifers. A widespread grid of observation wells would be required to map the hydrologic systems to the extent required for complete safety.

A much more rapid and less expensive mapping technique exists and might aid in establishing the continuity of the clay layer. Currently available data are insufficient for determining its usefulness in this application, but the needed data can be obtained during any future drilling operations. The technique is high-frequency seismographic exploration, a geophysical tool which has been used successfully by the Petroleum industry (See Chapter VI–G, "Geophysical studies at NRTS"). It consists of measuring the depths to lithologic interfaces between rock layers of contrasting acoustic velocity characteristics by means of a high-frequency acoustic signal that is emitted from a source at the surface or in a shallow borehole. The time interval that is required for the acoustic energy to be reflected or refracted back to the surface is recorded, and the distance travelled by the high-frequency wave is computed from velocity data that were obtained previously from borings in the area of exploration. At depths of 900 to 1000 feet an interval of perhaps 30 feet containing rock of sharply contrasting velocities, as between firm sandstone or granite on the one hand and soft shale on the other, can be measured. The technique requires precise work with closely spaced "shot holes," using the best equipment. In this manner the position of the top and base of the clay layer might be determined at many closely spaced locations. If the basal contact is gradational, at least a minimum figure for thickness can be obtained.

In order to determine the suitability of the technique for application to the problem at SRP, it is necessary to have at least one complete sonic (acoustic) log of an uncased borehole, from the ground surface to a depth that is well into unweathered basement rock, for the purposes of (1) learning the amount of velocity contrast between the clay layer and both the sandstone above it and the crystalline rocks below, and (2) determining the velocity of the entire rock column through which the seismic energy will travel from the surface to the basement and return. Obviously several complete sonic logs would be desirable in order to obtain average velocities and to learn what variables might be anticipated. Unfortunately the only sonic logs now available are those that were run below the casing in the intervals of basement rock in six of the deep observation wells.

Shot holes and seismometer holes drilled with a small rig might be expected to cost about $1.00 per foot. An area of perhaps four square miles probably could be mapped at closely spaced intervals in about two months by an experienced crew at a cost in the neighborhood of $25,000 per month.

F. Deep-well disposal

1. General Considerations

Although disposal of liquid waste by injection into deep permeable formations has been considered for several years, important aspects of the subject have not been clarified. Rather, essential principles have been submerged in details which have slight significance to the over-all picture.

The term "deep" refers to any reservoirs in rock, not soil (see Glossary), which are below and so isolated from fresh-water aquifers that injected radioactive liquids will not obtain access to the aquifers either by natural means or by any process that is induced by the injections. In this context, we think of permeable sedimentary rock layers several thousand feet deep (generally at least 3,000 feet) in geologic basins, confined above by thick relatively impermeable strata such as shale or salt deposits. Ideally, reservoir space that is suitable for deep-well disposal should be vertically restricted and laterally unrestricted.

Insofar as they could be determined with available data, the subsurface geologic conditions at all of the plant sites visited by the Committee fail to meet the specifications stated in the preceding paragraph. At the same time, the Committee has never entertained the thought of using deep permeable formations as reservoirs for off-site disposals. Questions of transportation costs and safety engineering, therefore, do not enter into the Committee's considerations of deep-well disposals for radioactive wastes. The method is assumed to be a candidate for application to disposal problems only at suitably qualified sites, and in this light it is hoped that its advantages will be weighed carefully and applied as criteria in the selection of new plant sites.

All pore space is a permeable subsurface rock such as a layer of sandstone is occupied by naturally occurring fluids, principally

water (commonly brine) but in some places petroleum oil or gas or nonhydrocarbon gas. The fluid may be static or may be flowing, but in a tectonically stable basin at depths of several thousand feet, where we are dealing with indurated rock instead of loose soil or unconsolidated sand, the rate of flow is rarely more than about three feet per year. In 1000 years, therefore, under natural conditions a fluid would not move as far as one mile. In most instances the geologic basins that would be considered for deep-well disposal of radioactive wastes have dimensions ranging from tens to hundreds of miles in width. The natural flow is, therefore, insignificant and does not enter into computations in the following discussion.

2. Present Status of Research

At present the subject of primary concern when considering deep disposals is the eventual fate of the introduced radionuclides—where will they go, and how fast? The answers to these questions are being sought in some of the research programs that have been supported by AEC. One such study is an early one at ORNL, in which a slab of carefully selected Berea sandstone, having as nearly as possible uniform porosity and permeability, was treated as a laboratory-scale injection reservoir. A five-spot system of injection and relief wells was used to study flow patterns and rates and the dispersion of radionuclides. The movements of radioactive tracers were monitored at grid points in the 6′ x 6′ x 6″ slab. In addition, the effects of ion exchange were studied in a cylindrical core of the sandstone 10 inches long and 1.75 inches in diameter.

Similar experiments, but on a larger scale in the field, have been conducted at the University of California and were planned at Bartlesville, Oklahoma, as described above under the heading Historical Review.

Following the Bartlesville investigation, an attempt is now being made to find a more suitable site for such field tests. For economy and ease in acquisition, a site on federally owned or controlled land is preferred, and the following basic geologic requirements have been specified for the experiments: A flat-lying homogeneous clean sandstone, confined between impermeable strata in a structurally uncomplicated area; thickness between 5 and 50 feet; depth between 250 and 1500 feet; porosity between 10 and 30 percent; permeability between 160 and 1500 millidarcies. The objectives of experiments here will be to study under field conditions the possibility of determining the velocity of the radionuclides relative to that of water, study temperature effects, and to learn the extent of possible plugging of interstices by precipitates or by the swelling of clay particles resulting from any incompatibility between injected fluids and the natural fluids or minerals in the injection reservoir rock.

3. Hydrologic Considerations

A deep permeable reservoir contains brines having, in most cases, greater salt concentration than sea water. The composition indicates that fresh water has had only limited or no access to these reservoirs even during geologic periods of time. Nevertheless, the geologic configuration of any reservoir and the pressure pattern (pressure gradients or, more correctly, potential gradients) of the contained fluids should be well understood before it can be used to dispose of radioactive fluids. Furthermore, there should not be a chance that the brine will be produced either for its mineral content or as a byproduct of any associated petroleum. In addition, the disposal process itself should not cause the fluids to gain access to potable water reserves, either behind or through the casing in the disposal well or through fractures in overlying impermeable formations.

The mechanics of disposing of radioactive fluids in reservoirs differ from those for the disposal of any other fluid only in the precautions necessary to prevent escape of radionuclides from the system, and thus it is not only feasible but also highly desirable to use information that is available from the experience of various industries in the deep subsurface disposal of salt water and other liquid wastes.

The pressure required to inject fluids into a permeable formation creates the necessary space capacity in three ways: (1) compresses slightly the native formation fluid, (2) by exerting stress on the surfaces of pore walls it causes the rock formation to expand slightly, and (3) more importantly, it artificially stimulates movement of the formation fluids. As such a flow is radially outward, the highest pressures and pressure gradients are around the point of injection. When injection is stopped, the pressure increase disappears because a slight outward movement is sufficient to accommodate the expansion of the fluids and the contraction of the rock to their original condition. The relation between injection rates, pressures increase and the various parameters of the formation and fluids is well understood and will be discussed later in this chapter. The major source of difficulty lies in the collection and proper interpretation of geological and geographical data which will define the characteristics of the permeable reservoir that is being considered for injection.

The disposal of fluids in any subsurface reservoir stratum is accomplished only by moving both those fluids and the displayed connate fluids through finely porous rock, an operation which demands the application of energy, sometimes in large amounts. The required pressure is always in excess of the natural pressure of the formation fluids, the realization of which leads to a rather widely held belief that injection of large quantities of liquid waste would require pressures in the well bore of such magnitude that not only the reservoir rock but also the confining impermeable formations would be fractured. Experience in the petroleum industry has deepened the understanding of the flow of slightly compressible fluids in porous formations and has shown ways to minimize the pressure increases that are needed for the injection of liquids at high rates. Because of their importance in evaluating the concept of deep-well disposals, we shall discuss these pressure relations in some detail.

It is well known from theoretical considerations confirmed by practical observations, that in disposal systems the increase in pressure is directly proportional to the injection rate and to the viscosity of the liquid, and inversely proportional to the thickness of the formation and to its permeability. Taking these relations into account, in addition to the fact that the fluid is slightly compressible, the pressure effects of an injection rate of 500,000 gallons per day are illustrated in the following hypothetical example. The table shows the increase in pressure at the sandface and at various distances from the well at various times after injection was started. The results have been computed using the formation and liquid characteristics listed below and are collected in Table I.

Sandstone formation thickness = 50 feet.

Permeability = 500 millidarcies.

Porosity = 30%.

Undisturbed reservoir or aquifer pressure = 2500 psi.

Depth to injection reservoir rock = 5000 feet.

Viscosity of injected fluid = 0.5 centipoise.

Diameter of well bore = 6 inches.

Compressibility of rock and fluid (relative to volume of fluid) = 7×10^{-6} vol/vol/lb/inch^2.

Transmissibility = 1025 gal/day/ft.

Coefficient of storage = 45×10^{-6} (dimensionless).

TABLE I.—PRESSURE INCREASE IN PSI AFTER DAYS INDICATED AND AT VARIOUS DISTANCES FROM WELL

Distance (miles)	1 day	10 days	100 days	2.74 years 1,000 days	27.4 years 10,000 days	274 years 100,000 days
1	0.5	19.0	55.4	94.6	134.0	173.8
2	0	4.3	32.6	71.0	110.4	149.9
3	0	.8	20.5	57.1	96.4	136.0
5	0	0	8.2	40.1	79.0	118.4
10	0	0	.5	19.0	55.4	94.6
15	0	0	0	9.2	41.8	80.7
20	0	0	0	4.3	32.6	71.0
30	0	0	0	.8	20.5	57.1
40	0	0	0	.1	13.0	47.4
50	0	0	0	0	8.2	40.1
60	0	0	0	0	5.0	34.2
75	0	0	0	0	2.3	27.3
100	0	0	0	0	.5	19.0
125	0	0	0	0	.1	13.3
150	0	0	0	0	0	9.2
Pressure increase in well, at sandface	318.5	358.1	397.7	437.4	477.0	516.6
Total volume injected (MM/gal)	.5	5	50	500	5,000	50,000
Area flooded (acres) displacement efficiency 100 percent	.1023	1.023	10.23	102.3	1,023	10,230
50 percent	.2046	2.046	20.46	204.6	2,046	20,460

The table shows that the major portion of the increase in pressure on the sandface occurs during the first day after injection was started, and that this pressure increases slightly less than 40 pounds for each tenfold multiple of time. The table further shows the pressure increases that can be expected to occur in the disposal formation. It will take 274 years (100,000 days) and an injection of 50 billion gallons of liquid before the pressure at the sandface increases from 2500 to 3017 pounds. It is clear from this behavior that it will take an additional 2740 minus 274, or 2466 years for the pressure on the sandface to increase another 40 pounds. Also, after 274 years the pressure in the formation one mile away from the disposal well will have increased by 173.8 pounds, about ⅓ of the increase that is observed at the well itself.

Very generally, the natural subsurface formation pressures, measured in pounds per square inch, are 0.45 to 0.48 times the depth in feet. Where, in the example cited in Table I, we mentioned a pressure of 516.6 pounds at the sandface after 100,000 days of injection operations, it should be kept in mind that this pressure is in excess of the natural undisturbed pressure in the reservoir of 2500 pounds and that only this amount of pressure increase is available for fracturing the rock. Once injection ceases, the pressure increase disappears almost as fast as it had begun, for the simple reason that from that moment the only movement of fluids in the formation is that resulting from expansion of the fluids and contraction of the reservoir void space. Because the expansion coefficient of both the fluid and the void space are small, only a little movement is required to reduce the increased pressures.

Table II shows the decay of the pressure

increase in the well at the sandface, if injection is stopped after the number of days indicated. Within 24 hours after injection is stopped the pressure at the sandface is reduced by more than 300 psi, regardless of how long the injection has been going on.

TABLE II.—EFFECT OF DISCONTINUATION OF INJECTION ON SANDFACE PRESSURES (P.S.I.)

[Injection rate 500 gallons per day. Sand characteristics as in table I]

Injection continued for (and then is discontinued)	1 day	10 days	100 days	1,000 days	10,000 days	100,000 days
Pressure increase in well at sandface at moment injection stopped	318.5	358.1	397.7	437.7	477.0	516.6
Pressure increase in well at sandface (p.s.i.):						
1 day after injection stopped	11.9	41.2	79.4	118.8	158.4	198.0
2 days after injection stopped	7.0	30.8	67.6	106.9	146.5	186.1
4 days after injection stopped	3.1	21.5	56.0	95.0	134.6	174.2
10 days after injection stopped	1.6	11.9	41.2	79.4	118.8	158.4
20 days after injection stopped	.8	7.0	30.8	67.6	106.9	146.5
40 days after injection stopped	.4	3.1	21.5	56.0	95.0	134.6
100 days after injection stopped	1.2	1.6	11.9	41.2	79.4	118.8

The thickness, porosity and permeability used in the cited example may be higher or lower than found in the selected disposal reservoir. The effect of lesser porosity is to increase inversely the area to be flooded by the stated volume of fluid. Lesser permeability would increase the pressure that would be required to inject the fluid at the specified rates. Inasmuch as each characteristic can have a value that is different from the one used in the example, the number of combinations is great but their effects can be computed. The values found at each site will have to be considered when appraising the merits of the reservoir for disposal of fluids.

In oil-field operations, the objective of artificial fracturing of oil or gas reservoirs is to improve the permeability of the rock in order to incease the flow of oil or gas to the well opening. At the same time it is desired to avoid the loss of oil or gas through leaks that might unintentionally be created in the overlying or underlying impermeable formations. No reports of such leakages have been found in the technical literature of the oil industry.

Artificial fracturing is accomplised by the application of pressure through a column of fluid in the well, thus creating either vertical fractures, which usually occur at pressures that are about 0.7 to 0.9 times the weight of the rock overburden, or horizontal fractures, which are expected to occur at pressures in excess of overburden weight; exceptions to the rule have been observed. As the estimated weight of the overburden is commonly about one pound per foot of depth, the rock pressure in the example in Table I is about 5000 psi. Hence, the injection of fluids at a constant rate for 274 years into the described hypothetical reservoir would raise the pressure hardly enough to fracture the reservoir rock.

Upon discontinuance of the artificial pressures, the force exerted by the weight of the overburden will close the fractures, thus, in oil-field operations, defeating the purpose of the artificial fracturing. In order to avoid this result, coarse sand is injected along with the fracturing fluid, and the sand serves as a propping agent to hold the fractures open. Fracture treatments using from 25,000 to 50,000 pounds of sand are considered to be normal. The vertical extent of fractures can be observed by mixing the sand with short-lived radioactive material and logging its position by means of down-hole sensing devices. Experience in oil fields is that most of the fractures die out a short distance above the permeable reservoir.

In the case of deep-well disposals of radioactive wastes, it is clear that even if some fracturing occurred during injection operations, such fractures, unless artifically propped open, would seal themselves when injections are discontinued. Pressure increases which become excessive can be brought back to normal by interrupting the injection procedures as long as required.

Precautions such as the monitoring of bottom-hole pressures during injection, and surveying the hole with fracture-detecting instruments after test injections of non-radioactive fluids, can assure control of the operations, even where it may be desirable to fracture the reservoir rock purposely in order to improve injection rates.

As for the danger of fracturing the confining impermeable formations, it has been demonstrated that vertical fractures that are induced in petroleum reservoirs do not penetrate adjacent soft formations which have a high Poisson ratio relative to the reservoir rock. Fractures will propagate, however, through adjacent formations that are hard and brittle and have a low Poisson ratio, as exemplified by some dense limestones and quartzites. A requirement for a suitable disposal site, therefore, is a thick layer of soft rock such as shale or salt between the injection reservoir and any permeable aquifer or reservoir which is to be protected from invasion.

These discussions indicate that disposal by injection at high rates places a lower limit on the weight of the overburden and, hence, on the depth that is safe for containment. The weight of the overburden of a formation 1500 feet deep is about 1500 pounds; because the normal reservoir pressure would be about 700 to 750 pounds, only 300 to 400 pounds of additional injection pressure would lie within the margin of safety which would allow pressured injections without fracturing. Generally, the permeability of the formations decreases with increasing depth. The two desiderata oppose each other, and a compromise must be worked out on the basis of the known characteristics of all permeable formations which occur in the stratigraphic column at a prospective location. Proper site selection and preparatory studies can assure safe injection procedures where large volumes of liquid can be disposed of at relatively low pressures.

4. General Industrial Experience

Several examples of subsurface liquid waste injection are cited in U.S. Bureau of Mines Circular 8212, "Subsurface disposal of industrial wastes in the United States," by E. C. Donaldson, 1964.* Cited injection rates and pressure behavior in consolidated and unconsolidated sedimentary rocks are generally similar to the data in Table I. Various chemical and mechanical treatments of the waste liquids facilitate trouble-free injection, and periodic treatments of the reservoir rocks are employed to remedy blockages caused by pore-plugging agents. The treatments are used routinely in oil-field brine disposals as well as in other industrial applications. Injected fluids should be chemically stable, bacteriologically sterile, and, where necessary, rendered nonreactive with respect to formational matrix and liquids. Inasmuch as the swelling of clay materials is fairly well understood, and techniques for its prevention have been developed, an examination of the permeable formations that are to be used for disposal will dictate the requirements that the injected fluid should meet in order not to cause plugging.

Reviewing the foregoing paragraphs, it can be stated that a large amount of injection technology exists that may be utilized in the deep-well disposal of radioactive waste liquids. Extreme care in the application of familiar techniques will, of course, be required. The particular reservoir conditions encountered, and engineering considerations that are unique to nuclear waste disposals, such as corrosion problems, safety measures, and programs for well reconditioning, will be the factors determining how this technology can be exploited. Engineering procedures for the necessary safety measures must be developed under the guidance of engineers who are experienced in deep subsurface operations.

For counsel and advice concerning questions of mechanical engineering in the construction, maintenance and rehabilitation of disposal wells, the Committee recommends appeal to the Society of Petroleum Engineers (Executive Secretary Mr. J. B. Alford, 6300 North Central Expressway, Dallas, Texas) of the American Institute of Mining, Metallurgical and Petroleum Engineers. The Society's membership includes petroleum and mechanical engineers who are experienced in procedures and problems in oil-well cementing and in various formation treatments such as artificial fracturing and acidizing.

5. Conclusions

The Committee believes that, given a satisfactory geologic environment in the deep subsurface and the careful development of engineering procedures that will prevent escape of radionuclides during transit from the surface to the disposal formation, it is safe and feasible to inject radioactive liquids into deep permeable rock formations. It must be clearly understood that our concept of deep-well disposal does not permit any disposals by injection into formations that directly underlie fresh-water aquifers, or anywhere near them stratigraphically. Nor does it allow injections under such conditions that lateral flow through the disposal reservoir would bring waste fluids into the zone of potable water in the same formation. Disposal operations should be conducted sufficiently far from the rim of the basin, under such hydrodynamic conditions and at such great depths that accidental fracturing of an overlying formation would still not endanger a fresh-water aquifer. Where thousands of feet of strata including soft shale or salt overlie the disposal reservoir, no contamination of the biosphere could occur.

Considering the prospect that disposals of general industrial liquid wastes into deep subsurface formations will become more and more common in future decades, we foresee the likelihood of mutual interference by expanding circles of pressure influence from several disposal operations in the same reservoir formation. If three or four operations are conducted simultaneously in one disposal reservoir, even though the points of injection should be 50 or 100 miles apart, it can be seen from Table I that in a period of a few decades the areas of pressure increase will meet. Eventually the pressure increases will travel back to the injection wells, and the rates of increase will gradually accelerate. Certain limitations might then have to be imposed on further injections. These will not be great immediately but will increase as injections continue. The prospect requires that complete and accurate records be kept of pressure data in the injection wells and in observation wells that will need to be drilled for that purpose. Legal restrictions of multiple usages of reservoirs having prior demand may some day be necessary.

In the same line of thought, competition for available reservoir space also would dictate that any waste liquids should be con-

* Another recent publication of interest is U.S. Public Health Service Publication No. 999–WP–21. "Deep-well injection of liquid waste," by Don L. Warner, April 1965.

centrated as much as possible before injection. In the case of radioactive wastes, this would mean the injection of intermediate rather than low-level wastes, in which the limit of concentration would presumably be dictated by considerations of heat dissipation in the subsurface.

We return now to the subject of the proposed field experiments, such as the one which was attempted at Bartlesville, which are designed partly to learn about the relative velocities of water and radionuclides in an injection operation, and we reiterate our position that no deep-well disposals should be undertaken under conditions where injected liquids might under any circumstances reach the biosphere. In view of the logical presumption that radionuclides will travel no faster than the liquid which contains them, we see little need for the further expenditure of funds to study the relative velocities of radionuclides and water as any part of a deep-well disposal program. The value of such studies is limited in application to procedures in which it is anticipated that the waste liquids will remain in the biosphere or will return to it before the nuclides have decayed to a harmless level, as in disposals in soil. Insofar as studies of heat dissipation and of pore-plugging are concerned, this information is pertinent to deep-well disposal, but because of local variations in lithology from place to place, the most useful resuts can be obtained by pilot operations in the selected deep disposal reservoir at an actual plant site.

G. Geophysical studies at NRTS

1. Geological Background

The National Reactor Testing Station, in southeastern Idaho, lies on the Snake River Plain, which is both a topographic basin and a structural depression. Paleozoic rocks crop out in mountains to the north and are overlain by upper Tertiary (Pliocene) volcanics, apparently without any intervening strata. Lying on the Tertiary volcanics is the Snake River group of basalt flows and interflow sedimentary deposits. The surface is a veneer of alluvial, lacustrine, and aeolian deposits, except where basalt and other volcanic rocks are exposed.

The character of the basalt ranges from dense to vesicular to blocky. Some of the basalt flows are excellent aquifers, others are essentially impermeable. The total thickness of the basalt series exceeds 1500 feet, this figure being the maximum depth that has been reached to date in borings. The associated sedimentary deposits, similar to those of the surface veneer, are gravel, sand, silt, and clay, the porous and permeable beds among them also being aquifers.

The surface of the plain ranges in elevation between 4800 and 5000 feet above sea level. The water table descends from an elevation of 4600 feet at the northeast to 4400 feet at the southwest. The unsaturated interval, or zone of aeration, is therefore 200 feet to at least 600 feet thick. This is the interval of so-called "dry soil" above the water table which NRTS utilizes as a reservoir for the disposal of radioactive waste liquids.

Neither the depth to relatively impermeable basement rocks nor the depth to the base of the fresh-water zone, the collective group of aquifers, is known; only fresh water occurs in the deepest hole that has been drilled to date. The continuous need for more detailed and more accurate data regarding the distribution, capacity and interrelation of aquifers in the Snake River Plan led to a program of geophysical surveys, both by borehole logging and by ground and aerial mapping.

Data obtained from borehole logs are to some extent supplementary to information derived from laboratory analyses of samples, but when such data are properly interpreted they also provide additional information which is not otherwise obtainable. The methods of geophysical mapping provide interpretations of the regional configuration of various subsurface layers of rock. In areas of complex strata, such as the NRTS, the interpretations are imprecise at best, and in the absence of supporting data obtained directly by drilling they are highly speculative.

Thorough evaluations of geophysical operations cannot be made in brief examinations such as those afforded to the Committee during its rapid tour of the sites last spring. This statement is particularly true of geophysical mapping, in which much depends on the amount and quality of basic data and on the manner of their day-to-day applications. Minor questions of geophysical-log interpretations were discussed at the sites, and the Committee's overall reaction to the work is favorable. The staffs appear to be competent and well informed. Following is a brief summary of the geophysical methods that were discussed, together with an annotated list of other techniques which might some day be useful.

2. Borehole Logging

Techniques included under this heading involve the lowering of mechanical, electrical, electronic, radiation-sensing, or other instruments into a borehole for the purpose of making a continuous record or log of the physical properties of the rocks or fluids throughout the full depth of the hole.

a. *Electric log.*—The instrument records two basic parameters in boreholes filled with fresh (nonsaline) drilling muds: the spontaneous potential (s. p.) and the resistivity of the rocks to the flow of electric current. It cannot be used in a cased hole or in one which contains no water. In oil-field operations it is widely used and relied on for correlations of rock strata from hole to hole, and for estimates of qualities such as porosity, permeability, and fluid content in the rocks. As pointed out by operating personnel at NRTS, the electric log is of only minor value in southeast Idaho because both fresh water and dense basalt are highly resistive, and the resulting log lacks character.

b. *Gamma-ray log.*—This instrument was designed to detect and measure the amount of natural gamma radiation in the rocks that were penetrated by the drill. It can be run successfully in either cased or open holes, either wet or dry. Its usefulness is found primarily in the distinction and identification of different gross lithologies and, therefore, for stratigraphic correlations from hole to hole. At NRTS it is useful in the identification of such lithologies as basalt, tuff, and shale. It is important for operators to bear in mind that such interpretations need confirmation by the examination of drill cuttings in selected boreholes, not too widely spaced, in order to avoid misinterpretations as lithology varies from place to place.

A more obvious use of the gamma-ray log in radioactive-waste disposal operations is in the detection of introduced gamma radioactivity in the subsurface and, therefore, in mapping the extent of contamination in aquifers.

c. *Density log.*—The density logger is a device in which a gamma-ray source and a shielded detector are held against the borehole wall. The tool measures the induced gamma-ray intensity in the wall rock, a function of the formation density; porosity may be estimated from these data. Many corrections must be applied to the log readings, because the instrument is highly sensitive to mud-cake, and to borehole roughness (rugosity), and gas content of formation liquids. Density logs are more dependable in high-porosity formations (greater than 10%) than in low-porosity rocks. The effects are based on diffusion processes, and assumptions are made that all interactions measured take place in the formation and not the borehole. Further, natural gamma radiation is not counted or is negligible.

A new "compensated-density log" has been introduced by Schlumberger Well Surveying Corporation which is said to correct automatically for hole size and mud-cake thickness. Used in combination with other logs, the density log can give a fairly reliable indication of rock porosity.

d. *Caliper log.*—As the drill penetrates various layers of hard and soft rock, compacted or loose, fractured or while, the diameter of the hole varies because of varying bit action or caving of the walls. The caliper log is made by a mechanical device which measures continuously the diameter of the hole. Used partly in conjunction with the density log, but also advantageously with other logs, the caliper log gives useful information about rock characteristics as well as about the condition of the hole.

e. *Flow meter.*—This instrument incorporates a spinner device which, emplaced in a fixed position in a borehole, indicates the upward or downward direction of flow within the hole, and measures the rate of flow. It has been used commonly at NRTS and has provided useful data regarding vertical components of flow within an aquifer and between aquifers.

Another type of flow meter, the Tracejector, has been tested successfully at NRTS. The velocity and direction of flow between two points in a well are measured by injecting a radioactive tracer at one point and recording its arrival time at a second point.

f. *Temperature log.*—The logging of water temperatures in a well indicates the presence and depth of water which is warmer or cooler than the natural ground water. Such abnormal temperatures reveal the presence of "foreign" waters introduced into the normal ground-water circulation. The log also provides temperature data for use in connection with water-resistivity logs.

g. *Water-resistivity log.*—Natural ground water at NRTS is very low in dissolved solids, averaging about 250 ppm, whereas introduced waste liquids are slightly more saline, with salt content in the neighborhood at 1000 ppm. Because of this chemical difference, the difference in electric resistance is a direct guide to the occurrence of "foreign" water in the aquifer. The water-resistivity log provides a convenient record of deviations from normal resistivities.

h. *Specific-conductance log.*—In contrast to the foregoing records, this log is produced not by downhole logging but by combining the data from temperature and water-resistivity logs. The product gives a more accurate idea of water composition than does either of the separate logs, and so provides a more reliable identification of the water.

The study of specific-conductance logs and flow-meter logs together forms the basis for the interpretation of flow in boreholes. This practice of combining several types of logs, including the lithologic and petrographic logs prepared by the geological staff, is to be commended and encouraged. The interpretatation of poorly defined characteristics in logs can thus be enhanced, and obscure properties or occurrences often can be revealed or magnified.

The usage and interpretation of logs at NRTS conform to practice in oil fields, where the technique of downhole logging was developed. Our only qualifying comment is to caution against over-reliance on such logs without constant support from laboratory analyses of samples of the fluids and rocks whose properties are presumably being measured by the logs.

Many other logs are available for borehole investigations. Some of these may be useful in future geophysical studies in the Division of Reactor Development and Technology research program. Of particular interest are the suites of neutron logs and acoustic logs which are described briefly in the following paragraphs.

i. *Neutron logs.*—Neutron-logging devices all measure radiation characteristics of substances irradiated from a neutron source lowered into a borehole.

(1) *Neutron-epithermal neutron log.*—Epithermal neutron distribution is measured as a function of hydrogen (water or oil) in the formation. The main advantage is that the tool can be run at reasonable logging speeds if a strong source and efficient counter are used. Disadvantages include the sensitivity of measurements to influences such as borehole fluid, cement condition, degree of mud filtrate, and position of the tool in the hole.

(2) *Neutron-thermal neutron log.*—Thermal neutrons are counted as a function of the amount of hydrogen and chlorine in the formation. The system has the same advantages as the neutron-epithermal neutron log, but salinity and porosity cannot be separated. Disadvantages of both systems are similar.

(3) *Neutron-gamma log.*—Gamma rays produced by capture of thermal neutrons are detected by the borehole counter. The source of these gamma rays is correlative with thermal-neutron density. If porosity is known, salinity can be inferred from the flux of high-energy gamma rays which chlorine, in particular, emits. Proper tool design permits good sensitivity for detecting chlorine through casing. A disadvantage lies in the lack of good agreement between theory and experimental data.

(4) *Pulsed-neutron log.*—Neutrons from a pulsed tool source interact with the formation, and the resulting thermal-neutron flux decay is determined. The slope of the decay is related to the presence of chlorine in the formation fluid. In terms of sensitivity, near-borehole effects, and instrumentation, pulsed-neutron logging is far superior to the steady-state methods. The tools are not widely available yet, and future developments may see this tool's greatest use in porosity determinations and in differentiating between oil, fresh water, and brine. The major problem at present with this tool is the presence in rock of absorbing elements such as boron, lithium, and the rare earths. These elements are believed to account for the much shorter neutron lifetimes in boreholes as compared to theory and laboratory model experiments. When these problems are resolved, the pulsed-neutron log will be the most effective "through casing" log available.

A modified pulsed-neutron tool measures decay of intensity of gamma-ray flux produced by neutron capture. The gamma-ray counting rate is related to the reciprocal of neutron lifetime in the medium being investigated. Thus, the log is a "lifetime log." The measurements are chiefly a function of chlorine in formation fluids, as with the other logs. However, near-borehole effects are small, and asymptotic decay of gamma rays occurs sooner than does decay of neutron flux. This tool is still in the development stage.

j. *Acoustic (sonic) logs.*—These tools consist of a sound source and two or more receivers spaced at known distances from the transmitter. Travel time of acoustic energy (compressional wave, shear wave, tube wave) between receivers is measured. Given the travel time and assuming that the propagation path is known, acoustic velocity of the rock formation is inferred.

(1) *Acoustic-velocity log* (compressional wave).—Travel time of an acoustic compressional wave is measured and velocity is calculated. Velocity logs are used to compute reflection coefficients and vertical velocity "profiles" for seismic investigation. The logs can also be used for correlation purposes. By far the greatest use of the velocity log is in estimating the porosity of subsurface rocks, once the effective stress, matrix material, and average pore size are known. The log is also used for velocity determinations in connection with seismograph surveys.

(2) *Acoustic-velocity log* (shear wave).—Shear-wave travel time is measured between receivers. In certain formations (limestone, anhydrite, salt, dolomite, and well-cemented sandstone) shear-wave amplitude is larger than the compressional. Thus, with independent determination of compressional and shear-wave velocity plus density, Poisson's ratio for the rock is obtained, and all of the remaining elastic constants may be calculated. These approximations have proven to be very satisfactory.

(3) *Acoustic-amplitude log.*—All three waves (compressional, shear, and tube) are measured. Attenuation of low-frequency components of tube waves is dependent on formation rigidity, which in uniform lithology changes as a result of fracturing or fluid saturation. Commercial application of this type of log has been in attempting to detect fractures in open holes. The tool is sensitive to borehole centering and caliper, mud properties, hole size, and bed boundaries. Small shale stringers are not distinguished from horizontal fractures. Modifications of this logging method are used to determine the effectiveness of cement bonding between casing and the hole wall.

3. Geophysical Mapping

A number of geophysical mapping techniques have been developed, primarily in petroleum exploration, for the purpose of learning about strata which have not yet been reached by the drill. All of them record physical properties of rocks which vary as the lithology varies. They are more rapid and less costly than exploration by the drill, but the data derived from such surveys can rarely be interpreted precisely or uniquely in terms of rock distribution and properties. Resulting maps, therefore, are less reliable than those constructed from data that could be derived directly from closely spaced boreholes.

Geophysical mapping is commonly the first step in the exploration of an area such as the NRTS where deep-borehole data are lacking. Under favorable circumstances the gross form and depth of a basin may be delimited by gravity and magnetic work, as attempted here. Indications of more localized rock distribution and structures may be obtained with suitably designed programs.

The geology at NRTS presents the geophysicists with particularly difficult problems. The rocks filling the Snake River depression are a complex of basalt lava flows which are massive to scoriaceous and cindery and have interbedded lenses and tongues of alluvial and lacustrine clays, sands and gravels. The sequence is thus extremely heterogeneous, both laterally and vertically, with regard to porosity, permeability, density, magnetic properties, seismic velocity—in fact all the physical properties which form the basis for geophysical exploration. The lavas and interbedded sediments were laid down in an easterly trending trough, the Snake River downwarp, on older rocks whose structures trend more or less north-south. These older rocks were folded, faulted and deeply eroded before the Snake River downwarp developed. Presumably the older structures pass beneath the downwarp approximately at right angles to its strike.

A principal object of the geophysical program, namely the determination of the depth and configuration of the basement surface on which the lava sequence was poured out, is thus complicated by the basement structural pattern. Both gravity and magnetic anomalies may reflect topographic relief on the ancient surface, or masses of rock of contrasting lithologies, or varying rock patterns in a structurally disturbed area. The variables are such that no unique solution is possible without deep-well data on physical properties of the rocks and depth to basement.

Hence the value of the existing geophysical-mapping program would be greatly enhanced by NRTS's proposed deep drill hole, especially if this hole extends into basement beneath the basalt sequence. Data from such a well would permit the definition of the basement surface for a considerable area surrounding the well. The degree of confidence in the reconstruction would, of course, diminish with distance from the well. A reasonably accurate delineation of the basement surface and its hydraulic characteristics over the entire NRTS, presumably would require a minimum of three deep wells penetrating the entire basalt sequence and going into the basement rocks far enough to give an indication of their porosity, permeability and fluid content.

a. *Gravity and aeromagnetic surveys.*—The operation of a gravimeter is based on differences in density between different types of rocks. A mapped positive anomaly could means (1) the presence of a relatively small mass of dense rock at a shallow depth, surrounded by less dense rock, (2) a large discrete mass of dense rock at great depth, or (3) an arched uplift which brings a deep layer of uniformly dense rock closer to the surface at the location of the anomaly. The accuracy of the interpretation depends on (1) the nature and complexity of the geology, (2) the operator's experience, especially in the type of subsurface geology that is being explored, (3) the spacing between gravimeter stations where data are obtained, and (4) the amount of subsurface data available from boreholes.

The operation of a magnetometer is closely analogous but is based on measurements of magnetic variations rather than densities. The problems in interpretation are similar. The magnetometer has the advantage, however, that readings can be made instantaneously and from a moving instrument. Consequently, techniques have been developed for making magnetometer surveys by trailing an instrument behind an aircraft. The amount of detail that can be obtained depends upon the flight altitude and the distances between traverses. In reconnaissance work excessive detail is apt to be more confusing than helpful.

Gravity and aeromagnetic surveys were conducted for AEC at NRTS in 1964, and the resulting data were added to those available from earlier surveys. Interpretations of the gravity data are complicated by the fact that the density of basalt varies widely from flow to flow and from place to place within a flow. Although basalt is generally strongly magnetic, it varies also in degree of magnetism and in direction of polarization. The final products of both surveys are contour maps. Interpretations of observed anomalies are speculative. Some faulting is suggested by the contours, but the evidence is unreliable without better control.

The densities and magnetic properties of rock specimens from adjacent areas have been determined by laboratory measurements, but deep subsurface control from the NRTS is desirable to improve the interpretations.

b. *Seismograph surveys.*—Seismic surveys involve the transmission of acoustic energy, usually from a near-surface explosion, downward into subsurface rocks. This acoustic or "seismic" energy is in part transmitted through the rocks and in part reflected and refracted back to the surface where the arrival times and energy characteristics may be measured. Seismic reflection surveys are most commonly used by the petroleum industry to determine the depths and structural configuration of subsurface rocks. For technical reasons this method does not normally give good results at depths less than about 500 feet. The reflection method is not well suited to exploration of thick masses of basalt. It is especially doubtful that satisfactory results would be obtained from the highly lenticular basalts and sediments of NRTS, except possibly for study of selected local structures.

Refraction surveys can be used effectively

at shallow depths to determine the thickness of sediments above the first basalt flow. It is not very likely that useful data will be obtained by this method at greater depths in this geologic setting, because the irregular alternation of high-speed and low-speed zones within the lava would give a confused seismic response.

c. *Aeroradioactivity survey.*—This work involves the recording of natural radiation from the earth's crust by means of an airborne instrument. The effects of any artificially introduced radioactivity would, of course, also be sensed. Because only preliminary work has been reported, the Committee is unable to comment on the results.

4. Conclusions

Throughout all of the geophysical programs at NRTS the need for petrophysical data from boreholes is obvious. The value of the interpretations is directly proportional to the amount and quality of supporting analytical data. This relation is made clear in projects where such data have been obtained. The geophysical program is still active and should be continued until the usefulness of the methods has been exhausted. Particularly, we urge the need for more geophysical-log studies of the interaquifer flow of ground waters, because the overall flow system is still inadequately understood.

H. Ground disposal of gaseous wastes

AEC is considering the vexatious question of handling radioactive gases that might leak from a reactor's containment shell in the event of melt-down resulting from a rupture in the internal cooling system. Among other procedures it has been suggested that the vapors released at high temperatures into the shell be pumped into a ground-water acquifer. Inasmuch as the injection would have to be completed quickly, it was further suggested that the subsurface reservoir be prepared in advance by the injection of air so as to displace an appropriate amount of water, thereby producing a huge air bubble in the aquifer.

The Committee doubts that this procedure would be practical, because over a period of time the air bubble would move along the aquifer, eventually becoming dispersed, and therefore a stream of air would have to be injected from time to time throughout the life of the plant in order to be ready for an emergency. Under unusual circumstances in which a domal structure or a lenticular formation makes a local trap, the procedure might be effective.

It has also been suggested that the zone of aeration, the unsaturated interval lying above the water table, be utilized as a receptacle for radioactive gases. Few plant sites, however, have an aeration zone thick enough to provide a useful capacity for such injections. Moreover, such a disposal procedure for gases would be subject to the same objections as for liquid wastes—i.e., the danger of possible migration into and along the aquifer, particularly under the influence of moving waters.

VII. OPERATIONAL PROCEDURES

In addition to the Research and Development projects described in preceding pages, the Committee has considered also some broad geologic and hydrologic aspects of other ground disposals. They pertain to practices which are in general use at the sites visited by the Committee and which are part of the whole range of disposal procedures in which geologic aspects bear heavily on the long-term safety of the operations. Attention is called to the outline of the geology of the four major plant sites where disposal techniques are being developed (pp. 14–18 of this report). Present operational procedures are considered in three categories, as determined by the levels of radioactivity in the wastes.

A. High-level wastes

Both liquid and solid high-level wastes are now being stored in underground containers built of steel and cement. The operators consider the tanks for high-level liquids as being only an interim device pending the development of safer techniques for permanent disposal. Procedures for solidification of the liquids are being developed, and it is anticipated that the tanks eventually will be used only for temporary storage during initial decay and cooling stages.

Methods for disposal of the products of solidification, like disposal of saturated or partially saturated absorbants and of high-level radioactive trash (e.g., used laboratory equipment) remain to be perfected. If the solid product will be essentially insoluble for a period of 600 to 1000 years, and if sorbed radionuclides will not be released from contaminated solids during the same period, the solids can be stored safely at shallow depths in the ground above the water table. However, the permanence of fixation on trash or perhaps even on used ion-exchange materials cannot be relied on, and such a disposal site would still carry the hazard of accidental discovery and release to the biosphere in the event of excavation in future centuries when knowledge of the burial may have been forgotten. Storage below the fresh-water zones, particularly in salt beds, would appear to be the safer procedure for all manner of high-level solids.

B. Intermediate-level wastes

Treatment of intermediate-level wastes varies from site to site, as also does the definition of what constitutes intermediate levels. Solid trash is buried at shallow depths in earthen trenches at all sites; radiation levels in adjacent soil are monitored in order to avoid concentrations higher than accepted safe levels, but there remains the risk of unanticipated movements of the radionuclides as changes in the chemical or hydrologic environments upset the ion-exchange equilibria.

Treatments of intermediate-level liquids by evaporation in order to reduce their volume and by ion-exchange materials to reduce their radioactivity, have been investigated, and such systems are being used. At sites in semi-arid lands the intermediate-level liquids are pumped into seepage cribs and trenches, their subsequent movements through the earth being monitored through borings. The desired objective in controlling such disposals is to avoid appearances of radioactivity in excess of a small fraction (usually one-tenth) of MPC at the nearest point of use downstream.

C. Low-level wastes

Low-level trash is buried at shallow depths. The characteristics of low-level liquids, and disposal methods, vary from plant to plant. Very large volumes of cooling water, for example, which normally has little or no radioactivity but which may occasionally receive accidental discharges of radionuclides, are generally directed into ponds, swamps, or surface streams from which they eventually find their way into the major rivers. Assuming constant monitoring which would permit the operators to direct the flow temporarily into more confined reservoirs for detention in the event of serious contamination, this procedure appears to be harmless.

Other low-level liquids at some sites are pumped through disposal wells directly into fresh-water aquifers, the operators relying on long travel times and on sorption phenomena in the aquifer to reduce the radioactivity to safe levels before the contaminated water reaches downstream points of use.

The low-level liquids contain all manner of radionuclides, most of which are short-lived. At all locations, however, some of the isotopes are long-lived, the more common ones being tritium, cesium ^{137}, strontium^{90}, and cobalt^{60}. Not all of these are equally hazardous to man, and the degree of hazard is not directly proportional to their longevity; strontium ^{90} and cesium ^{137} are the ones of greatest concern because of both their longevity and biological hazards.

The amounts of the long-lived radionuclides that are put into the ground with low-level wastes vary from year to year and from location to location, as do the total amounts of all radionuclides. Radioactivity produced by cesium ^{137} and by strontium ^{90} ranges from a small fraction of one percent in some places to more than 10 percent at others, for each of these isotopes. In some places tritium accounts for more than 99 percent of the released radioactivity at certain times.

At present the amounts of total activity produced by waste are kept well below RCG levels between the disposal areas and the nearest points of use which are beyond the reservation boundaries. In some cases these distances are great, and large areas of intervening land can become contaminated before measurable amounts of activity reach the producing wells or streams. Moreover, the first appearance could be the fringe of a dispersion band which would be followed later by the zone of concentration. Monitor wells are located between the disposal areas and the nearest points of use, most of them clustered around the disposal facilities, and it is at these points that the criterion of RCG levels should be applied in all cases as it is now in some.

D. Geologic factors in appraisal of operating procedures

In nearly all of the ground-disposal procedures which currently are part of routine operations, two factors are depended on for protection of the biologic environment: (1) the capacity of soil and rock to contain much of the radioactivity by sorption phenomena until decay to innocuous levels, decay time. Both factors are governed by and (2) long travel time in respect to parameters which can be and constantly are being determined empirically, both in the laboratory and in the field. At present, therefore, no serious hazards have been created by the current disposal operations.

The Committee, however, is concerned about the long-term safety of the operations if they are to be continued at the same sites for many decades or even for centuries. The ion-exchange equilibria are reversible, and under changing conditions desorption could replace adsorption. Such a changed situation might result from man's future activities which would affect the hydrologic systems in the aquifers as dams are built, irrigation is accelerated or extended into new areas, or ground-water aquifers are subjected to higher withdrawal rates, all of which are not only possible but likely happenings in forthcoming decades. Climatic changes in future centuries may also be sufficient to alter substantially the hydrology in an aquifer and thereby affect its sorption capacity.

The concept of "delay and decay" is applicable to many components of radioactive wastes, but the long-lived isotopes such as strontium^{90} and cesium^{137} are components whose threat is reduced hardly at all in a few decades. As the absorbent earth materials under a disposal site become saturated after long-continued disposal of even low-level wastes, the concentration of radioactivity eventually could become equivalent to that which would result from lesser volumes of higher-level wastes, depending upon the rate of accumulation of long-lived nuclides. In such an event the disposal concept then becomes one of "concentrate and contain," but in the event of altered hydrologic conditions the prospect of containing the concentrated long-lived radioactivity becomes

dim. The movement of radionuclides in the subsurface is bound to be extremely difficult to control in the absence of unsaturated natural adsorbents.

With the above considerations in mind, the Committee is especially anxious about continued ground disposals of any level of wastes containing long-lived radionuclides unless they be emplaced below the fresh-water aquifers at such depths and under such hydrologic conditions that they will not be returned to the biosphere.

The Committee is also dubious about the concept that in arid and semi-arid lands meteoric water does not percolate downward as far as the water table but instead is lost entirely by evaporation and plant transpiration. Operations conducted under this concept are saturating tangible volumes of soils with radionuclides, some of them long-lived, which in the course of a century or two may be carried to the water table by catastrophic "once-a-century" deluges. Especially in areas having centripetal surface-drainage systems and where innumerable local topographic depressions collect runoff, contamination at or near the surface may be subject eventually to transportation downward to the water table in the event of a rare calamitous flood. The Committee is not aware of any past or present research that might aid in determining the extent of this risk. It is a field of investigation which should not be overlooked as a part of the research pertinent to ground disposals of long-lived radioactivity.

VIII. DEEP EXPLORATORY DRILLING

A. National reactor testing station

At present no one knows where the base of the fresh-water system lies in the Snake River Basin. Nor is anything known about the lithology of the rocks at those unknown depths. It is important to learn as much as possible about the geology and hydrology of the deep rocks in order to understand the complete hydrology of the NRTS site as a further guide to the fate of radioactivity that is released in it.

The drilling of a deep exploratory well at NRTS has been recommended by the staff there, and we strongly support the recommendation—including continuous coring, geophysical surveying by a number of logging devices, measurements of pressure or static heads, determination of the rates of buildup or drawndown, and collection of fluid samples at frequent intervals. In this well as in all exploratory borings, shallow and deep, the properties of the rocks with respect to movement of fluids, and the composition of fluids, should be determined by laboratory analyses of samples rather than solely by interpretation of geophysical logs. More than one deep exploratory well may eventually be needed in order to gain the essential three-dimensional view of the deep hydrologic regimen.

The objectives cited by NRTS are desirable and necessary. If such a deep test is scheduled, NRTS may find it helpful to obtain the services of one or more geological and engineering experts who have had long experience in exploratory drilling in similar terrain in the petroleum industry.

B. Hanford atomic products operation

An oil company drilled a wildcat well in the Rattlesnake Hills in 1957–1958 to a total depth of 10,655 feet, where it was abandoned as a dry hole. The drillsite is near the southwest edge of the Hanford area. At the total depth the drill was still in Tertiary volcanic rocks, and the operators reported fresh water at the bottom; however, no analysis of the water was made. We support the view of Hanford personnel that the hole should be reentered for the purpose of sampling the fluids, obtaining pressure measurements, and running additional geophysical logs.

Nothing is known at present about the hydrologic system beneath the volcanics in the Pasco Basin, or even about the lithology. For that matter, there is little information of any kind about rock formations and their contents below a depth of about 2000 feet. The nature of the fresh-water aquifer systems in the deeper part of the volcanic series is critical to a complete understanding of the eventual fate of all foreign fluids and nuclides that are accepted by the fresh-water aquifers. For these reasons we urge that efforts be made to re-enter the Rattlesnake Hills boring and conduct necessary tests, as a prelude to any further deep drilling that may be required later.

IX. DISPOSAL VAULTS IN DESERT HILLS

It has been suggested that a tunnel or other excavation in the Rattlesnake Hills at Hanford might be a safe place for disposal of dry radioactive solid wastes. The hills rise more than 1500 feet above the surface of the Pasco Basin to the northeast, and even more above the water table. Precipitation on the hills appears to be light. A similar situation might be found at Middle Butte at NRTS. Such situations might provide suitable dry storage or disposal facilities for radioactive solids of many types, including baled trash and such objects as those which are currently stored on railroad cars in tunnels under the plains. Proponents of the idea emphasize that the chief advantage of such a site would be its elevated position where runoff cannot collect. Care would need to be taken to protect the contents from drenching, leakage, and runoff or percolation of contaminants to the outside ground surface or downward to the water table.

However, too little is known about geologic factors in these hills to enable one to recommend any construction operations. It is necessary to know more about details of local stratigraphy, lithology and structure, especially jointing. As a preliminary measure, the hills should be mapped in detail, in order to determine the position and attitude of the thickest and least-brecciated lava flows, because sound basalt would probably hold openings that are permanent and virtually indestructible. In order to determine the feasibility of the proposal, geological studies are needed along the lines suggested.

X. GENERAL CONCLUSIONS

A. Criteria

The Committee's criteria in evaluating disposal methods are: (1) permanent isolation from the biosphere of all hazardous concentrations of radionuclides; (2) protection from long-lived radioactivity must extend for 600 to 1000 years; (3) when safety is involved, cost is secondary.

B. Costs

Lack of funds has been cited at one location or another for inability to conduct needed research or to use alternate disposal methods which are agreed to be safer than current practices. The Committee recognizes that decisions on expenditures must be based on many factors, often including some that may not be known to all staff employees. However, it is apropos to point out that waste-disposal costs are now a small part of the overall expense budget of the nuclear industries, and that any compromise with safety for the sake of economy could lead, in the long run, to a mushrooming of waste disposal into the most costly item in the use of nuclear power.

C. Evaluations

1. Progress in New Techniques

The Committee is pleased with progress in methods for solidification of high-level liquid wastes, burial of high-level solid wastes in salt beds, and, as far as its present application at ORNL is concerned, the injection of grouted intermediate-level wastes into shale fractures. There are some reservations regarding the capacity of the subsurface at ORNL for continued injections of grout over periods of many decades, and this method therefore should be re-evaluated periodically.

2. Disposals to the Environment

The Committee thinks that the current practices of disposing of intermediate and low-level liquid wastes and all manner of solid wastes directly into the ground above or in the fresh-water zones, although momentarily safe, will lead in the long run to a serious fouling of man's environment. Such methods represent a concept of easy disposal that has had and will continue to have great appeal to operators, but we fear that continuation of the practices eventually will create hazards that will be extremely difficult and expensive to eliminate. Although the ion-exchange capabilities of natural earth materials under disposal sites will retain quantities of radionuclides and provide a safe container for the shorter-lived ones, it would appear to be prudent to reserve a large portion of the capacity for accidental releases—especially in humid regions where the water table is shallow and distances between disposal sites and discharge points are small.

At ORNL disposals into surface pits in a shale formation have been troublesome because of some seepages and overflows. The contaminated areas adjacent to the pits now offer a unique opportunity to study in a "field laboratory" the migration of nuclides through earth materials. Particularly the situation provides an opportunity to determine whether or not earlier assumptions regarding the permeability of brittle shales might have been erroneous, to map migration routes and rates, and to learn to what extent lithologic variations in the shale may affect calculations of ion-exchange capabilities.

At NRTS all operations are conducted over one of the largest of the country's remaining reserves of pure fresh water. In addition to present regrettable contaminations by salty wastes from irrigation and industrial effluents, contamination by radionuclides is a prospect which must be constantly guarded against. The same protection is needed for the large reserves under the Hanford site, where irrigation and dam projects are crowding upon the boundaries of the reservation. The effects of irrigation developments on the Wahluke Slope north of Hanford's "100" area, for example, should be of a matter of concern and study. Another potential hazard at Hanford involves the possible flooding of sectors along the Columbia River in the event of a landslide from White Bluffs into the lake which is to be created by construction of the Ben Franklin Dam. These are the kinds of events which in the course of future decades may substantially alter the hydrology of aquifers under the disposal sites.

These possibilities and the need to protect diminishing reserves of potable ground water strongly influence the Committee's appraisals of current and proposed waste-disposal practices. All proposals for surface or near-surface storage of calcined high-level waste products in semi-arid regions where the "dry soil" above the water table is assumed to be a safe container, should be examined carefully in the light of possible events of future centuries. Even storage of these products in surface tanks or bins as a permanent disposal appears to be risky.

3. Problems in Geohydrology

As part of the research and monitoring program, NRTS has been investigating vertical flow in wells, with the desirable objective of learning more about interflows *from one* basalt aquifer to another, lower or higher—a subject of importance about which little is now known. We suggest that the effects of the extreme anisotropy of the basalt aquifers also need more adequate consideration, both at NRTS and at Hanford. Rates and direction

of ground-water movement, both horizontal and vertical, should be determined as precisely as possible. We hope that the staffs at these sites will continue and extend their studies of vertical flow by means of flow measurements, in uncased holes as much as possible, and also by means of static heads measured at different depths in the same hole. We think further that trace injection and modern methods for determining borehole water movement should be put to use whenever pumps are pulled from existing wells and in all newly drilled wells. The results of monitoring the movements will be misleading if waste fluids should bypass monitoring sites. This bypassing can happen easily in ground-water systems as deep as these, complicated by the peculiar geologic features of basalt and intercalated sedimentary beds and by the prevailing hydrologic characteristics of extremely high transmissibility and extremely low storage capacity.

Further in regard to the geohydrology at the semi-arid sites in the Columbia Plateau, we reiterate our concern about the prevailing concept of the "dry soil" zone above the water table as a zone which is never completely penetrated by rain water or snow melt and which therefore is a safe container for absorbed radionuclides. We urge that AEC arrange for continuation and intensification of field investigations to determine the amount and rate of precipitation necessary to establish percolation to the water table in various types and thicknesses of soil and rock, both at Hanford and at NRTS. A study also should be made to determine the possible extent of upward movement of radionuclides to the root zone and thence to the surface along with water which reaches the surface and is transpired or evaporated.

The Committee would like to be able to offer some suggestions for research leading to better predictability of the results of unforeseen changes in the hydrology of a disposal reservoir, but the question is not an easy one to answer. Both man-made changes such as those caused by dams, irrigation projects and increased withdrawal rates, and natural changes resulting from catastrophic floods, slower processes such as erosion and channel cutting, or even long-term climatic changes, were considered. Continuing laboratory studies of reversible ion-exchange phenomena are desirable, but of course field studies eventually will be needed.

Probably the problem as a whole is a special case within the spectrum of "recharge" problems that are so poorly understood. Actually there is relatively little knowledge of infiltration rates and mechanisms, percolation rates, and other processes—especially through great thicknesses of unsaturated earth materials. The suggestion is offered that AEC support fundamental research on recharge mechanisms in the environments in which disposals must be conducted. This research would involve sophisticated analyses of precipitation, runoff, soil moisture, and water-level records as well as terrain studies involving the pedology and geology of selected sites. Artificial recharge floods and tracer studies might also be involved, despite the fairly large number of such investigations that have already been carried out.

4. Deep-Well Disposals

The Committee doubts that the deep subsurface geologic and hydrologic conditions beneath the lava series at Hanford and NRTS are suitable for disposal of waste liquids. In April 1961 the Subcommittee on Atomic Waste Disposal of the American Association of Petroleum Geologists, in selecting provinces for study of deep-well disposal potentials, rejected all parts of the Basin-and-Range province and other regions having similar tectonic complexities, because of the likelihood of structural features that would promote the escape of radionuclides. In more stable tectonic provinces, however, the method holds much promise for the disposal of waste liquids.

Recently aroused public concern about the seismic activity that is said to result from deep-well injections of toxic liquids into crystalline rocks of the Precambrian basement near Denver, Colorado, points up the need for understanding all facets of subsurface technology in selecting disposal sites and reservoirs. Because the hydrology of basement rocks has not been studied to any appreciable extent, the Committee's recommendations are restricted to deep-well disposals in permeable sediminetary strata whose fluid mechanics are largely those of granular rather than fractured aquifers.

In view of the anticipated need for suitable new plant sites as the nuclear industry expands, development of a program of exploratory drilling in geologically acceptable basins should not be long delayed. Guidance and aid can be obtained by employing on a permanent basis geologists and engineers who have had experience in petroleum exploration. As an alternate procedure, a contract with a major oil company which has broad experience as well as complete research and operational facilities for this kind of exploration, would be useful. As for costs, a large amount of footage can be drilled and tested with an investment of $1,000,000 to $5,000,000, the exact amount depending on such factors as remoteness, terrain, and the character of the subsurface lithology. Costs can be reduced by joining forces with the petroleum industry if its borings are in areas of interest to AEC. Exploratory holes in locations which prove to be suitable for waste disposal can readily be converted to operational input wells or monitor holes. In the long run, drilling and testing costs will be a small part of the overall disposal program.

As for safety, the surface equipment is no more susceptible to accidents than that which is being used for hydraulic fracturing and grout injections at ORNL. Once underground in properly selected reservoir formations, the radioactivity is permanently shielded by thousands of feet of rock, a safer and more certain disposal than some other methods that have been considered. Provided sufficient time has elapsed in temporary surface storage to permit cooling to a satisfactory degree, even high-level waste liquids of suitable quality can be injected safely into deep permeable strata, although at present the technique is being considered only for low-level liquids.

5. Bedrock Storage at Savannah River Plant

Since the inception of the research project for bedrock storage at SRP this Committee has favored continuing investigation to determine the feasibility of the proposal, hoping that it would lead to a more acceptable method than storage in surface tanks. At the same time, however, the Committee has retained doubts that a permanently leakproof chamber can be constructed in the Precambrian bedrock at the plant site and that the proposed disposal method would provide complete protection against contamination of fresh-water aquifers. It was realized that the answers to these questions could come only from detailed subsurface testing *in situ*.

A large volume of hydrologic data has now been collected and is being studied, but the Committee is unable to agree that the integrity of the system has been proven. Still more study of the data, and further testing would be required for complete understanding of the hydrologic environments in the subsurface. The period of field research involving studies with observation wells apparently would be much more prolonged than was first envisioned, inasmuch as a totally new branch of the science of subsurface hydrodynamics is being explored. It may well require several more years of experimentation to prove that leakage from the bedrock into the overlying Tuscaloosa acquifers will not occur at some place within the basement area that would be invaded by escaped contaminants.

In its own appraisal of safety factors, SRP cites three separate "barriers" (delay factors) that, in its opinion, will protect man's environment from invasion by high-level wastes if they are emplaced in a storage chamber in the bedrock:

(1) The time required for hazardous radionuclides to migrate from the storage chamber through "sound" (unfractured or slightly fractured) rock to a major fracture.

(2) The time required for the radionuclides to migrate through a network of major fractures to a discharge point at the Savannah River.

(3) In the event that radionuclides should escape into the overlying Tuscaloosa Formation, the efficiency of natural ion-exchange agents in the aquifer and the additional time required for migration through the acquifer to the river.

The appraisal starts with the premise that the nearest point of risk is the Savannah River, assuming the presence of effectively impermeable layers between the Tuscaloosa aquifers and the surface. On the contrary, it is the Committee's opinion that the fresh-water reserves in the combined Tuscaloosa aquifers are the first points of risk, and important ones, because they are certainly going to be drawn on increasingly for human consumption in approaching decades. In the future heavy withdrawals from the Tuscaloosa acquifers, the increasing difference between the head in those aquifers and that basement system would tend to increase any flow from the basement into the Tuscaloosa which might be too small today to be discerned. The thought of using the Tuscaloosa acquifer as an ion-exchange basin, in view of the prospect that future alterations in the hydrologic system may reverse the exchange equilibria and thus release sorbed nuclides, is hardly acceptable. Contamination of Tuscaloosa water in excess of five billionths of one part per million, which is the accepted tolerance for strontium ^{90}, would create an intolerable situation.

There is doubt and uncertainty concerning the mathematical assumptions in computing fluid movements through fractured crystalline rock. Little is known about hydrologic systems in this kind of environment, and this inadequacy in itself argues for continuation of the investigation for a long time. All that is known today about the hydrology of the Precambrian basement system beneath the Separations Plants is based from seven boreholes in a triangular area of about one square mile between the two plants. The only other point of control nearer than Aiken, a town 20 miles north, is the deep hole near the Savannah River in the west corner of the SRP reservation, about seven miles west-southwest of the Separations Areas. When additional wells are drilled down-gradient (the direction in which contaminants would travel), revisions in flow estimates may be required, especially if a boring should penetrate a fault-gouge or breccia zone where flow rates may be one or more orders of magnitude higher than that of the highest previous estimate.

In view of the complex lithology of the basement rock and of the intensive deformation to which it has been subjected, the Committee doubts that all fractures at a prospective excavation site can be located in advance of digging a shaft. For that matter, the probability of escape of some of the radioactive wastes from the chamber seems to be generally accepted. The uncertainty of the prospects for locating all fractures in the vicinity of the chamber, and measuring their permeabilities, makes it difficult if not impossible to provide reliable forecasts of the travel time for migrating nuclides.

The major uncertainty in the entire feasibility study, however, is the integrity of the saprolite clay layer as a continuous im-

permeable barrier between the bedrock and the Tuscaloosa aquifers throughout the area of possible contamination of bedrock waters. Prerequisites to proof of the barrier's effectiveness include (1) hydrologic data from the entire area in the subsurface that might be invaded by hazardous concentrations of radio-activity, (2) correct interpretation of the data and valid computations of hydrologic parameters, and (3) elimination of the possibility of openings caused by old stream channels or by knobs or ridges in the buried Precambrian surface. Sonic (acoustic) logs which may indicate the suitability of high-frequency seismographic mapping to determine the extent of the clay layer would be desirable.

In summary, it can be seen that there is doubt that it will be possible to prove safety of the proposed bedrock-storage system for high-level liquid or soluable wastes. Acting on the views of the majority of the Committee members, and still recognizing the existence of many uncertainties, the Committee recommends that investigations toward bedrock storage at SRP be discontinued.

At the same time, the entire Committee urges against any thought of permanent storage or disposal of high-level wastes above or in any of the fresh-water aquifers at the SRP site. As the recommendation regarding bedrock disposal is based primarily on inadequacy of safeguards against contamination of the fresh waters, disposal above or directly into those aquifers is obviously even more to be avoided. Apparently the only safe disposal for high-level wastes would be an off-site disposal, presumably involving solidification before transportation.

D. Planning for the future

AEC's long-range plans for future waste-disposal procedures are being made carefully and cautiously, as befits an operation that involves increasing volumes of elusive, hazardous materials. Recognition of confining parameters in the environmental characteristics which determine waste-disposal potentials at existing plant sites provides a clear and reliable guide to some of the criteria by which the suitability of any proposed plant site must be judged.

Sites for the plants where major waste-disposal operations are now being conducted are inadequate in one way or another with respect to ground disposals of radioactive wastes. Although such shortcomings are understandable in view of the limited knowledge of disposal problems and techniques a decade or more ago, the current development of plans to make more complete use of the environment for future, more voluminous, disposals at most of the sites is noted with considerable anxiety. In light of today's more advanced, though still insufficient, understanding of the geological, chemical, and physical parameters at all of the sites, major efforts are still being devoted to on-site disposals of intermediate and low-level wastes and storage of high-level wastes, some of which methods display the character of expedients designed to make the best use of poor locations. For the future, it is hoped that either off-site disposals of calcined solids, a costly alternative involving transportation of dangerous materials, or reductions in the output of radionuclides as other processes or other plants are developed will alleviate the situation.

In this connection, the Committee dissents from the working philosophy of some operators, although certainly not that of AEC, that safety and economy are factors of equal weight in radioactive-waste disposal, and that the relative desirabilities of disposal practices can be assessed on the basis of hazard times cost. Certainly the present problems of stream pollution by industrial and municipal wastes have arisen from the use of this philosophy in the past. The Committee remains convinced that economics is a criterion secondary to that of safety.

In considering the many restrictions that are necessarily imposed on the methods of radioactive-waste disposal, and the wide variety of geologic, hydrologic and other conditions at different sites, the Committee is especially aware of the fact that privately owned plants are handling hazardous wastes and that in the future even more such private operations will be initiated. In view of the need for tailoring the disposal methods to suit local conditions at each site, the Committee hopes that authority to regulate the disposals will continue to be vested in AEC, and that AEC constantly will exercise its responsibility to see that safe disposal practices always are followed. In site selections as well as in subsequent operations, it is hoped that AEC will make sure that its contractors and licensees take full advantage of modern knowledge in subsurface geology and hydrology, reservoir engineering, and drilling and testing technology. A secure future in safe disposal practices demands nothing less than the best know-how that American industry has developed.

XI. RESUME OF RECOMMENDATIONS

Listed below are the recommendations that are included in the various discussions in the preceding pages. They are recapitulated here for quick perusal. For full explanations, references are made to the pages where they are discussed in detail.

A. Disposal in salt

1. Study of the effect of heat and nuclear radiation on shale interbeds is suggested. (VI–A–4)

B. Grout injections in shale

1. The methods used at ORNL should be re-evaluated periodically. (X–C–1)

2. Each site and operation must be evaluated individually. (VI–B–4, first paragraph)

3. Each prospective disposal formation must be fractured experimentally in order to determine pressure requirements. (VI–B–4, second paragraph)

4. Local conditions should be investigated and pilot tests conducted before a site and disposal formation are accepted. (VI–B–4, third paragraph)

C. Solidification of liquid waste

1. Surface storage of calcined wastes above or in fresh-water aquifers appears unwise; proposals for such handling should be examined carefully. (VI–C, fourth paragraph; X–C–2, last paragraph)

D. Ion-exchange studies

1. Saturated sorbants must be considered, and disposed of, as intermediate-level waste. (VI–D–1, second paragraph)

2. Cumulative concentrations of sorbed radionuclides in the ground need to be monitored carefully, as the distribution pattern will not be known accurately. Future alterations in the hydrologic system may desorb and move them. Precautions should be taken to avoid this risk. (VI–D–1, third paragraph; –2; –6; X–C–2, third paragraph)

3. Inasmuch as ion-exchange capacities in the ground are limited at most of the current operating sites, these sites should be reserved for accidental releases rather than used for routine disposals. (VI–D–2; –3; –4; X–C–2, first paragraph)

4. The use of clinoptilolite or other ion-exchange materials in storage basins is recommended in preference to reliance on the ion-exchange capacity of earth materials in the ground. (VI–D–4)

5. Studies of the movement of radionuclides in places where pits have leaked or overflowed at ORNL are suggested, as an opportunity to make use of a ready-made field laboratory. (X–C–2, second paragraph)

6. Operators are cautioned against overloading the safe capacity of the Columbia River by effluents from the Ringold Formation. (VI–D–5, second paragraph)

E. Bedrock storage at Savannah River Plant

1. The majority opinion of the Committee is that investigations toward bedrock disposal at SRP should be discontinued. (X–C–5, next to last paragraph)

2. High-level wastes should not be stored permanently or disposed of above or in fresh-water aquifers at SRP. (X–C–5, last paragraph)

3. A minority opinion of the Committee is that work on bedrock disposals at SRP should be continued, as follows:

a. It is necessary to develop computation methods for the hydrology of fractured aquifers, and then to re-analyze all bedrock data at SRP by this method, to replace the analyses that have been based on the hydrology of homogeneous granular aquifers. The data used in constructing the regional potentiometric map of the Precambrian basement complex likewise should be re-evaluated. (VI–E–3–b, –3; –4)

b. If justified by results of the re-analyses, new and more carefully controlled tests in existing observation wells should be conducted, using continuous recording instruments. (VI–E–3–c; –4)

c. If justified by the results of new tests in existing wells, additional observation wells should be drilled and tested at locations including, eventually, the areas downgradient from proposed disposal sites. (VI–E–4)

d. Full use should be made of tritium-tracer testing in order to gain direct evidence of direction and rates of movement. (VI–E–3–b, last paragraph; –4)

e. Sonic (acoustic) logs should be obtained in all boreholes, from top to bottom, before casing is run. If velocity characteristics of the rock are found to be suitable, high-frequency seismographic mapping should be attempted in order to learn the thickness and distribution of the clay layer at the base of the sedimentary section. (VI–E–2, second through fifth paragraphs; VI–E–4, last three paragraphs; X–C–5)

f. In drilling any new boreholes, samples of the clay at the base of the sedimentary section should be collected and analyzed. (VI–E–4)

g. Visits to deep mines in crystalline rocks at various locations in the Piedmont province, where the Precambrian basement is at or near the surface, will provide first-hand information on the problems of water flow into and out of such excavations. (X–C–4)

h. Periodic reviews of considerations for accepting or rejecting the bedrock storage proposal will be required as new data and testing results are analyzed. (X–C–4)

F. Deep-well disposal

1. Now is the time to develop a program of exploratory drilling and testing in geologically acceptable basin provinces, in order to determine the thickness, petrography (including clay characteristics), porosity, permeability, and pressure patterns in prospective deep disposal reservoirs. (VI–F–3, first paragraph; –4; –5; X–C–4, last two paragraphs)

2. Costs of this program can be reduced substantially by participating in any contemporaneous exploratory drilling that may be under way by the oil industry in the area of interest. (X–C–4, third paragraph)

3. A requirement for a suitable disposal site is a thick layer of soft rock between the disposal reservoir and any stratum which must be protected from invasion. In general, a depth of about 3,000 feet is minimum for a deep permeable disposal reservoir. (VI–F–1, second paragraph; VI–F–3, last two paragraphs)

4. It is essential to avoid disposal into any reservoir from which fluids later may be withdrawn as mineral resources; i.e., fluids such as fresh water, brines of great commercial value, and petroleum. (VI–F–3)

5. It is important also to avoid conflict with competitive disposal operations in the

same reservoir. Records of pressure data should be continuously and permanently maintained in order to ensure awareness of possible conflicts. (VI–F–5, second paragraph)

6. In order to conserve reservoir space it is deemed advisable to concentrate waste liquids as much as possible before injection. Injected fluids should be chemically stable, bacteriologically sterile, and nonreactive with respect to reservoir rocks and fluids. (VI–F–3; –4, first paragraph; –5, third paragraph)

7. The disposal process must not permit access of radioactivity to the vicinity of fresh-water aquifers by leaking either within or behind the casing, or through fractures in rock strata above the disposal reservoir. (VI–F–3, first paragraph). Precautions should include preliminary test injections of nonradioactive fluids, except for tracer amounts, then surveying the hole with fracture-detecting instruments, and monitoring the bottomhole pressures during injections of wastes. (VI–F–3, third from last paragraph)

8. Pilot injections at prospective plant sites are prerequisites to final site acceptance. (VI–F–3, last paragraph; –4, first two paragraphs; –5, last paragraph)

G. Geophysical studies at National Reactor Testing Station

1. Accurate data regarding the physical characteristics of the rock column at any exploration site should be acquired by laboratory analyses, not only before but also continuously during geophysical exploration. Without adequate control, interpretations of log and map data are apt to be misleading. Interpretations of geophysical mapping should be supported by analyses of samples taken from deep exploration holes. (VI–G–1, fifth paragraph, —3; —4)

2. The geophysical program should be continued until its usefulness has been exhausted. (VI–G–4)

H. Ground disposal of gaseous wastes

1. The proposed methods for ground disposal of gaseous wastes are considered to be impractical. (VI–H)

I. Deep exploratory drilling

1. A deep exploratory well at NRTS is highly desirable in order to obtain essential geologic and hydrologic data by coring, geophysical logging, and the collection and analysis of samples of rocks and fluids. (VIII–A)

2. It is recommended that the 10,655-foot boring that was abandoned by an oil company in 1958 as an unsuccessful exploration hole in the Rattlesnake Hills, near HAPO, be re-entered for the purpose of obtaining needed deep data from analyses of samples, fluid measurements, and geophysical logs. (VIII–B)

J. Disposal vaults in desert hills

1. Detailed geological investigations of topographic highs in semi-arid or desert regions, such as Rattlesnake Hills (HAPO) and middle Butte (NRTS), should be conducted in order to determine the feasibility of using them for sites of storage or disposal facilities for solid wastes. (VI–C, last paragraph; IX)

K. Hydrology

1. Field and laboratory studies of the rate of movement of fluids, sorption capacities, and leaching and migration of radionuclides in rocks and soils should be continued persistently. (V, fourth paragraph; numerous other discussions)

2. Study of the movement of water in three dimensions in the saturated zone should be diligently pursued at all major sites of AEC. (IV–C; VI–G–4; X–C–3, first paragraph)

3. The movement of water both upward and downward, under varying conditions of wetting in the zone of aeration at NRTS and HAPO should be thoroughly studied, particularly with reference to questions about percolation of rain water and snow melt to the water table. (VII–D, last paragraph; X–C–3, second paragraph)

4. It is suggested that AEC support fundamental research on recharge mechanisms. (X–C–3, last paragraph)

L. General

1. There is need for a standard classification of radioactive wastes, one based not only on the concentration of activity but also on longevity of the nuclides in various ratios. (IV–A)

2. There is need for AEC to establish a discipline of waste disposal as a guide for private operators as well as AEC contractors. (V, last paragraph)

3. Safe disposal procedures should be established now rather than at later stages of power development. (V, fifth paragraph; X–C–2, first paragraph)

4. Present sites appear to be unsuited for ground disposals of large amounts of long-lived radionuclides. Safer disposal to the subsurface can be developed in geologic basins in the stable interior of the continent where fresh-water aquifers are separated from potential waste-disposal reservoirs by thousands of feet of layer strata. (IV–B–5, next to last paragraph X–D, second paragraph)

5. In the general field of subsurface waste disposal, AEC and its principal contractors should exploit industrial technology in which subsurface investigation has reached high levels of sophistication. Closer liaison should be developed between waste-disposal technologists and major industrial research laboratories for technologic exchange in problems of mutual interest such as formation testing, ion-exchange, hydraulic fracturing, geophysical-log interpretation, and fluid injection in porous rocks. (VI–B, last paragraph; VI–F–3, second paragraph; VI–F–4, second and third paragraphs; VIII; X–C–4, third paragraph)

6. No study of any of the phenomena involved in any means of waste disposal should be neglected because of lack of funds. Funds should be provided as necessary to insure a complete development of both practice and theory of safe waste disposal. We particularly call attention to the necessity for field studies. (V, third paragraph; X–B; X–D, third paragraph)

TABLE III.—STRATIGRAPHIC TABLE

Major divisions	Systems	Series	Formation names used in text	Approximate age (million years)
Cenozoic	Quaternary	Recent	(1)	
		Pleistocene	Ringold [1]	1
	Tertiary	Pliocene	Ellensburg [1]	10
		Miocene	(1)	
		Oligocene	(1)	
		Eocene		60
		Paleocene		
Mesozoic	Cretaceous	Upper	Tuscaloosa	
		Lower		125
	Jurassic			
	Triassic			180
Paleozoic	Permian	Ochoa		
		Guadalupe		
		Leonard	Wellington	
		Wolfcamp		
	Pennsylvanian	Virgil		
		Missouri	Chanute	
		Des Moines		
		Atoka		
		Morrow		
	Mississippian			255
	Devonian			
	Silurian			350
	Ordovician		Chickamauga	
	Cambrian		Conasauga	
			Rome sandstone	510
Precambrian	Precambrian	Precambrian		

[1] Columbia River and Snake River lavas.

XII. GLOSSARY OF WORDS AND TERMS USED IN THE TEXT

AAPG.—American Association of Petroleum Geologists.

AEC.—United States Atomic Energy Commission.

Aeolian.—Eroded, produced, borne, or deposited by wind.

Alluvial.—Pertaining to or composed of alluvium.

Alluvium.—Detrital material deposited by running water.

Aquiclude.—"A formation which, although porous and capable of absorbing water slowly, will not transmit it fast enough to furnish an appreciable supply for a well or spring." (Tolman)

Aquifer.—A subsurface stratum (or group of strata) of sand, gravel or other unconsolidated permeable sediments, or of indurated but porous and permeable rock, containing water. Usage is usually restricted to beds carrying fresh water in enough quantity to be a source of supply. See "Salaquifer."

Basalt.—A dark fine-grained or dense igneous rock of volcanic origin. Much of it is vesicular—that is, it contains small cavities. In fractured basalt the cavities add to the permeability.

Basement.—That portion of the earth's crust consisting usually of crystalline rock, igneous or metamorphic, having complex structure and underlying generally unmetamorphosed, less strongly folded sedimentary rocks. In oilfield usage, the surface of the basement is the "floor" below which exploration for oil and gas is usually considered to be useless. The age of the basement rocks is Precambrian at most places, but younger rocks may be included in some regions.

Basin.—(Subsurface geology)—A depression in a geological surface. It may or may not have a topographic expression. If caused by tectonic events which create a downwarp of the strata, it is called a *structural basin*. If it is a catchment area filled (or being filled) with sediments, it is referred to as a *sedimentary basin*. The hydrology within a basin is usually an integrated system which is controlled by the shape of the basin as well as by the character of the rocks in it. A sedimentary basin may be affected by post-depositional tectonism, in which case the integrity of the original system will have been altered or destroyed and eventually replaced by that of a new system.

Bedrock.—(1) Solid or indurated rock underlying the surface veneer of soil and unconsolidated sediments. (2) In local usage, the basement.

Biosphere.—That portion of the earth occupied by organisms (excluding bacteria which may live in subsurface waters at great depths).

Breccia.—A rock composed of angular fragments of moderate or large size.

Calcine (verb).—To reduce to a powder, or to a friable state, by the action of heat; to heat so as to expel volatile matter from; to oxidize, as by the action of heat. (Webster's New International Dictionary: G. and C. Merriam Company.)

Cambrian.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Clastic.—Composed of transported fragments of pre-existing rocks.

Clay.—A soft rock consisting of very small (less than 1/256-mm diameter) mineral fragments, particularly various clay minerals which are largely hydrous aluminum silicates. Other than the clay-mineral content and the very fine-grained texture, clay is characterized by its property of being plastic when wet.

Cretaceous.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Crystalline.—In rock descriptions, composed of interlocking crystals of one or more minerals. Granite, gneiss, anhydrite are examples of crystalline rocks.

Curie.—That quantity of a radioactive nuclide disintegrating at the rate of 3.7×10^{10} atoms per second, which is approximately the rate of decay in one gram of natural radium.

Disposal.—Putting materials away in a manner or place that renders them practically irretrievable. (See "Storage")

Eolian.—See "Aeolian."

Evapotranspiration.—Loss of water from the ground by a combination of evaporation and plant transpiration.

Exposure.—In geology, a rock surface that is exposed to view, not covered by soil or water.

Fault.—A fracture in the earth's crust accompanied by a displacement of one side of the fracture with respect to the other and in a direction parallel to the plane of fracture.

Fluviatile.—Pertaining to streams or rivers.

Foliated.—Separable into thin plates, sheets, or slabs, as in slate.

Formation.—In stratigraphic geology, a sedimentary bed (layer) or series of beds sufficiently distinctive to be regarded as a unit; a subdivision of "group" or "series."

Geohydrology.—The science treating of water in the earth. (See "hydrology")

Geology.—The science which treats of the earth, in all its aspects.

Geophysics.—The science of the earth with respect to its structure, composition, and development.

Gouge.—Finely abraded material occurring between the walls of a fault as a result of the grinding movement.

Ground water (Underground water).—Subsurface water occupying the zone of saturation (q.v.). Phreatic water.

Grout.—Thin mortar, fluid enough to be pumped, used for filling joints, fractures, etc.

HAPO.—Hanford Atomic Products Operation, southeastern Washington.

High-level waste.—See chapter IV–A.

Hydraulic fracturing.—Creation of fractures by the application of pressure through a liquid.

Hydraulic gradient.—As applied to an aquifer, the rate of drop of the total head in a horizontal direction in which this rate of decline is a maximum.

Hydrogeology.—The part of geology that is concerned with the interaction of water and the geologic framework.

Hydrology.—The science that treats of the water of the earth. Some scientists use the term with reference specifically to underground water, as distinguished from *hydrography,* which is applied to surface water.

Igneous rock.—Rock which was formed by cooling and solidification from a molten state. The individual mineral crystals may be microscopic in size, as in basalt, or large, as in coarse-grained granite. The rock types (granite, basalt, etc.) are determined by the texture and by the proportions of different minerals of which the rock is composed.

Intermediate-level waste.—See chapter IV–A.

Joint.—A fracture in rock, smaller than a fissure or fault and not accompanied by dislocation.

Kaolinite.—A common clay mineral; a hydrous silicate of aluminum, derived from the decomposition of aluminous minerals, especially feldspar.

Lacustrine.—Pertaining to lakes.

Lava.—Fluid rock such as that which issues from a volcano or fissure in the earth's crust; also, the same material solidified by cooling.

Lithology.—The study of rocks based on megascopic examination of samples; also, loosely, the composition and texture of rock.

Low-level waste.—See chapter IV–A.

Mesozoic.—A major division of geologic time and of a stratigraphic sequence. (See "Stratigraphy").

Metamorphic rock.—Rock which was formed in the solid state by the alteration (metamorphosis) or pre-existing rock under conditions of elevated temperatures and pressures or changed chemical environment.

Microcurie.—One-millionth of a curie (q. v.).

Millicurie.—One-thousandth of a curie (q. v.).

Mineral.—A homogeneous naturally occurring, usually inorganic and crystalline substance.

MPC.—Maximum Permissible Concentration of radioactivity, as defined by the National Council on Radiation Protection and Measurements. The term has been replaced by "Radioactivity Concentration Guide" (RCG, q. v.).

NRTS.—National Reactor Testing Station, near Idaho Falls, Idaho.

Ordovician.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

ORNL.—Oak Ridge National Laboratory, Tennessee.

Outcrop.—That part of a stratigraphic unit which lies at the surface. It may be covered by soil or water; if not, it is also referred to as an *exposure.*

Paleozoic.—A major division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Pennsylvanian.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Permian.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Petrography.—The description and systematic classification of rocks; it usually involves chemical analysis or microscopic examination of thin sections.

Playa.—The shallow central basin of a desert plain, in which water gathers after a rain and is evaporated.

Potentiometric gradient.—See *Hydraulic gradient.*

Precambrian.—All rocks and time older than Cambrian. See "Stratigraphy."

Pyroclastic.—A general term applied to detrital volcanic materials, such as volcanic ash, that have been explosively or aerially ejected from a volcanic vent; also a general term for the class of rocks made up of these materials.

Quaternary.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Radiohydrology.—The science treating of surface or ground water which contains radioactive elements.

RCG.—Radioactivity Concentration Guide, as defined by the Federal Radiation Council.

Recent (capitalized).—The interval of geologic time since the end of the Pleistocene epoch, and the rocks or geologic events associated with it. (See "Stratigraphy")

Reservoir.—A natural underground container of fluids. In oilfield usage, a deep stratum of porous and permeable rock such as sandstone or limestone.

Rock.—Strictly, any naturally formed aggregate or mass of mineral matter, whether or not coherent, constituting an essential and appreciable part of the earth's crust. Ordinarily, any solid or coherent and relatively hard, naturally formed mass of mineral matter.

Salaquifer.—An aquifer (q.v.) carrying saline water, commonly deeper than freshwater aquifers.

Sand.—Loose sediment (q.v.) composed of mineral or rock fragments ranging in diameter between 1/16 and 2 mm.

Sandface.—The vertical cut surface of a sandstone or other permeable rock layer in a borehole.

Sandstone.—An indurated sedimentary rock (q.v.) formed by natural cementation of sand.

Saprolite.—Disintegrated rock, more or less decomposed, which lies in its original place.

Sediment.—Material in suspension or recently deposited from the waters of streams, lakes or seas, and in a more general sense deposits of wind and ice. Sediment typically consists of loose and unconsolidated fragments of rock. The specific type is determined by the size of the grains or fragments (clay, silt, sand, gravel). Purists consider a sediment to be a type of rock.

Sedimentary rock.—Indurated sediment, such as claystone, siltstone, sandstone, conglomerate, limestone. A characteristic feature of most sedimentary rocks is a layered composition, each layer being a bed or stratum.

Series.—A subdivision of the stratigraphic sequence in a rock column. (See "Stratigraphy")

Shale.—Laminated or fissile claystone or siltstone.

Soil.—(1) Agriculture: The loose surface material of the earth in which plants grow. (2) Geology: The surface zone or veneer of loose materials consisting of particles derived by decay or disintegration of rock and usually mixed with vegetal and animal products. (3) Waste-disposal usage: Sediments and sedimentary rocks; apparently often used to include all rock above the basement.

SRP.—Savannah River Plant, South Carolina.

Storage.—Putting materials away with the intent to retrieve them, or in such manner that retrieval is feasible. (See "Disposal")

Stratigraphy.—Study of the strata and their interrelationships in a sequence of layered rocks. Proper names apply to both time units and rock-age units. Table III (q. v.) shows mapor and lesser subdivisions, including all formation names that are used in the text of this report. Not all divisions are present at all locations; for example, Paleozoic strata are missing at SRP, where Mesozoic strata lie directly on the Precambrian basement.

Structure (tectonic).—The attitude and relative positions of rock masses consequent upon deformative processes such as folding, faulting, and igneous intrusion.

Subsurface geology.—The study of rocks and their fluid contents beneath land or sea-floor surfaces by means of drilling and geophysical surveys.

Synclinal.—Formed by strata dipping toward a common line or plane, making a downward or trough-shaped flexure in folded rocks.

Tectonic.—Referring to rock structure and its external forms resulting from the deformation of the earth's crust. As applied to earthquakes, it is used to describe shocks that are not due to vocalism or to collapse of caverns or to landslides.

Tertiary.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

Transmissibility.—Capability for permitting a flow of contained fluids. Statistically, permeability multiplied by thickness.

Triassic.—A division of geologic time and of a stratigraphic sequence. (See "Stratigraphy")

USGS.—United States Geological Survey.

Vadose.—Referring to water in the zone of aeration, above the water table.

Water table.—The surface whose elevation at each point is that of the level at which water will stand in an open hole whose total depth is just below that surface.

Zone of aeration.—The part of the earth's crust lying above the zone of saturation. Any water in the zone of aeration either is held in interstices by molecular attraction or capillary forces, or is moving downward toward the zone of saturation, and is known as *vadose* water.

Zone of saturation.—The part of the earth's crust in which permeable rocks are saturated with water under hydrostatic pressure (in excess of the atmospheric pressure). The water filling the interstices is called *ground water.*

Mr. CHURCH. Mr. President, I ask further that two reports prepared by the AEC concerning the report also appear in the RECORD following the text of the full document. The first of these smaller papers entitled "Comments on the Background of the May 1966 Report of the NAS Committee on Geologic Aspects of Radioactive Waste Disposal" contains a partial reply by the AEC to comments contained in the National Academy of Sciences report.

The second of the smaller papers entitled "Radioactive Waste Management: An Interim Report of the Committee on Radioactive Waste Management" describes the efforts thus far expended by a new committee on radioactive waste problems formed at the request of the AEC in 1968.

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

COMMENTS ON THE BACKGROUND OF THE MAY 1966 REPORT OF THE NAS COMMITTEE ON GEOLOGIC ASPECTS OF RADIOACTIVE WASTE DISPOSAL

In May 1966, the Committee on Geologic Aspects of Radioactive Waste Disposal of the Earth Sciences Division, National Academy of Sciences-National Research Council, forwarded a report to the Division of Reactor Development and Technology, U.S. Atomic Energy Commission. The scope of the work of this Committee is shown as follows in the first paragraph of the report's introduction:

"The work of the Committee on Geologic Aspects of Waste Disposal of the National Academy of Sciences-National Research Council (NAS–NRC) is supported by the Division of Reactor Development and Technology of the United States Atomic Energy Commission (AEC), whom the Committee serves as adviser. The Committee's responsibility to that Division is to observe and study critically the research and development activities of the Division with respect to radioactive waste disposals in the ground, and to provide counsel regarding the safety of the Division's current and proposed operations insofar as they are affected by geologic considerations."

Various committees, advisory to AEC, on radioactive waste disposal R&D programs have existed within the NAS–NRC Earth Sciences Division since 1955, and with some degree of continuity of membership. Although various statements of such committees' functions were used over the entire period, their basic purpose was always to advise on the research and development related to radioactive waste management.

The AEC has considered the comments and suggestions of the Committee on Geologic Aspects of Waste Disposal regarding AEC's research and development program on radioactive waste management as a useful input to the continued planning of that program. General development programs profiting from the Committee's encouragement and suggestions have included those for hydraulic fracturing for intermediate level radioactive wastes, now reduced to standard practice at Oak Ridge; high temperature solidification of high level wastes now well advanced in an engineering prototype facility at Hanford; and salt mine burial of high-level wastes, which has received an extended engineering test in the Lyons, Kansas mine.

During the site visits leading to the May 1966 report, a number of specific Committee suggestions were received and put into effect, such as the measurement of vertical movement in wells at the National Reactor Testing Station and the ideas for a more sophisticated analysis of pumping test data at the Savannah River Project. The Committee was not unanimous in all of its recommendations nor has the AEC adopted them all. For example, in the May 1966 report a majority of the Committee recommended discontinuance of development work on the concept of disposal of high level wastes in a chamber to be mined in the solid bedrock which lies below the Savannah River site. A minority opinion was that such investigations should be continued and technical guidance for such further effort was provided. AEC still considers that this concept is worth pursuing and is proceeding with a program directed toward determining its feasibility.

SCOPE OF COMMITTEE RESPONSIBILITY

Despite the fact that the scope of Committee responsibility was limited to advising the Division of Reactor Development on its research and development program, and despite the fact that the Committee received relatively little information concerning AEC operations, the Committee in 1960 developed conclusions and recommendations regarding AEC's waste management operational activities. This was the case even though certain important aspects of the Production Division's waste management operations were classified and the Committee was not willing to receive classified information.

In summary these views were that no existing AEC installation which generates either high level or intermediate-level wastes appears to have a satisfactory geological location for the safe local disposal of such waste products; neither does any of the present waste-disposal practices satisfy the Committee's criterion for safe disposal of such wastes.

In 1960 the Committee made three recommendations: (1) that action be taken for the establishment of waste-disposal facilities at suitable geological sites where the accumulated wastes of the existing installations can be processed and safely disposed of; (2) that approved plans for the safe disposal of radioactive wastes be made a prerequisite for the approval of the site of any future installations by the AEC or under its jurisdiction; and (3) that the Commission consider concentrating its chemical processing activities at a minimum number of sites located at satisfactory places for the disposal of radioactive wastes.

These recommendations were made after the Committee had visited the AEC sites at Oak Ridge and Savannah River, but before it visited either Hanford or NRTS. Following its visits to the latter two sites, the Committee informed AEC that neither the Hanford plant nor the Idaho Falls plant was creating a hazard. However, the Committee commented that processing plans at sites selected because of their suitability for effective and complete safe waste disposal practices would be much preferred to chemical processing work at Idaho Falls or Hanford.

To understand the implications of the foregoing conclusions and recommendations, additional background information is necessary. AEC had already constructed major production reactor and fuel reprocessing facilities at Hanford, Washington, and Savannah River, S.C., and additional fuel reprocessing facilities had been built at NRTS in Idaho. Extensive radioactive waste management operations had been and were being conducted at each of the above installations, as well as in developmental facilities at Oak Ridge, Tennessee.

To comply with the Committee's recommendations, AEC would have had to abandon fuel reprocessing and radioactive waste management facilities and activities at each of the above sites. It would have had to acquire an extensive new site or sites, presumably located over either salt beds or deep synclinal basins, since such locations appeared most attractive to the Committee for disposal of waste. It would have had to construct new fuel processing facilities and waste management facilities at the new site and move existing radioactive wastes from existing sites to the new site for disposal. Such an undertaking would have involved the expenditure of billions of dollars.

In considering the Committee's recommendations the Commission pointed out that high level radioactive wastes were not being "disposed of" at any of AEC's sites, but merely stored pending development of satisfactory disposal methods. The Commission could see no necessity for going to the enormous expense of relocating existing fuel element processing facilities as implied in the Committee's recommendations.

The Commission also felt it necessary to clarify the Committee's postulate that "no system of waste disposal can be considered safe in which the wastes are not completely isolated from all living things for the period during which they are dangerous," pointing out that if this were intended to mean "that zero radioactivity should be allowed to reach man's environment" it would raise "fundamental questions including those of a biological and medical nature that are very broad in scope." Such a zero radioactivity requirement would not be consistent with recommendations of groups which are responsible for advising on radioactive exposure standards such as the Federal Radiation Council.

Most of AEC's criticisms of the May 1966 report relate to the inclusion and amplification of the Committee's 1960 conclusions and recommendations about AEC sites and its radioactive management operations. These were included despite advance attempts to reach an understanding (i.e. in 1965) that the Committee was to review the R & D program on radioactive waste management for which the Division of Reactor Development and Technology was responsible. In preparing the May 1966 report, the Committee made brief visits to a number of AEC sites and facilities, including operations sites where brief presentations concerning operational activities were made by Division of Production staff or by associated field office and contractor staff. The AEC considered these visits and briefings on its waste management operations to be incidental to the primary research and development program review mission of the Committee, but of possible value in providing background information related to experience in disposal of radioactively contaminated wastes.

As stated earlier, the Committee's comments and recommendations regarding RDT's radioactive waste management R&D program have been useful and have received careful consideration by AEC in planning its program. The May 1966 report has been uti-

lized internally by AEC for this purpose but has not been published. AEC's concerns over the report were not resolved before the decision to dissolve the Committee and replace it with one having broader spectrum of scientific disciplines.

The present Academy Committee on Radioactive Waste Management (CRWM) has the following charter: ". . . to review and advise the AEC concerning long-range radioactive waste management plans and programs for an expanding nuclear energy industry. This primary task would include the general assessment of the adequacy of the present and projected technology in relation to meeting long-range health, safety, and other environmental requirements, and the identification of new research needs." During the past year, the CRWM has visited Hanford, Oak Ridge, Savannah River, and NRTS. The CRWM has been briefed both on radioactive waste management R&D and operational practices at those sites. In view of the request for release of the May 1966 report, the Commission has requested the CRWM to report its comments regarding sites which it visited and the operational policies and practices which it has observed as well as the R&D programs. The May 1966 report has been available to the CRWM since it was organized.

RADIOACTIVE WASTE MANAGEMENT: AN INTERIM REPORT OF THE COMMITTEE ON RADIOACTIVE WASTE MANAGEMENT

In 1968 the Committee on Radioactive Waste Management (CRWM) was formed by the National Academy of Sciences (NAS) at the request of the Atomic Energy Commission (AEC). The present membership consists of Professor Clark Goodman, Chairman; Mr. W. Kenneth Davis; Professor Robley D. Evans; Dr. John C. Frye; Professor Jack E. McKee; Mr. Herbert M. Parker; Professor John H. Rust; Dr. F. H. Spedding; Dr. Clarke Williams; Mr. Hood Worthington; Mr. John A. Erlewine, AEC Liaison; and Dr. Cyrus Klingsberg, Technical Secretary, NAS–NRC.

The general scope of the Committee's task is as follows:

Advise the AEC concerning long-range radioactive waste management plans and programs for an expanding nuclear energy industry. This primary task of the Committee will include the general assessment of the adequacy of the present and projected technology in relation to meeting long-range health, safety, and other environmental requirements, and the identification of new research needs.

Undertake specific studies on the initiative of either the Commission or the Committee following agreement on the objectives of such studies.

Establish ad hoc panels, where necessary, to develop specific areas essential to the Committee's work.

One of the initial tasks will be to compile a comprehensive listing of various topics within the scope of the Committee's charter that could be considered by the NAS and the AEC as additional tasks for study by the Committee.

The Committee will not be requested to provide advice on specific cases that normally come within the purview of the AEC Advisory Committee on Reactor Safeguards.

The general scope of the Committee's task may be modified or extended as needed by mutual consent of the Atomic Energy Commission and the National Academy of Sciences.

The Committee on Radioactive Waste Management spent its first year visiting the major AEC sites to survey the present and anticipated practices involved in radioactive waste management. The Committee has been particularly attentive to the problems associated with the permanent storage of high-level radioactive wastes from nuclear fuel reprocessing plants.

Following its organizational meeting in Washington, D.C., on August 26, 1968, the CRWM held its first on-site visit at Oak Ridge National Laboratory (ORNL) on October 17–18, 1968. The pattern established here was followed at all future site visits. After formal presentations, which covered all aspects of that site's waste management programs, both operational and R&D, the Committee made a tour and saw firsthand the practices described in the presentations.

The topics covered at Oak Ridge included the following:

1. Low-, intermediate-, and high-level waste management,
2. Storage of high-level solidified waste in salt formations,
3. Noble gas removal,
4. Waste management in nuclear power stations,
5. Economic evaluations of fuel reprocessing waste management,
6. Siting fuel processing plants and waste management facilities,
7. Management of solid, gaseous, and liquid wastes,
8. Hydraulic fracturing, including rock mechanic aspects,
9. Environmental monitoring and radioecological research relevant to radioactive waste releases, and
10. A survey of the geohydrological characteristics of the ORNL site.

For the site tour, four ORNL locations were visited. The first was the central control room for the gas and liquid monitoring equipment where both monitoring and recording are continuous. The second building contained evaporator and waste condenser controls that are responsible for monitoring 99 percent of all ORNL waste. At the third location the Committee visited a modified water treatment plant, which used lime, soda ash, and clay to decontaminate the radioactive liquids. At the final stop, the hydrofracturing station was visited. It was not in operation at the time, since there are only two injections a year, each lasting about one day.

The third meeting of the Committee was held at the Savannah River Plant (SRP) on January 20–21, 1969.

Representatives of Du Pont (which is responsible for the overall management of the SRP) reported that Du Pont, in addition to cooperating with local boards of health and the U.S. Public Health Service, has supported an independent study by the Academy of Natural Sciences of Philadelphia on the biological condition of the river before the plant went into operation. It still conducts periodic surveys, and the results of these indicate that the operation of the SRP has had very little effect on the biological condition of the Savannah River.

Additional formal presentations included such topics as—

1. Long-term storage of highly active wastes in bedrock caverns,
2. Design and construction criteria for facilities to handle highly active liquid waste,
3. The handling and storage of separations process wastes,
4. Disposal of radioactively contaminated solids,
5. Disposal of contaminated water from the reactor areas,
6. Control guides and experience related to radioactivity release to the environs, and
7. Geology, hydrology, and geography of the site.

For its plant tour, the Committee observed a power boat collecting water samples from the Savannah River and a continuous floating sampler. An empty emergency holding basin (for reactor cooling water) of 50-million-gallon capacity was visited. The chemical processing plant was seen from the road but was not entered. The Committee saw completely buried, high-level storage tanks of 85-foot diameter and, nearby, four tanks, each of 1¼ million-gallon capacity, were observed under construction. The Committee entered a small monitoring building filled with waste-tank cooling coils in which the decay heat could be felt in some of the pipes. A drop in temperature observed at this location would allow the point of a leak in a tank's cooling coils to be located. A newly prepared burial ground was observed where containers of contaminated solids and empty contaminated water tanks from a Greenland airplane crash were being buried.

Prior to the fourth meeting of the Committee, a task force consisting of Goodman, Rust, and Klingsberg visited the Dresden Nuclear Power Station, Morris, Illinois, on April 16, 1969. Between 2 and 3 thousand cubic feet of solid low-level wastes will be handled there annually. The Sheffield Burial Site is approximately 50 miles to the west; it is managed by the Nuclear Engineering Corporation on ground that is owned by the state of Illinois.

On a site adjacent to the Dresden plant a fuel reprocessing plant is being built by General Electric (G.E.). This 300-ton-per-year plant is known as the Midwest Fuel Recovery Plant (MFRP).

In addition, Commonwealth Edison is constructing two additional large boiling water nuclear power plants, known as Dresden No. 2 and Dresden No. 3, which will be in operation in the very near future. The question of what level of stack discharge of radioactive gases will be permitted from each of the three Dresden plants plus the G.E. reprocessing plant is now being considered by the AEC Licensing and Regulations Division.

For its fourth meeting, the Committee visited the National Reactor Testing Station (NRTS), Idaho Falls, Idaho, April 17–18, 1969. The formal presentations included such topics as:

1. Radioactive waste management policy at NRTS,
2. Waste generation and management at test reactors, at the chemical processing plant, and at the Experimental Breeder Reactor II (EBR–II) project,
3. Solid waste disposal,
4. Calcination of liquid waste,
5. Management of radioactive waste proposed for the loss of fluid test (LOFT),
6. Radionuclide distribution in regional groundwater and in the regolith as a result of liquid waste disposal,
7. Environmental behavior of gaseous waste disposal in the atmosphere including prediction of trajectories and dispersion, and,
8. Geology and hydrology of the NRTS site.

For its plant tour, the Committee visited the Fuel Cycle Operations of EBR–II. A demonstration was held of a dump of a "cold" can into a burial hole at the EBR–II burial grounds. The Idaho Chemical Processing Plant was visited. This is a canyon building with a 240-foot operating corridor. The plant was not in operation at the time. Finally, the Committee visited the calciner, which employs a fluidized bed at 400° C.

The fifth meeting of the Committee was held at the Hanford Plant, Richland, Washington, June 23–24, 1969. The lectures included:

1. Hanford waste management policy covering the nature, present handling, and storage of chemical processing wastes and future options in long-term waste storage,
2. Handling of contaminated gaseous, solid, and liquid effluents in chemical processing plants,
3. Fuels and reactor waste disposal practices,
4. Waste solidification demonstration program (phosphate glass, spray solidification, pot calcination),

5. Movements of radionuclides through the local environment, and

6. General site description.

For the plant tour the Committee visited B Plant and saw a demonstration that is typical of a remotely operated and remotely maintained plant. The Committee visited a display of off-site shipping containers: a HAPO-II shipping container and its protective buffer container, small tunafish-type cans, birdcage containers, and 5-inch diameter plastic bottles. The Purex separation plant was visited next, and the Committee walked through the pipe and operating gallery. Two 1-million-gallion tanks of the SRP type were observed under construction. An exploratory well, 3100 feet in depth (which will be extended to 4500 feet when completed), was observed. At the Chemical and Materials Engineering Laboratory the Committee visited the fission product cask handling area. A 30-ton loading cask was observed through a shielded window. In addition, a 350-gallon on-site cask was observed close up.

Following these plant visits the Committee met with the AEC Commissioners in Germantown, Maryland, on October 9, 1969, in order to inform the AEC of the progress to date.

The seventh meeting of the Committee was held at the Atomic Industrial Forum, New York, on September 12, 1969. An ad hoc group of industrial representatives presented their points of view with respect to the problems of radioactive waste management.

The purpose of the tour of the major AEC installations was to provide an appropriate orientation for the Committee so that it would be brought up-to-date as to the current research and development programs under way at these AEC sites.

The Committee noted the extensiveness and care in waste management at each site visited. The Committee is gratified by the quality and scope of the R&D program sponsored by the AEC in radioactive waste management.

An alternative to perpetual tank storage of liquids is the conversion of the liquid solutions to thermally and radiolytically stable solids of low solubility for burial in suitable underground sites or for storage in excavations. Under the AEC program four solidification techniques have been examined in detail:

1. The fluidized bed calciner developed at the Idaho Chemical Processing Plant,

2. The phosphate glass process developed at Brookhaven and being tested at Hanford,

3. The spray solidification process developed and tested at Hanford, and

4. The pot calcination process developed at ORNL and being tested at Hanford.

The last three have been under full-scale tests at Hanford since November 1966 using fission products having thermal and radioactivity levels comparable to spent fuel from commercial power plants. These tests are scheduled for completion in 1970.

During the coming year, the CRWM expects to take into consideration:

1. Transportation, especially of high-level waste (relative safety of storage versus shipping),

2. Management of low-level wastes,

3. Review of cost evaluations of radioactive waste management,

4. Analysis of AEC policy on high-level waste management, and

5. Exchange of information between the United States and other countries.

In all of these studies, an attempt will be made to maintain a balanced viewpoint between radioactive wastes and all other types that could endanger the environment.

Mr. CHURCH. Mr. President, I also request that three editorials from the Idaho Falls Post Register, the Burley, Idaho, South Idaho Press, and the Idaho Daily Statesmen of Boise, dealing with this suppressed report, appear at this point in the RECORD.

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

[From the Post-Register, Mar. 20, 1970]

THE EDITOR'S NOTEBOOK: MOBILE GRAVEYARD

A long withheld study of the radioactive waste operation at the National Reactor Testing Station calls for eventual removal of the waste burial grounds at the Idaho site to a site "not over a significant aquifer."

This is the same recommendation made by the Idaho State Board of Health, but, unlike the board of health, the National Academy of Science Committee, has explained in great detail why the removal should eventually be sought.

It should be kept in mind that in the long range planning of the AEC, the stored radioactive wastes at the Idaho station have been considered "temporary" and all but the low-level, drinking water standard wastes are removable. The AEC has for years applied a research program on waste management and has over the years, decisively improved the technology of the field.

It should also be kept in mind that the Academy of Science has taken great pains to point out that there is no hazard involved now in the handling of wastes. It is the long range future and a gradual, possible radioactive buildup which has concerned the Academy of Science committee in its recommendations. In fact, the Academy's study team lauded the cautiousness and meticulous care applied by the AEC to its waste management practices.

Nevertheless, the Academy advanced some significant recommendations—besides the eventual transfer of the burial grounds. For example, a minimum of two feet of aluvial soil underneath all buried wastes is recommended by the Academy team. The AEC now have some wastes seated in a few places on basaltic rock. Although there are many feet of basaltic rock between the wastes and the water table, it is possible that sudden shifts in the basalt or a high-volume seepage from flooding could wash some of the wastes down to the water table. This type of waste, however, is mostly solid material, radioactive tools or components, and not the high level liquid or calcined wastes which are stored in cooled steel tanks.

The Academy study also recommended more test holes, and especially deep test holes, to evaluate the character or seepage and water movement more definitively.

A third major recommendation of the Academy was a standardizing of all waste management guides at installations where waste management is involved. The Academy said different standards are applied at different places—likely the result of the development of different sites at different times under different geologic conditions. Nevertheless, the standardization recommendation is a sound one and a more precise standardization is presumably achievable.

The AEC has mainly said that the committee making the study did not represent a sufficiently broad spectrum of discipline—and disciplines particularly related to the radiation field, but geologists in the main. This was undoubtedly true. The Academy's current team in this field is more representative.

The AEC also has answered that the removal of burial sites to places in the midwest where geologic conditions are favorable (sites where alluvial soil is available in large quantities as a container and where no concentrated aquifer is involved), was not considered feasible, at least at the time that the report was made in 1966. It would cost billions, the AEC has indicated, to remove its burial sites.

But in Idaho, we are confident, Idahoans are going to want the decisions to be made in the direction of extra precaution so that its aquifer, the largest concentrated one in the nation, is protected from all conceivable future threats of radioactive buildup—even though scientists cannot agree now on the ultimate effect of such a buildup. In the long run, money will have to be found for this removal if the concert of independent scientific opinion continues to worry about the possibilities, however remote, of even slight impairment of this highly valued aquifer. It is Southern Idaho's watering trough for an irrigated empire which is really just emerging.

The Academy study noted that "considerations of long range safety are in some instances subordinated by the AEC in regard for economy of operation." This can no longer be true. The Academy team may have been overcautious, as even some independent scientific observers have indicated, but in the years ahead, money must be found. There is no danger now. The final decision is years away.

But in the meantime, we would hope that the AEC capitalize on the report, in fact, as Senator Frank Church has proposed, by establishing the Idaho AEC site as a national center for waste management research. This is where the first money should be spent.

More than this, a new AEC center should take on an even wider scope as a center for attacking environmental problems generally. The Idaho site has both the initial personnel and the initial facilities to perform this national service, although both would have to be expanded.

The reason why Idaho really has not been able to properly assess its air pollution problems, for example, is not only a lack of funding in this direction, but a lack of the sophisticated instrumentation it requires. The AEC site has these instruments now. They should be utilized, not only for Idaho but other western states at least.

No assessment of the Academy of Science report can be concluded, either, without pointing out that the AEC did, in fact, suppress the controversial Academy report. It should have been published, even though the AEC considered it a study for its own internal usefulness. The record shows that the AEC "sat" on this controversial report, and continued to sit on it until intolerable pressures had built up in Congress and elsewhere. The late, late disclosure of the report is all too characteristic of the AEC and its public information policies.

[From the Burley (Idaho) South Idaho Press, Mar. 16, 1970]

A.E.C. DECEPTION

The people of Idaho have been treated to a superb case of deception. The offender is none other than the U.S. Atomic Energy Commission. The South Idaho Press was the first Idaho newspaper which took serious the charges of Robert A. Erkins of Buhl. He raised the contamination issue last summer relative to the sparkling springs near Clear Lakes on the Snake River. If springs in that locale could become contaminated from AEC Waste disposal at Arco, the entire Minidoka north side pumping project would likely suffer even more contamination.

In reply to the charges, William Ginkel, AEC manager at Idaho Falls observed, "We have substantial technical experience. There is no real or potential basis for alarm—ever." This and other blase statements of highly technical nature were disseminated in the Idaho press from the AEC. No cause for alarm, they said. Just leave it up to us—We even drink the water from the aquifer which feeds the great north side subterranean lava caverns where the water is locked up until it emerges along the Thousand Springs and other outlets on the lower Snake.

Now, a highly technical report prepared by qualified earth scientists with no axe to

grind for anyone is uncovered. Mr. Ginkel failed to mention this study when he was answering the opening charges last year. But it was a matter of record, in fact two studies, one confirming the other were in possession of the AEC at the time. Would you call this deception?

One was prepared by a team of scientists from the National Academy of Sciences and National Research Council in 1960 and confirmed by another commission of 10 scientists from the Academy in 1966. Sen. Frank Church was instrumental in getting a full release of these studies for the people of Idaho. And what do the reports say? Here are some of the findings as released Sunday:

None of the major sites at which radioactive wastes are being stored or disposed of is geologically suited for safe disposal of any manner of radioactive waste other than very dilute, very low-level liquids.

"At the NRTS (in Idaho) pipes were laid underground without ordinary safeguards against corrosion on the assumption that the pipes would not corrode in dry solid, but they did. At NRTS, plutonium wastes are given shallow burial in ordinary steel (not stainless) drums on the same assumption. Corrosion of the drums and ultimate leakage is inevitable."

The report continues that the AEC predicted billions of dollars would be required to move the present sites elsewhere in compliance with the standards set by the two scientific committees. It could see no reason for this "enormous expense."

The earth scientists in both studies were cautious. They agreed that the economics of waste disposal and removal was a problem but safety should be the first consideration. . . . The committee believes that safe disposal procedures should be established now rather than at later stages of power development . . . perpetual care of hazardous wastes cannot be assured and so should be designed that permanent safety is certain," continues the report.

A copy of the full report will be published in this newspaper very shortly. One thing is certain that the alarm raised here was fully justified. While arguments were refuted with sophisticated diatribe from the AEC, there was still much doubt left in the minds of Idahoans on the subject. Idaho has much at stake in this matter. Its future economy and the livelihood of other generations are very much concerned.

It is far too great a chance for Idaho to take. This was an early observation which is now even more seriously involved. Time is late. Storage of radioactive wastes at Arco have been going on now for a full decade. It's time to call a halt. A full-scale removal of these wastes must be considered. There are hundreds of thousands of lives at stake and even more billions of dollars of wealth. Idaho and especially the people of this valley cannot permit this matter to go unchallenged and uncorrected any longer.

[From the Boise (Idaho), Idaho Statesman, Mar. 18, 1970]

REPORT CITES LIQUID WASTE HAZARD

It shouldn't have required congressional prodding to persuade the Atomic Energy Commission to release a report on radioactive waste disposal by the National Academy of Science. Failure of public agencies to level with the public on such sensitive questions tends to create suspicion and mistrust.

The AEC does not wholly agree with the report, which, among other things, suggests that the National Reactor Testing Station should be located in the Midwest. But the proper procedure would have been to release the report, along with a statement of the AEC's reservations.

Perhaps the most significant conclusion of the report is that liquid wastes should not be discharged in Eastern Idaho because of the Snake River plain acquifer. Since questions about waste disposal procedures arose several months ago the AEC has defended its practices, including the disposal of liquid wastes.

Said the scientists: "It must be clearly understood that our concept of deep-well disposal does not permit any disposal by injection into formations that directly underlie fresh-water aquifers, or anywhere near them stratigraphically. Nor does it allow injections under such conditions that lateral flow through the disposal reservoir would bring waste fluids into the zone of potable water in the same formation within a period of 1,000 years."

The study committee was less concerned about the storage of radioactive wastes in solid form above the aquifer, but it suggested that they should be stored at an inland location.

John Erlewine, assistant general manager of the AEC, said in Washington when the report was released that although the AEC is putting the wastes underground now, it does not necessarily intend to leave them there.

Seven changes in procedure for storage of solid wastes were recommended by the Public Health Service as the result of a study by federal agencies requested by Sen. Frank Church. Another study on liquid wastes is still in progress.

The proposed changes in solid waste disposal procedure and Mr. Erlewine's statement about possible eventual removal are reassuring. It remains to be seen whether the study on liquid wastes will come to the same conclusion as the National Academy of Science study team.

In a reply to the National Academy of Science report, the Idaho AEC Operations Office said Monday that the recommendations were made before the committee visited either Hanford, Wash. or the NRTS site.

Yet in its report the committee said it visited the NRTS site on May 10 and Hanford on May 13 and 14, 1965. It had also visited the NRTS site earlier, in 1960.

The AEC said in its rebuttal that it was informed by the committee that the Idaho Falls plant was not creating a hazard.

The committee did not say that there was an immediate hazard. Its report said that liquid wastes should not be discharged in the vicinity of an aquifer because of long-run dangers.

This report is four years old. Had it been released at the time it was completed the reviews of AEC waste disposal procedure in Idaho would have come sooner. But the agency chose to keep the report secret and to rely on its own judgment.

Agencies whose activities pose possible dangers to the environment should not be in the position of completely determining their own standards. No matter how well-intentioned they are there is a possibility that other considerations will interfere with environmental precautions.

Mr. CHURCH. Mr. President, these reports and comments are important pieces in a puzzle which must be pieced together if we are to preserve a habitable environment. As I pointed out in my earlier remarks, we in America seem to have a fixation with purchasing technological advancement on credit, paying the environmental bill, plus pollution charges, at a later date. That practice simply cannot be followed when it comes to atomic power. Adequate and safe methods for the permanent disposal of atomic waste must be found. To ask less is to gamble with life in the future. We must institute and fund an adequate national effort now to find solutions to these problems.

ADMINISTRATION'S POSITION ON CAMBODIA

Mr. PELL. Mr. President, last Monday the Secretary of State appeared before the Committee on Foreign Relations to present the administration's current position with respect to the tense situation in Cambodia. At that time I urged him to take the matter to the United Nations instead of attempting to pursue a unilateral policy in that Southeast Asian country. Several other members of the committee endorsed my view. Since that time, we have participated in an overt military manner in support of a South Vietnamese military incursion into Cambodia, a development which has sharply exacerbated the whole situation. Speaking as one Member of this body, I strongly oppose this action which can well turn what has been a Vietnam war into a larger Indochina war.

I rise now to urge publicly that this matter be turned over to the United Nations. Here, we should bear in mind, too, that history is showing us we are better off when nations have governments that are neutral, but popularly based, than when they are friendly, but militarily based. I recall the old adage, "Preserve us from our friends!" It would certainly be cheaper.

In deciding the course our Government will follow in Cambodia, it obviously has to contemplate the risk of repeating there the unfortunate consequences that followed from our unilateral intervention in Vietnam. For various reasons it may have been inappropriate to take the question of South Vietnam to the Security Council. Perhaps most important of these was the fact that South Vietnam is not a member of the United Nations. No similar constraint applies in the case of Cambodia. Furthermore, whether a vote in the Security Council is for intervention in this new conflict in Southeast Asia or against such assistance, it will be better than the loss in life, treasure, and dignity which the United States, standing alone, has suffered in Vietnam.

A similar lesson can be learned from Laos. We also failed to submit the conflict there to the United Nations and now we are deeply involved in the fighting. Our position for taking Cambodia's crisis to the United Nations is stronger than in the case of Laos. The initial decision to support actively the present regime in Cambodia is now at hand. We have not taken those irrevocable steps which we took in Laos as early as 1964 to support the Government there secretly in violation of international agreement. Once having taken such steps, it is difficult then to turn to a body of world opinion such as the United Nations to argue against violation of international accord by others.

Our experience in Vietnam and Laos must teach us that the first steps of unilateral intervention can well lead on to greater and more costly involvement. If we provide military equipment to Cambodia, unquestionably military advisers will have to accompany such equipment. If this contribution proves

inadequate, as it well may, there will be a strong tendency on our part to assume a combat role in the air, as we have done in Laos, or worse, to assume a combat role on the ground, as we have done in Vietnam. In fact, we already seem to have gone quite far down this road. If we would submit this matter to the United Nations, the United States can thereby fulfill its international responsibilities with much less sacrifice.

I would like to emphasize that whether the decision of the Security Council is in favor of providing assistance to the Lon Nol government of Cambodia or against it, the result will be better than unilateral intervention. If the United Nations decides that Cambodia is the victim of outside aggression and determines to assist her, then the moral and material burden of such assistance will be shared internationally.

If the decision of the United Nations is instead against assistance, the United States would thereby be justified in declining to provide aid. In other words, a negative answer by the United Nations would excuse this country from having to become involved.

We have no important security reasons for coming to the aid of the present Cambodian Government in the absence of United Nations endorsement. If our security interests in South Vietnam are small and our presence there a result of a presumed commitment, our security interests in Cambodia are even less and no such commitment now exists. Thus, we stand to gain by whichever course the United Nations would take. Unilateral intervention, on the other hand, could spawn a civil war in Cambodia that could last a generation. Moreover, there is no promise in such a war that those who will rule after Lon Nol will be more favorably disposed toward us than if we now refuse to intervene.

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

Mr. PELL. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. PELL. In Cambodia we are presented with the case of a small country that claims its neutrality has been violated by a more powerful neighbor. Until today, Cambodia has rigorously tried to stand apart from the great East-West confrontation in which so much of the world is involved. In the United Nations we can point out Cambodia's long-standing neutrality based upon the Geneva Accords of 1954, which North Vietnam signed and which she now violates. It is the classic type of situation for which the United Nations was established. If our commitment to the creation of a peaceful world through the United Nations has any credence, it is in a situation such as that presented by the events in Cambodia.

If, upon bringing the matter to the attention of the Security Council, the true will of that body is frustrated by the act of a few, they, not us, will stand condemned for the course that they adopt.

If such a discussion in that world forum should turn to the greater issues of security in Indochina as a whole, so much the better. We should recall that it was the Soviet Ambassador to the United Nations, Deputy Foreign Minister Malik, who recently ventured to propose an international conference on Indochina. A discussion of Cambodia in the United Nations may serve as an opening for similar proposals.

In any event, the time has come for us to be willing to discuss and defend in any forum what we stand for and what we are seeking in Southeast Asia. Now that our escalation in Vietnam has been turned around, we need be less concerned with the pointed finger of public accusation. Whatever course the debate may take, the United States cannot fail to gain in policy and stature by taking the responsible step of committing this new international problem to the world body.

Even if Cambodia itself does not evidence a desire to have the matter taken up by the Security Council, that alone should not preclude us from bringing it there, in light of our position of world leadership and our own very large presence today in Southeast Asia, in all three of the countries that border on Cambodia—South Vietnam, Thailand, and Laos.

Finally, if we are to keep alive the hope which the United Nations represents, an opportunity such as this for international decision and action in the name of peace must not be lost. Therefore, I respectfully urge the administration to place this matter upon the agenda of the Security Council.

URBAN CORRIDORS CORPORATIONS AMENDMENT—SUBMISSION OF A SUBSTITUTE AMENDMENT TO S. 3706

AMENDMENT NO. 606

Mr. PELL. Mr. President, I rise to submit a substitute amendment, for myself and Senator KENNEDY, to S. 3706 which is pending on the calendar.

For many years I have been urging the Congress to take steps to remedy the rail passenger problem. Thus, I am most encouraged that the Senate will be considering action in the coming week to improve rail passenger service in this country. I believe, as many others do, that a solution to the rail passenger crisis can wait no longer. However, I do not believe that the urgency of the situation requires us to pass legislation on the basis of expediency which will not provide a longrun solution to the rail passenger crisis. Therefore, I offer, today, an amendment which will serve as a resolution to the rail passenger crisis for not only for today, but for the year to come.

The amendment I propose to create urban coridor corporations for the provision of rail passenger service is very much similar in concept to the National Transportation Act proposed by Senator MAGNUSON and the other proposed substitute to S. 3706, the National Rail Passenger Corporation Act, to be offered by Senators HARTKE and PROUTY. However, my amendment to S. 3706 differs in two respects to the National Rail Corporation Act proposal.

First, it establishes a separation between passenger service in urban corridors for which there is great potential demand and long-distance passenger service for which there is very little passenger demand.

Second, it prevents profits from service in the more highly traveled urban corridors from being drained within the national corporation by the requirements of long distance passenger service elsewhere.

My amendment would authorize the creation of nonprofit passenger corporations in each of our country's densely populated urban corridors of less than 500 miles. Furthermore, it would authorize the Secretary to provide long-distance service by contract with rail carriers or urban corridor corporations if he finds that such passenger service is required to meet seasonal passenger demand or to meet passenger transportation demand for which no alternative mode of transportation exists.

My amendment provides that representatives of the President, of the Governors of the States served by corporations of the rail carriers, and of the traveling public sit on the respective boards of directors of each corridor corporation.

By establishing the corporations as nonprofit corporations with the involvement of the Governors of the Nation, the corporations will be able to receive grants from Federal, State, and local agencies and they will be more likely to be responsive to the regional requirements within a national context. But most important of all, corridor corporations will not be limited to simple provision of the present archaic means of rail passenger transportation, but they will be given authority to develop new and improved modes of high-speed ground transportation needed to serve our growing megalopolises in the coming century.

I would wish to emphasize the amendment I suggest is not a regional, parochial approach to a national transportation problem. My amendment gives the Secretary the authority to designate an interconnected national system of rail passenger transportation. However, it does not utilize a national bureacracy to obtain the ends of the national system I and others propose; it utilizes a decentralized system of management tied together by the majority representation of the Secretary of Transportation in each of the corridor corporations.

My amendment provides only for a balanced form of transportation adjusted to national and regional needs. It puts the trains where the people are. It puts the trains where they are the most economical mode of travel, that is urban corridors of less than 500 miles. Even the airlines admit that it is uneconomical for them to provide passenger travel in short-haul urban corridors. The subsidies paid by the Federal Government to short haul airlines are evidence of that claim.

Mr. President, I ask unaimous consent that my substitute amendment and a copy of the letter from Dr. Robert Nelson, former director of the high speed ground transportation program, and a list of the Nation's urban corridors be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr.

GRAVEL). The amendment will be received and printed, and will lie on the table. Without objection, the amendment, the letter, and the list will be printed in the RECORD, in accordance with the Senator's request.

The amendment (No. 606) is to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS AND PURPOSES

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that the necessary improvement and restructuring of existing passenger service and the development of new modes of ground passenger service can best be achieved by nonprofit corporations operating in the Nation's urban corridors of less than 500 miles where improved passenger service is most needed; that regional transportation agencies should have a vital role in providing such service in cooperation with such corporations; that Federal financial assistance as well as regional, State, and local funds is needed to achieve the purposes of this Act; that limited long-distance passenger service of more than 500 miles should only be provided at a cost to the Federal Government on terms justified by the national interest, and therefore it is the purpose of this Act to designate a Basic National Rail Passenger System within which an Urban Corridors Passenger System will also be designated, to create nonprofit passenger corporations with the financial assistance of railroads and the Federal Government to provide passenger service in urban corridors, to authorize the Secretary of Transportation to contract for the provision of passenger service within the Basic National System and outside of the Urban Corridors Passenger System, to authorize the Interstate Commerce Commission to require adequate standards of passenger service in rail passenger operations; and to provide interim Federal assistance to certain railroads as necessary to permit the orderly transfer of railroad passenger service to nonprofit corporations.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic National Rail Passenger System" means the system of long-distance intercity rail passenger service of more than 500 miles and the system of urban corridor passenger service for distances of less than 500 miles, designated by the Secretary under title II of this Act.

(e) "Urban Corridors Passenger System" means the system of passenger service between cities not more than 500 miles apart in densely populated areas, designated by the Secretary under title II of this Act.

(f) "Corporations" means the nonprofit passenger corporations created under title III of this Act to provide passenger service in the Urban Corridors Passenger System.

(g) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methdology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). The Secretary shall recommend as part of such system rail passenger routes of distances less than 500 miles between cities in highly populated regions where present and potential demand for rail passenger transportation may make rail passenger service provided by corporations created under this Act economically viable. The Secretary shall also recommend as part of such system rail passenger routes of distances of more than 500 miles where service may be required to meet seasonal passenger demand, to meet passenger transportation demands for which no alternative mode of transportation exists, or to meet other requirements of the national interest, and where the Secretary shall be willing to provide passenger service by contract with available carriers. Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; the need for service within defined regional areas; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, within thirty days after receipt of the Secretary's report designating a basic system, review such report consistent with the purposes of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his report designating the basic system to the Congress. Such report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF RAIL PASSENGER CORPORATIONS

§ 301. Creation of corporations

There are authorized to be created nonprofit corporations (hereinafter referred to as "corporations") to provide en routes within each urban corridor of the Urban Corridors of the Urban Corridors Passenger System, in a manner consistent with the overall transportation requirements of the regions where such corporations are in operation, intercity passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. Each corporation will not be an agency or establishment of the United States Government. Such corporations shall be subject to the provisions of this Act, and to the extent consistent with this Act, to the laws of the District of Columbia relating to nonprofit corporations. The right to repeal, alter, or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not less than three incorporators for each urban corridor corporation, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) Each corporation shall have a board of directors of not more than 21 members who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. A majority of the members of the board will be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary or his representative shall be one of the members of each board of directors appointed by the President and at least one of such members of each corporation shall be a resident of the region served by such corporation and shall be appointed to represent exclusively the interests of passengers in that region. The governor of each State served by each corporation shall appoint a director to serve for a term not to exceed his elective term of office. At least two members of each board of directors shall be elected by the rail carriers who have for consideration been relieved of their rail passenger responsibilities within the jurisdiction of such corporation under the provision of section 401 of this Act. Pending election of the complete board of directors of each corporation four members shall constitute a quorum for the purpose of conducting business of a board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any

action of the board of directors relating to any contract or operating relationship between the corporation and a railroad, but he may be present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) Each board of directors is empowered to adopt and amend bylaws governing the operation of the corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) Each corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. No officer of the corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the corporation.

§ 304. General powers of the corporation

Each corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with passenger service; to conduct research and development related to its mission; to own, manage, operate, or contract for the operation of high speed ground passenger transportation, to contract for the improvement or construction of roadbed and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. Each corporation shall rely upon rail carriers to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, each corporation shall have the usual powers conferred upon a nonprofit corporation by the laws of the District of Columbia.

§ 305. Applicability of the Interstate Commerce Act and other laws

(a) Each corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by each corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with each corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 306. Sanctions

(a) If a corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

§ 308. Reports to the Congress

(a) Each corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, each corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of Passenger Service by the Corporations; Commencement of Operations

(a)(1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, each corporation is authorized to contract with each railroad within its jurisdiction to relieve such railroad of responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail within the jurisdiction of the corporation in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the provision of intercity passenger service by rail: *Provided,* That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by a corporation, the railroad shall agree to pay to such corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad attributable to the operation of passenger service within the jurisdiction of the corporation as reported to the Commission for the year ending December 31, 1969. The payment to the corporation may be made in cash or, at the option of the corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the corporation.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating the following:

(A) 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad within the jurisdiction of the corporation during the period January 1, 1969, through December 31, 1969.

If the amount owed the corporation under this alternative is agreed by the parties to be less than the amount paid pursuant to paragraph ( ), the corporation shall pay the difference to the railroad. If the railroad and the corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to the corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which a corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, each corporation shall begin the provision of intercity rail passenger service between points within its jurisdiction unles such service is being provided by a railroad with which it has not entered into a contract under subsection (a) of this section.

(c) No railroad or any other person may, without the consent of a corporation, conduct intercity rail passenger service over any route on which such corporation is performing scheduled rail passenger service pursuant to a contract under this section.

§ 402. Provision of Passenger Service Outside of the Urban Corridors Passenger System

The Secretary is authorized to contract with railroads and the corporations for the provision of passenger service within the National Basic Passenger System for rail passenger service outside of the Urban Corridors Passenger System if the Secretary finds that such service is required to meet seasonal passenger demand, to meet passenger transportation demand for which no alternative mode of transportation exists, or to meet other requirements in the national interest. Such service shall be coordinated with the services in the Urban Corridor Passenger System. The Secretary may take into account in the determination of payments under this section the operating deficit which may be incurred by a carrier in the provision of long distance passenger service. There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this section. Any sums appropriated shall be available until expended.

§ 402. Facility and Service agreements

(a) Each corporation may contract with railroads for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or fa-

cilities of the rail carrier by a corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad entitled thereto may bring an action against the corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by each corporation within its jurisdiction the Commission shall, upon application by the Corporation, require a railroad to make immediately available trains and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

§ 403. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 404. New service

(a) Each corporation may provide service within its jurisdiction in excess of that prescribed either within or service outside the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State or regional authority may request of a corporation rail passenger service beyond that included within the corporation's system. The corporation shall institute such service if the State or regional authority agrees to reimburse the corporation for a reasonable portion of the avoidable losses associated with the institution of such services.

(c) For purposes of this section the reasonable portion of the operating loss to be assumed by the State or regional authority, shall be no less than 50 per centum nor more than the avoidable loss and associated capital costs. If the corporation and the State or regional authority are unable to decide on a reasonable apportionment of the avoidable losses to be assumed by the State or regional authority the matter shall be referred to the Secretary for decision in accordance with the intent of this Act, taking into account the impact of requiring the corporation to bear such losses upon its ability to provide improved service within its system.

§ 405. Discontinuance of service

(a) Unless it has entered into a contract with a corporation pursuant to section 401 (a) (1) of this Act, no railroad may discontinue any passenger service with the Urban Corridors Passenger System designated by the Secretary prior to January 1, 1975, the provisions of any other law notwithstanding. On and after January 1, 1975, passenger train service operated by such carrier may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon the filing of an application for discontinuance for such a carrier, the corporation may undertake to initiate passenger train operations between the points served.

(b) (1) A corporation must provide minimum service on the routes designated by the Secretary as within its jurisdiction until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a rail carrier pursuant to section 401 of this Act.

(2) Service beyond that prescribed which is undertaken by the corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, a corporation determines that any train or trains in its jurisdiction in whole or in part are not required by public convenience and necessity, or will impair the ability of the corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): Provided, however, That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local authorities request continuation of the service and within ninety days agree to reimburse the corporation for a reasonable portion of the operating losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph 3 of this subsection a reasonable portion of the operating losses to be provided by the State, local, or regional authority shall be no less than 50 per centum of nor more than the avoidable loss and associated capital costs. If the corporation and the State, regional, or local authorities are unable to decide on the reasonable apportionment of operating loss between them, the matter shall be referred to the Secretary for decision in accordance with the intent of this Act. The Secretary shall take into account the intent of this Act and the impact of requiring the corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 406. Protective arrangements for employees

(a) A rail carrier shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with a corporation pursuant to section 401(a) (1) of this Act, and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 406 of this Act.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a)(1) of this Act between a rail carrier and a corporation may not be made unless the Secretary of Labor has certified to the corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in a corporation's jurisdiction, the substantive requirements of subsection (b) of this section shall apply to the corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the corporation pursuant to section 405 of this Act.

(d) Each corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91-54 (—— U.S.C. ——) shall be applicable to all construction work performed under such contracts or agreements.

(e) Each corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A SPECIAL FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactment of this Act, the President shall appoint a seven-man financial advisory panel to be composed of members from the investment banking, commercial banking, rail transportation industry, State and local transportation and the Secretary of the Treasury.

§ 502. Purpose of special advisory panel

The special advisory panel appointed by the President shall advise the directors of the corporations on ways and means of increasing capitalization of the corporation.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of each corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 to remain available until expended, for payment to the corporation for the purpose of assisting in—

(1) the initial organization and operation of the corporation;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guaranty any lender against loss of principal or interest on securities, obligations, or loans issued to finance the upgrading of roadbeds and the purchase by a corporation of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $60,000,000. The Secretary shall prescribe and

collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed $60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a)(1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum. No loan may be made, including renewals or extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guarantees made under this section may not exceed $75,000,000.

§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Effect on pending proceedings

Any intercity passenger train in operation on the date of enactment of this Act may be discontinued only pursuant to this Act, notwithstanding any provision of Federal or State law, or any regulation or order of any Federal or State court or regulatory agency issued before or subsequent to that date.

§ 802. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be effected thereby.

§ 803. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "a corporation established pursuant to the Rail Passenger Act of 1970".

Amend the title so as to read: "A bill to designate a national rail passenger system, to establish rail passenger corporations, to provide financial assistance therefor, and for other purposes."

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

THE BROOKINGS INSTITUTION,
Washington, D.C., April 22, 1970.

Senator CLAIBORNE PELL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: In response to your concern expressed to me about the effect on transport coordination of several pieces of legislation in the transport field currently before the Congress I should like to make the following comments, particularly with reference to rail passenger service.

A great deal has been said and written over the years about the need in the United States for balanced and coordinated transportation. Recently public and Congressional concern about the threatened extinction of intercity rail passenger service in large areas of the country has brought to the fore even more strongly the question of whether our transportation is satisfactorily balanced and coordinated. Fear has been expressed by many that the disappearance of rail passenger service may mark the loss of important and essential balance in the transportation system. On the other hand, in light of the continuously improving services of other modes and the steady decline of rail patronage it may be that a good deal of rail passenger service is no longer needed.

There are many and often conflicting views about what constitutes balanced and coordinated transportation. No doubt the expression of these views will influence whatever is done by Congress and the Administration about intercity rail passenger service and whether in fact, and to what extent, we do "need the railroads."

One approach to balanced and coordinated passenger transportation centers on the desirability to have widespread, almost ubiquitous, availability of each of the major modes; i.e., air, rail, bus, and auto. Taken at the extreme this objective for the transportation system would mean that every traveler embarking on any possible trip within the United States would be able to choose for his trip from among all the modes. It goes almost without saying that such an aim of public policy for transportation is most strongly advanced by smaller communities in less densely populated regions where the volume of travel normally is insufficient to support on a commercial basis a full panoply of services. The files of the Interstate Commerce Commission and the Civil Aeronautics Board are overflowing with cases in which communities have petitioned for new services or opposed the discontinuance of existing service. The main issue in these cases is usually whether or not the public interest requires service to an extent which would justify subsidy, either publicly provided, or through cross subsidy from the revenues of other operations of the carriers such as, for example, freight service.

A contrasting view of what constitutes balanced and coordinated transportation emphasizes that each of the major modes has attributes in which it excels over the other modes. For example, automobile transportation is very low cost for group travel and offers unmatched flexibility of service; air transportation cannot be equalled for trip time on distances over 400 miles (in many cases less); bus for single (in number) travelers for short and middle distances offers very low travel costs; and rail *could* offer the greatest comfort, the lowest trip time and very low cost (for trips up to 400 miles) where there are high traffic densities. According to this view of balanced and coordinated transportation each mode should be encouraged by public policy to concentrate its services where its advantages are greatest. The presumed benefits of this policy are operational economies permitting better services to some travelers at lower cost. The disadvantages are frequent restriction of travelers' freedom of choice as to mode of travel, much more variation in quality of service and in fares as between high density and low density routes, and also some reduction in competition among the modes. (This latter disadvantage may not be important if there is competition within modes.)

It is a reasonable assumption that a system balanced and coordinated to exploit each mode's strong points is more likely to result in transportation which pays its own way than a system which nearly everywhere offers a full array of services by all modes. The former system is less likely to be a burden on taxpayers. But economic self-sufficiency is not necessarily the measure of adequacy of a transportation system. There may be justifiable uses of public funds to extend the range of transportation services. Historically every mode of transportation in the United States has been in one way or another the recipient of public support argued for on grounds of public benefit. Undoubtedly the benefits of public subsidy, either to travelers or to the public in general, may be very substantial and may exceed public outlays. In that case public monies are well spent.

Benefits, above and beyond what travelers will pay for in fares are, however, difficult to determine and tend to take us into the realm of judgment and opinions. Nevertheless the job for policymakers is to determine the indirect benefits (not measured by fares), to examine the incidence of benefits; i.e., who receives them when public funds are involved, to determine the indirect costs (not found on carriers income statements), and to weigh the categories of benefits against the costs, particularly public. Determining the ways in which public money will be spent is the province of elected and other public officials. Frequently their job is made easy by a wide public consensus about what constitute benefits and also by instances where benefits clearly exceed costs.

In other cases the nature of benefits may be hard to determine, may be in dispute, and may be so complex that their significance is difficult to measure. In these circumstances special interest groups are often able to impose their will in ways which can hardly be construed in any broad sense as being in the public benefit. Public support for transportation sometimes fall into this latter category. Often the public may find itself supporting services where it would be difficult to show that costs do not swamp whatever benefits are received, or that benefits do not flow primarily to affluent segments of the community well able to pay for services provided them.

Undoubtedly some of the 80 or so passengers who on a given day are riding the Broadway Limited passenger train between New York and Chicago would argue that the provision of rail passenger service is a socially desirable item upon which public funds should be expended. As a general proposition many among the public would agree. But if it were known that the economic cost of providing rail service to 80 passengers per day between New York and Chicago is four to five times the cost of such service by air, bus, or auto, a serious question about the relationship of benefits to costs would no doubt arise in the minds of many taxpayers. (It should be understood that public subsidy alone would not increase the number riding the Broadway Limited.)

As you know, in order to be more explicit about benefits and costs of transportation, so that public officials and the public in general would be better able to weigh them against each other, the Northeast Corridor Transportation Project was under my direction begun in 1964 in the Federal government. The Corridor project was charged to consider different ways in meeting the Northeast Corridor's needs for intercity transportation and to evaluate each of them as much as possible in benefit cost terms. Many of the results of studies and investigations carried on in the Corridor project are of immediate relevance to the question of the extent of need of rail passenger service, and hence it may be useful to bring out some of their highlights.

IMPORTANCE OF TRIP TIME

The Corridor project found that far and away the most important consideration in travelers' choice of modes for intercity travel is trip time; i.e., total time in travel door to door. It is quite clear that passengers turned in great numbers to Metroliners because trip time was reduced between downtown New York and downtown Washington by more than forty-five minutes, and schedules were met with quite high consistency. In conjunction perhaps with the present somewhat er-

ratic performances of the airlines the Metroliners have demonstrated the greatly improved competitive prospects of rail service. For several pairs of cities ¬ the route between New York and Washington rail now offers the lowest elapsed downtown-to-downtown travel time.

The great importance of time to travelers' choices of modes—affirmed quite overwhelmingly by the Metroliner experience—suggests that rail passenger service generally for short and intermediate distances would be more attractive to travelers if it could be operated at higher average speeds. Reducing trip time is probably the only means by which the continuous decline of rail passenger patronage can be stayed. The greater speed and reliability achieved by jet aircraft and the greatly increased highway speeds permitted on the interstate system attracted large numbers of travelers away from the railroads. It is important to recognize that subsidy alone *cannot stop* the decline in patronage. Indeed less and less patronized rail passenger service will require more and more subsidy and produce fewer and fewer benefits.

At present air normally provides the lowest trip times between downtown and downtown of large cities 150 or more miles apart. For short trips, i.e., up to 50 to 75 miles, particularly between suburb and suburb, autos and buses are generally unbeatable. For trips between 75 and 150 miles auto, bus and rail divide the traffic. Here and there, as between Philadelphia and New York, rail is unexcelled for downtown-to-downtown trip time.

Potentially the greatest benefits from improvements in rail passenger service lie in the service range between 50 and 150 miles—possibly up to 250 miles. But to capture and hold a substantial share of that market the railroads will have to reduce trip time.

FARES ARE LESS IMPORTANT

The Corridor project found that costs of travel are much less important to travelers than trip times. For example, in the Northeast Corridor, a 1.0% reduction in trip time would result in a 2.0% increase in patronage; a 1.0% reduction in fares would result in a .95% increase in patronage. Also, conversely, a 1.0% increase in trip time would result in a 2.0% fall in patronage; and a 1.0% increase in fares would result in a .95% fall in patronage.

There are several explanations for the relatively lesser importance to travelers of changes in trip cost compared to changes in trip time. One is that a very large proportion of travel in the Northeast Corridor, and elsewhere, is done for business purposes. The value of time to a business traveler may roughly be imputed at the figure for his hourly salary or wage. In many cases this figure will be considerably greater than the largest fare differentials between modes. Economy for the business traveler then is the mode affording lowest trip time. Another explanation for the greater importance of trip time compared to trip cost is that intercity travelers in the Northeast Corridor appear to have incomes well above average for the Corridor. For example, well over 30% of the travelers on the Metroliners in their first year of operation reported family incomes of above $25,000 per year. To such travelers the cost of transportation tends to be of much less significance than time involved in travel.

The comparative indifference of intercity travelers in the Corridor to fares raises the possibility that in circumstances where the continuance of rail passenger service is threatened by deficits, increased fares may provide a means of sustaining service. They would, moreover, help to assure that the burden of preserving service enjoyed in large measure by travelers whose incomes are well above average, would not fall upon taxpayers whose incomes are average or below.

REVENUES AND COSTS OF IMPROVED SERVICE

The Corridor project found that if substantial reductions in trip times could be made in Corridor rail service, the resulting increased patronage would pay for the costs of improving the service. Nevertheless, it appeared that these improvements would not be made by the railroad because of the high risks of investing in passenger service. Net revenues from passenger service improvements would not be large enough, or sure enough, to encourage the railroads to use capital funds available to them.

This points to a serious problem of the railroads which is deeply involved with their disinterest in passenger service. In general the railroads have no access to outside capital markets except for the purchase of freight cars. Consequently, improvements in road and structure and acquisitions of passenger cars must be financed internally; i.e., by revenues net of operating outlays and fixed payments to outsiders such as interest and rentals. Within a railroad company capital improvement projects are confronted with stockholders' dispositions to withdraw capital funds and invest them in other industries where returns and risk may be in better balance. Because of the competition for capital funds and the high risk in the rail industry, the expected rates of return on investments in railroad and structure improvements must be four to five times as high as the "social" rate of interest (about 10%) which the Federal government applies to its investments. Unless this rate of return can be met, private investment will not be made. And many rail passenger service improvements which clearly are socially desirable must go unmade.

Considering the railroads' difficulties in attracting capital for improvements it may be that one of the ways to make the provision of rail passenger service more attractive to the railroads would be to substitute public cost of capital (the Federal government's) for the railroads' cost of capital. This could be done through government guarantees of bond principle and interest on debt incurred for passenger service improvements such as to roadbed and equipment. Federal government guarantees would put the railroads on more equal terms with other publicly supported modes of transportation and lead to better balance in the system. It is probable that by this means a good deal of passenger service which the railroads now want to discontinue would be retained.

Cost studies carried out in the Corridor project confirmed the very great importance of capital costs in railroad operating costs. For completely new high speed ground systems including rail, capital costs could be as high as 70% of total annual costs; the size of rail plant i.e., roadbed, structures, and stations tends to be relatively the same for a wide range of traffic volume. This is more the case for rail than it is for either of the other important modes of passenger transportation, air and highway, both of which can be more easily adjusted to relatively low volumes of traffic. (The recent rash of rail derailments reflects the efforts of the railroads to adjust maintenance cost to use.) The high element of capital cost and the inability to adjust the size of physical plant to low volumes of traffic makes clear that railroads cannot be efficient in operations where passenger densities are thin. One of the most difficult ideas to get across to the public is that relying on railroads to provide service—either freight or passenger—on lightly trafficked lines is like spading a window flower box with a power shovel; it can be done, but it is extremely costly. In many cases today public agencies are requiring rail passenger service where the economic cost of such service would be lower if it were provided by taxi. Discontinuing rail service carried on under such conditions would clearly lead to more efficient transportation. It would terminate uneconomic service on one mode and improve utilization on other modes.

On the other hand, routes exist today where the potential volume of rail passenger movement is high enough to make rail by far the most efficient of modes. On these routes rail service should be improved and intensified, but where it cannot be economical even with reduced capital charges, it probably should be curtailed and improvement made in other modes such as short haul air service. In general the railroads are efficient and effective as passenger carriers where there is a high density of traffic. Such density is to be found only on passenger movements of 400 miles or less.

RAILROAD MANAGEMENT CAPABILITIES

In answer to your question about setting up regional non-profit passenger service corporations I must say that one of the strongest impressions I have as a result of my experiences with the Metroliner and Turbo train demonstrations in the Northeast Corridor is of the difficulty the Penn Central Railroad had in organizing itself and getting under way the job of running the demonstrations for which the railroad had contracted with the Federal government. Railroads, like many other large organizations, often find it difficult to focus on activities which are new or different. To be successful for the government's purposes of experimenting with rail passenger service, the Metroliners needed special equipment specifications, special equipment maintenance, special track maintenance, and special handling of passengers. By means of "charm school" training programs the railroad tried with some success to improve passenger relations. In other areas it appears to have been quite unsuccessful. For example, it is difficult to get the idea across to car cleaners that a different degree of care must be afforded to the Metroliners as compared to conventional equipment.

Perhaps for the Metroliners and Turbo trains a better approach by the railroad and the Federal Government would have been to establish an organization, possibly nonprofit, which would have taken responsibility for the conduct of the demonstrations—equipment acquisition, promotions and management. The railroad could have limited itself to operating the trains. Such organizations could be established in densely populated corridors over the country. Their advantages would be that they would permit resources to be tailored for a particular Corridor's needs and would, through the segregation of service revenues and costs, provide a more accurate determination of requirements for public support. Establishment of passenger service corporations on a regional basis would recognize that the potential of rail passenger service today is primarily regional in nature; and that each region tends to have different needs.

A passenger service firm was considered three years ago by the Department of Transportation's Office of High Speed Ground Transportation to conduct auto train service on an experimental basis between Washington, D.C. and Jacksonville, Florida. The auto train would have permitted the transport of automobiles and their passengers in specially designed rail cars at substantially lower charges for up to five persons than the same trip either by highway or by conventional rail. (Trip time would be one half that of highway.) Two auto trains could have handled about 20% of the estimated demand for such service between the Northeast and Florida.

The demand for auto train service appeared to be high because of the reduced trip time for auto travelers (resulting in two extra days on a holiday in Florida), relief from the tedium of driving, and greater safety and comfort. Several routes, such as Chicago-Denver, were prime candidates for auto train service which could have helped

to support conventional service where it continues to be needed.

The chances that the auto train would have repaid all of the Federal government's "seed costs" and that it would not need any continuing subsidy were extremely good. The project failed to receive Congressional support, however, and was set aside. (A good example of a somewhat similar service which has had tremendous growth in recent years is the carriage of trailers and containers on rail flat cars.)

The least economic rail passenger service today is over the long interregional and transcontinental routes where air transport has a very great competitive advantage in trip time. It is difficult to visualize that conventional rail passenger service can compete effectively on these routes. Auto trains, however, would not attempt to compete with air transportation but rather with group travel by auto to which they could offer very strong competition.

PROPOSAL FOR LONG HAUL RAIL PASSENGER SERVICE

It is by no means frivolous to suggest that the support for long haul passenger service in the region west of the Mississippi be drawn from the resources which originally encouraged the building of the transcontinental railroads. Provision was made many years ago by the Federal government to develop rail service over long distances in the West by granting to the railroads large acreages of public land. Much of the land deeded over to the eligible railroad companies has remained in their possession and in some cases today is producing large revenues from minerals, oil, and timber. Freight service on the western roads has long since become profitable and there is no longer need for the income from land grants to encourage its provision. Long haul passenger service, however, is not profitable and almost certainly cannot be made profitable. If it is found as a matter of public policy that transcontinental and other long haul passenger service in the West is required to meet public convenience and necessity the appropriate solution may be to apply revenues from land grant properties for its support. (The Interstate Commerce Commission has records which indicate clearly which properties of the railroads are from land grant sources.) Losses on passenger service could be calculated and, to the extent they were available, could be offset by net proceeds from land grant properties. If this might discourage some minor degree by exploitation of resources on land grant properties, there would be desirable conservation results as well.

IN SUM

Whatever is done as a matter of public policy about rail passenger service should be in consideration (1) of the nature of demand for intercity passenger transportation, (2) the structure of costs of the different modes and (3) the technological change which can be anticipated in the transportation industries. Such an approach would be most likely to lead to balance in the system, the most effective transportation service and the most sensible use of public resources. The Metroliner experience has shown that a high quality of rail passenger service offered in the right circumstances will be much in demand, and can be offered at minimum cost to the public. Other experience indicates that public support of rail passenger service could be a heavy drain on the Treasury and produce very little in the way of benefits. The problem for public policy formulation is to perceive the differences in these circumstances.

I hope these observations will be helpful to you. Your vision, leadership and support have been absolutely vital to the Northeast Corridor Transportation Project and the High Speed Ground Transportation program.

Sincerely yours,

ROBERT A. NELSON,
Federal Executive Fellow.

Potential urban corridors

New York–Boston	219
Washington–New York	225
Seattle–Portland	183
Chicago–Indianapolis–Cincinnati	302
Memphis (211 miles)–Jackson (183 miles)–New Orleans	394
New York – Albany – Rochester – Buffalo (Mohawk corridor)	436
Chicago–St. Louis	283
Chicago–Milwaukee–Minneapolis	421
Chicago–Cleveland	340
Chicago-Detroit	284
Cincinnati–Detroit	282
Cincinnati–Cleveland	260
Los Angeles–San Diego	127
Pittsburgh–Philadelphia	354
Houston – Ft. Worth – Dallas – Oklahoma City	459
Miami-Jacksonville	400
Denver–Kansas City	483
Kansas City–St. Louis	283

ORDER OF BUSINESS

Mr. HARTKE. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

THE ASIAN VORTEX

Mr. HARTKE. President Nixon's decision to send American war planes and advisors into Cambodia continues the American tragedy of being drawn into the Asian vortex. The United States is like a giant stumbling into an Indochinese swamp, half blinded by its own blood. President Nixon's decision is a mistake, a mistake bred from a series of previous American mistakes that have already cost about 50,000 American lives.

Should we not see clearly before we further endanger American troops? Should we not understand fully our true national interest before we ask one more American boy to die?

What we desperately need is some realistic appraisal of our true interests in Southeast Asia. Only when we are certain what our interests are can we begin to determine a sound policy. Our Vietnam policy today is in large measure only the product of our past mistakes, and our "true interests" are defined by the need to avoid the worst consequences of those mistakes.

Sending American advisers will be justified by administration spokesmen on the grounds that there has been an "invasion." Without discussing what is an invasion and what invasions really threaten the United States, there is clearly not an invasion by Soviet Russia, not an invasion by Communist China; but an invasion that represents a continuation of regional disputes between ancient enemies. South Vietnamese attack in Cambodia with unaccustomed fighting enthusiasm. Cambodians slaughter Vietnamese citizens and float them down Asian rivers.

These warring states exists more in the imaginations of white Westerners than in the hearts and minds of Southeast Asians. We have supported, with the lives of our men, a series of self-appointed Asian generals concerned more about their Geneva bank accounts than the welfare of their country of the moment.

Trying to find our national interests, the right side, the just cause, the democratic leader in the swamps of Indochina is a hopeless enterprise. We are playing an endless Asian shell game in which we always lose. Perhaps if we saw our interests clearly, perhaps if we saw that neither side represents us, nor threatens us, we might decide that our best foreign policy should be based on cool self-interest.

It will be argued that President Nixon's action was necessary to protect American troops. How have we protected them in the past? They are presently so well protected that if only a hundred Americans are killed each week it is considered a major foreign policy success. What a mockery for a country founded and built on the principle of the sacredness of the individual.

President Nixon's actions will not protect American lives but further endanger them. His action is a continuation of actions justified on the basis of protecting American lives but which in fact have taken American lives. We cannot protect our men because we are not prepared to win. We remain trapped by our limited objectives in Southeast Asia. We know that our national interest in Southeast Asia does not justify the threat of world war III or even our participation in a massive land war.

The doctrine of limited war seems like a marvelous concept, but there is nothing limited about a hand shattered by a grenade, a leg blown off by a mine, a life lost to a bullet.

A distinguished American general, on returning from Korea, was asked what he had learned. He replied that he had always enjoyed football and he had involved himself in the game as much as possible. He said that he had learned that you should never send an American boy into a game that you do not want to win. This is what President Nixon is doing in Cambodia. We do not want to pay the price to win in Southeast Asia. Our traditions and ideals prevent it. We should get out.

Up to now President Nixon has had the excuse that he inherited the Vietnam war. We accepted such reasoning because although he has been a continuous and vocal supporter of the Vietnam war we hoped that change was possible through elections and that the candidate did have a plan. Although President Nixon has achieved a limited and modest withdrawal of some American troops, there were frightening similarities between his statements and reasonings and those of the previous administration. It is over a year and 3 months since Mr. Nixon was inaugurated, and it is now time for him to acknowledge that he is President of the United States and that he is responsible for the acts and decisions of the President of the United States. He must decide if he is to fulfill the mandate of

his election and stand for change or stand for continuity. His decision to send American advisers into Cambodia is a stand for continuity. He is following the mistakes of the past although the acts are his own.

The American people in the primaries and general election of 1968 voted for change. They voted for an end to the American tragedy in Southeast Asia. Every Member of the Senate must therefore ask: Are we going to allow this Nation to make the same mistakes again? Are we going to send tens of thousands more young men to die in the futile pursuit of a "victory" that must forever elude us?

The time to end this newest folly is now. Let us tell the President we will not follow him down one more blood-soaked jungle path. Let us tell him that the constitutional authority is ours, and we mean at last to exercise it.

CAMBODIA

Mr. HUGHES. Mr. President, this morning I received from a widely respected senior business leader of my State an unusual telegram. This individual, I might add, is a member of a pioneer Iowa family, a man of impeccable conservative credentials, and by no stretch of the imagination a member of my political party.

The text reads as follows:

> The following telegram sent to President Nixon: What you have done is incredible. Your cynical, political maneuverings, especially regarding Cambodia, are completely indefensible. You can never justify to us the military presence of the United States, in any manner or form in Cambodia.

I read you this telegram because I believe it marks the end of an era in this country.

The silent majority, of which this civic and business leader has been a faithful member, is no longer silent.

But after a year and a third of disastrous foreign policy under this administration, accompanied by tragic disintegration of our society and economy at home, we are having something else that is silent.

We are having a "silent spring" so far as long-cherished hopes for peace are concerned.

It is now clear that this administration is unable or unwilling to learn from the lessons of the past.

It is now clear that we are engaged in a full-scale war and rapidly escalating war in Indochina.

Mr. Nixon's war.

The President could rightfully say that he inherited the involvement in Vietnam.

But the military and diplomatic gambles that have expanded that involvement to what can now only be called the War in Indochina have been plainly his responsibility.

The disillusionment of a great part of the American citizenry has been abrupt.

The lack of candor of the administration plus the harsh condemnation of all who have dared to disagree with the war policies have stretched the patience of moderate, loyal Americans to the breaking point.

Now the bubble has burst.

The war is an ugly reality.

The progress toward peace has been a hollow semantic.

The only thing that we can say with certainty has been Vietnamized is the American stock market.

Like a rose by any other name, an invasion is an invasion.

All good citizens are mindful of the President's great burdens in time of crisis.

But the escalation of this war is not just a matter of politics. It is a matter of survival.

The President's burdens are shared by every citizen, young and old—parents concerned about their children and grandchildren, young people wondering if there is a future for them.

Tonight Mr. Nixon will be addressing the country, once more, on this latest crisis in Southeast Asia.

I hope that he will speak with frankness, however grim the situation may be.

We have been kept in the dark too long.

Only last week, in his television speech to the people, Mr. Nixon said regarding the planned withdrawal of 150,000 GI's by the end of next spring:

> The decision I have announced tonight means that we finally have in sight the just peace we are seeking.

If that peace is in sight to him, it is not in sight to many of the rest of us.

Nor are we reassured by his confidence that "the South Vietnamese can develop the capability for their own defense."

With the electric impulses from the newest move in Indochina spreading in chain reaction to the Middle East and other parts of the world, the time has come for the President to take the American people into his confidence.

RUSSIAN ROULETTE IN THE MIDDLE EAST

Mr. HARTKE. Mr. President, it was with the deepest apprehension that I read yesterday morning of the Soviet Union's new escalation in the Middle East conflict. It has now been established that Soviet airmen are actively participating in Egyptian air defense missions. According to a report in the New York Times, "Russian-speaking pilots flying Mig-21's are scrambling into attack formations at almost every approach by an Israeli plane, with orders to intercept." And although there has not yet been actual combat between Soviet and Israeli forces, the day cannot be far off when a direct clash will occur. When that happens—when the Russians are themselves engaged in a shooting war in the Middle East—a perilous step will have been taken along the road to the fourth, and incomparably most dangerous, all-out conflict in that region since Israel's rebirth.

Commitment of Soviet airmen to combat missions has that same demented logic to it with which we are all too familiar in the strategy of escalation. I wish I could say that we are familiar with it only because of Soviet actions. But the truth is that our own Government wrote the original scenario in Southeast Asia.

But American folly in one corner of the world does not excuse—still less does it justify—Soviet folly elsewhere. Nor does ours make theirs less dangerous.

Active participation of Russians in the Middle East air war follows their deployment in Egypt of SA–3 missiles manned by Soviet crews. The claim in both cases is that the action was purely defensive. In the words of a popular tune of a generation ago, "it seems to me I've heard that song before." We all heard it, of course, in October 1962, when a similarly reckless Soviet move placed intermediate range ballistic missiles in Cuba and very nearly precipitated nuclear war. The present action is only slightly less reckless, but it is every bit as deceitful.

Let me make it clear, Mr. President, that this deep concern we all feel about the presence of Soviet pilots in Egypt has nothing to do with any worry about the outcome of combat between Russians and Israelis. I am fully confident that the individual Israeli pilot is more than a match for the individual Russian. That is not the problem. The problem is that the Soviets, if they choose, can overwhelm the Israelis with numbers. If today they have, as reported, 500 air personnel in Egypt, tomorrow they can have 5,000. And we cannot doubt that they will commit as many men and planes as they need to win the air superiority for which they are obviously aiming.

By the same token we cannot doubt that Soviet-Arab air superiority in the Middle East would be an unmeasurable disaster for Israel. The sheer weight of Arab numbers and Soviet arms would then virtually insure the success of a renewed onslaught against our ally. And that, as I have said before in this Chamber, no American Government could or would countenance. We should then have to intervene actively to protect our own vital interests in the region—an eventuality no responsible American could possibly want.

So again we return to a proposition so fundamental, so inarguable, that it ought by now to be axiomatic. It is that America's vital interests require that Israel be permitted to defend itself. Israel does not now need and never has needed American troops, either as advisers or combatants. It does not even need American largesse. It only needs the right to purchase American arms which it cannot build itself—most especially fighter planes. And it needs our strong diplomatic support—a diplomatic support that is not compromised by the forlorn hope of somehow winning favor with Russia's satellites in the Middle East.

In this connection, I applaud President Nixon's apparent move yesterday to review his earlier ill-considered decision not to sell 125 fighter aircraft to Israel. He is said to be reconsidering that decision in light of the new Soviet escalation. We can only hope that the review will

be conducted expeditiously and will result in prompt approval of the aircraft sale. That is the immediate first step we must take to try to bring the Russians to their senses—to make them understand that we are not so preoccupied in Southeast Asia that we are prepared to let our courageous Middle East ally be destroyed. That same message should be conveyed to Moscow in no uncertain terms through all available diplomatic channels.

Today as in 1962 the Soviet leadership is testing our will as well as reaching out for a geopolitical coup. Today as in 1962 we must make it unambiguously clear that we have no intention of presiding over the destruction of a vital American interest in a crucial area of the world.

But unlike 1962, fortunately, we are not called upon to risk nuclear Armageddon to make our intentions known. We need only resume doing what we should have been doing all along—letting Israel purchase the means of its own self-defense, and lending our strong voice to its 22-year-old quest for peace and security and justice in the Middle East.

SENATE CONCURRENT RESOLUTION 62—STRIKING OF COSPONSOR

Mr. DOLE. Mr. President, the name of the Senator from Louisiana (Mr. LONG) was erroneously listed as a sponsor on the first printing of the concurrent resolution. I ask unanimous consent that his name be stricken at the next printing.

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

VISIT TO THE SENATE BY DR. WOLFGANG POHLE OF THE WEST GERMAN BUNDESTAG

Mr. THURMOND. Mr. President, we are honored today to have with us a member of the Bundestag of the Federal Republic of Germany, Dr. Wolfgang Pohle. Dr. Pohle is a member of the Defense Committee of the Bundestag, and is very active in party politics in his country. He is Treasurer of the Christian Social Union, and a member of its Presidium. He is also Chairman of the Committee on Finances for the Christian Democratic Union-Christian Social Union coalition. In addition, Dr. Pohle is well known in industrial circles for his very successful career as a private businessman.

We welcome Dr. Pohle here with us today. He has come to Washington from New York, where it is my understanding that his daughter, an artist, has just opened a successful exhibition of her paintings. I wish to extend my congratulations to Dr. and Mrs. Pohle for their talented family. I hope that Dr. Pohle enjoys his visit to the United States.

I should now like to ask Dr. Pohle to rise and be presented to the Senate.

[Applause, Senators rising].

SCHOOL FOOD SERVICE PROGRAM—CONFERENCE REPORT

Mr. TALMADGE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GRAVEL). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Apr. 29, 1970, pp. 13386–13387, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. TALMADGE. Mr. President, it is with great pride that I ask for the Senate's approval of the conference substitute for the Senate amendment to H.R. 515. The conferees were united in their objective of developing a workable, effective bill; and the conference report is signed by all of the conferees on the part of the Senate and all of the conferees on the part of the House. While the conference substitute retains the major reforms and improvements made in the school lunch program by the Senate amendment, it contains some changes in the interest of a more efficiently administered school lunch program. The pending bill places a positive mandate on each State to extend the school lunch program to every school in the State and to provide a free or reduced price meal to every needy child in the State. Furthermore, the bill makes several important changes in the school lunch program to insure the most efficient utilization of Federal funds and the most effective delivery of school lunches to every needy child in the Nation.

The many reforms and improvements made by the bill have a long history. Of course, we should make it clear that we had a very good program to begin with. The original school lunch program was coauthored in 1946 by two of our most distinguished and beloved colleagues, the Senator from Georgia (Mr. RUSSELL) and the Senator from Louisiana (Mr. ELLENDER). Moreover, these gentlemen, as members of the Senate Appropriations Committee, have been key figures in securing funding for the school lunch program throughout the past two decades, long before there was general national interest in eliminating hunger.

Throughout the years, changes have been made in the school lunch program. The major change was made with the passage of the Child Nutrition Act of 1966. Among other things, this act provided for pilot breakfast programs. Prior to the consideration of the pending bill, however, there has never been an overall reform of the school lunch program, and there has never before been such a concerted effort to see that a free or reduced price lunch is provided to every needy child in the Nation.

During the current session of Congress, the junior Senator from South Dakota has focused national attention on the problem of hunger in the Nation and has aroused the Nation's conscience to the need for action. As a member of the Select Committee on Nutrition and Human Needs, of which Senator MCGOVERN is chairman, I am well aware of the Senator's fine work in mobilizing action on this issue. The Senator cosponsored and supported S. 2548, my bill to improve the school lunch program, and I am sure that he takes a great deal of pride in the fact that several of his amendments are retained in the final version of the bill.

I am especially grateful for the way in which Chairman ELLENDER has cooperated in the expeditious passage of the pending legislation. When I introduced S. 2548, the chairman was quick to schedule hearings on my bill and the other school lunch bills pending before the Agriculture Committee. As the original author of the school lunch program, the chairman expressed keen interest in making the needed improvements and reforms during the current session of Congress. He was especially helpful in securing prompt approval of S. 2548 by the Agriculture Committee, and the committee's deliberations were enriched by the chairman's knowledge of the school lunch program.

I might add that the entire Agriculture Committee—from the chairman to the most junior member—cooperated in securing the adoption of the best possible school lunch bill.

Mr. President, although the conference substitute contains several changes, it has retained intact most of the provisions of the Senate amendment. Some major provisions of the Senate amendment which were retained are as follows:

1. The restriction of the price of a reduced cost lunch to not more than 20 cents.
2. Keeping appropriations available until expended.
3. Revising the formula for apportioning non-food assistance funds and the establishment of an authorization level for non-food assistance foods.
4. Establishment of a National Advisory Council on Child Nutrition.

The conference substitute contains most of the other provisions of the Senate with only such technical modifications as were required to make it achieve its purposes. The differences are as follows:

First, the conference substitute provides for a free or reduced price lunch for each child belonging to a household whose income is below the poverty level, as determined annually by the Secretary of Agriculture, whereas the Senate amendment provided a free lunch for each child belonging to a household receiving Federal food aid or having an income equivalent to $4,000 or less for a family of four. First priority would be given to providing free meals to the neediest children. The conferees felt that our efforts should be directed to taking care of the children at the poverty level before providing free or reduced price lunches for those above that level.

Second, the conference substitute limits the special assistance funds disbursed to each school under section 11 of the National School Lunch Act to a maximum per meal amount established by the Secretary for all States. The Senate amendment contained no limitation.

Third, the conference substitute would require State plans to be submitted by January 1 each year, instead of June 1 as provided in the Senate amendment. This would give the States adequate time after the passage of the bill to prepare the first report.

Fourth, the conference substitute requires the State plan to describe how the State will furnish a free or reduced price lunch—instead of free lunch only as provided by the Senate amendment—to every needy child in accordance with section 9 of the National School Lunch Act.

Fifth, the conference substitute omits the deadline—start of 1972–73 school year—imposed by the Senate amendment on the requirement that State plans describe the manner in which the State educational agency proposes to include every school in the State in the operation of the school lunch program. It also provides that the plan show how the State educational agency proposes to "extend" the program to every school—rather than "include" every school in the program as provided by the Senate amendment. This would make it clear that the inability to achieve this objective would not result in terminating the program in any school. This was in accord with the intention of the sponsors of this provision in the Senate.

Sixth, the conference substitute provides for semiannual reports as to the estimated number of children entitled to free or reduced-price lunches where the Senate amendment provided for monthly reports as to the actual number so entitled. The Senate amendment would have required a practically continuous survey of the incomes of the children's households, and this was not deemed feasible.

Seventh, where the Senate amendment would have provided for the apportionment of special assistance funds under section 11 of the National School Lunch Act on the basis of the number of children attending school in households with incomes equivalent to $4,000 or less for a family of four, the conference substitute would apportion the funds on the basis of the number of children age 3 to 17 in households with incomes of less than $4,000. Census data is not available as to the number of children attending schools and belonging to households of various income levels. It is possible that data could be obtained as to the number of children age 3 to 17 in households of varying income levels, but data is already available with respect to children of those ages in families with incomes of less than $4,000. The conference substitute provides a more workable manner of distributing these funds.

Eighth, the conference substitute provides for withholding funds for disbursement to private schools under section 11 of the National School Lunch Act—in States where the State agency is not permitted to disburse funds to private schools—on the basis of the number of free or reduced price lunches served in accordance with section 9 of the act in the fiscal year beginning 2 years immediately prior to the fiscal year for which the funds are appropriated. The Senate amendment provided for such withholding on the basis of the number of children attending private schools in households with incomes equivalent to $4,000, or less for a family of four. The data required by the Senate amendment is not available. Again, the purpose of the conference substitute is to provide a feasible method of distributing the funds.

Ninth, the conference substitute would increase the appropriation authorization for the school breakfast program for fiscal 1971 to $25 million—from $12 million. The Senate amendment contained a similar provision, but also completely revised section 4 of the Child Nutrition Act of 1966, which deals with the school breakfast program. The school breakfast program is still in a pilot program status. The conferees felt that the pilot program should be carefully studied and be the subject of hearings before the authority for it should be the subject of revision. The program will expire at the end of fiscal 1971, and it can be studied before that expiration.

Mr. President, the enactment of the pending legislation will be an important bench mark in the Nation's fight against hunger. This bill will be the first major antihunger bill to come out of the current national concern with eradicating hunger and malnutrition.

However, we must not forget that our task does not end with the passage of this legislation. Although the pending bill provides an excellent vehicle for the extension of school lunches to all the hungry children in the Nation, it will have little meaning without proper funding. Due to several features of the pending bill, a tremendous increase of funds will be necessary. The nationwide eligibility standard and the requirement that all States extend the school lunch program to every school within the State will necessitate the appropriation of at least $300 million above the administration's budget request for fiscal 1971. The $684 million requested by the administration for child nutrition did not take into account the greatly expanded school lunch program which will be created by the passage of the pending bill.

The school lunch program has many friends on the Appropriations Committees of both Houses. I am sure that these gentlemen will be happy to reassess our Federal responsibility under the terms of a greatly expanded school lunch program.

The proper funding of a greatly expanded school lunch program will meet our national responsibility to extend free or reduced-price lunches to every needy child in the Nation. It will fulfill my personal commitment, made a year ago during a tour of the school lunch program in Georgia, that no child who comes to school hungry will go home hungry.

Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of the conference substitute, and a comparison of the conference substitute with the House bill and the Senate amendment.

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

EXPLANATION OF CONFERENCE SUBSTITUTE FOR SENATE AMENDMENT TO H.R. 515

The conference substitute for the Senate amendment to H.R. 515 would amend the National School Lunch Act and the Child Nutrition Act of 1966 to

(1) Authorize appropriations 1 year in advance of the fiscal year in which they will become available and make them remain available until expended (section 1);

(2) Base the school lunch apportionment on the number of lunches served during "the fiscal year beginning 2 years immediately prior to the fiscal year for which the Federal funds are appropriated" rather than the "preceding fiscal year" (section 1);

(3) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds (section 2);

(4) Authorize the use of up to 1 percent of School Lunch and Child Nutrition Act funds for nutritional training and education and studies of food service requirements (section 3);

(5) Authorize direct distribution of foods under section 6 of the School Lunch Act to schools and service institutions participating in food service programs under the Child Nutrition Act and section 13 of the School Lunch Act (section 3);

(6) Require that State revenues represent a percentage of the local School Lunch Act matching requirements (beginning at 4 percent and rising to 10 percent) (section 4);

(7) Provide for a free or reduced price lunch for any child in a household which has an income below the poverty level (as determined by the Secretary of Agriculture), the reduced price lunch to cost not more than 20 cents; but neither of these provisions are to be applicable to private schools receiving funds under section 10 of the school lunch Act until sufficient funds are available from sources other than children's payments (section 6);

(8) Provide for publicly announced policies with respect to free or reduced price lunches, and extend the requirements for such lunches to schools which are not in the national school lunch program but receive Federal commodity donations (section 6);

(9) Prohibit overt identification of children receiving free or reduced cost meals (section 6);

(10) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States on the basis of the number of children aged 3 to 17 in households with incomes of less than $4,000 per year (withholding for private schools, where required, to be on the basis of past service of free or reduced price lunches) and to schools on the basis of need, and provide up to 100 percent of the cost of the program, subject to a maximum per meal limit fixed by the Secretary for all schools (section 7);

(11) Require each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, which must describe the manner in which the State agency proposes to extend the national school lunch program to every school (section 7);

(12) Require semi-annual estimates as to the number of children eligible for free or re-

duced price lunches, and monthly reports of the number receiving free lunches and the number receiving reduced price lunches (section 7);

(13) Authorize the Secretary to permit funds appropriated for any program under those acts to be used by the States for any other such program (section 8);

(14) Authorize use of up to 1 percent of the funds available for apportionment to States under those acts for special developmental projects (section 8);

(15) Provide for a National Advisory Council on Child Nutrition (section 9);

(16) Increase the appropriation authorization for fiscal 1971 for the breakfast program to $25 million (from $12 million); and

(17) make other minor changes.

DIFFERENCES BETWEEN H.R. 515, AS PASSED BY THE HOUSE OF REPRESENTATIVES, THE SENATE AMENDMENT THERETO, AND THE CONFERENCE SUBSTITUTE FOR THE SENATE AMENDMENT

(1) *Section 6(a) of the Senate Amendment* provides that the charge for a reduced-cost lunch may not exceed 20 cents. This is not in House bill. This is contained in conference substitute.

(2) *Section 6(b) of the Senate Amendment* requires the serving of a free lunch to any child who is a member of a household which (1) is eligible to participate in a Federal food stamp or commodity distribution program, or (2) has an annual income (to be established solely by affidavit) equivalent to $4,000 or less for a household of four. This is not in House bill. The conference substitute requires the serving of a free or reduced price lunch to any child who is a member of a household whose income is at or below the poverty level, as determined by the Secretary of Agriculture.

(3) *Section 1 (a) of the Senate Amendment* provides that National School Lunch and Child Nutrition appropriations shall remain available until expended. This is not in House bill. It is in the conference substitute.

(4) *Section 4 and 1(b) of the Senate Amendment* make a number of technical corrections in sections 2(b) and 2(c) of H.R. 515 to make them achieve their purpose, and advance the effective date of subsection 2(b) of July 1, 1971. Section 2(b) and 2(c) of the House bill provide for State participation in funding of programs and for apportionment of section 4 funds (school lunch Act) upon the basis of earlier date. The conference substitute adopts the provisions of the Senate amendment.

(5) *Section 3 of the Senate Amendment* makes technical and clarifying changes in section 3 of H.R. 515. The conference substitute follows the Senate amendment.

(6) *The Senate Amendment* does not extend any additional provisions of the School Lunch and Child Nutrition Acts to the Trust Territory of the Pacific. Section 4 of the House bill is designed to do this, but would need some revision to be effective. The conference substitute follows the Senate amendment.

(7) *The Senate Amendment* does not amend section 5 of the Child Nutrition Act of 1966 to specify that equipment may be acquired through "purchase or rental", as does section 5 of the House bill. USDA advises that the law is now construed to permit acquisition through purchase or rental. The conference substitute follows the Senate amendment with the understanding that the law is to be construed to permit acquisition through purchase or rental.

(8) *Section 5 of the Senate Amendment* makes technical and clarifying changes in section 6 of H.R. 515, which deals with State administrative expenses. The conference substitute follows the Senate amendment.

(9) *Section 6(c) of the Senate Amendment* extends section 7(a) of H.R. 515 to cover donations of dairy products under section 709 of the Food and Agriculture Act of 1965. Section 7(a) of the House bill authorizes the Secretary to prescribe conditions to maximize the nutritional and financial contributions of commodities donated to schools under section 32 of P.L. 320, 74th Congress and section 416 of the Agricultural Act of 1949. The conference substitute adopts the provision of the Senate amendment.

(10) *Section 6(e) of the Senate Amendment* provides that the Senate provisions described in items (1) and (2) above shall apply to schools receiving donated commodities even though they do not participate in the National School Lunch Act; but that they shall not apply to private schools for which the Secretary withholds funds under section 10 of the National School Lunch Act until such schools receive sufficient funds other than from children's payment to enable such schools to meet such requirements. The conference substitute adopts this provision of the Senate amendment.

(11) *Section 8 of the Senate Amendment* makes clarifying changes in section 7(b) of H.R. 515. The conference substitutes includes these changes.

(12) *The Senate Amendment* omits section 8 of H.R. 515, which provides for certain coordinated efforts by the Secretaries of Agriculture and Health, Education, and Welfare to develop training programs and evaluate food programs. The conference substitute follows the Senate amendment.

(13) *The Senate Amendment* contains provisions not in the House bill to—

(A) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds (section 2). The conference substitute adopts this Senate provision.

(B) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States on the basis of the number of schoolchildren in families with incomes equivalent to $4,000 or less per year for a family of four (withholding for private schools, where required, to be on the same basis) and to schools on the basis of need, and provide up to 100 percent of the cost of the program (section 7). The conference substitute adopts the substance of the Senate provision, but modifies the apportionment formula to use data which is available. Apportionment to States would be based on the number of children age 3 to 17 in households with incomes of less than $4,000. Withholding for private schools would be based on past service of free or reduced price lunches. Distribution to schools would be limited to a maximum per meal amount established by the Secretary.

(C) Require each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, which must describe the manner in which the State agency proposes to include every school in the national school lunch program by the start of the 1972–73 school year (section 7(h)(1)). The conference substitute follows the Senate provision, but omits the 1972–73 deadline, and requires the State plan to describe the manner in which the State agency proposes to extend the program to every school (rather than "include" every school).

(D) Require monthly reports as to the number of children eligible for free or reduced price lunches, respectively, and the number receiving such lunches (section 7 (h) (2) and (3)). The conference substitute follows the Senate provision; but, as to the number of children eligible for free or reduced price lunches, requires semi-annual estimates rather than monthly actual figures, since monthly actual figures would be practically impossible to obtain.

(E) Provide for a National Advisory Council on Child Nutrition (section 9). The conference substitute adopts the Senate provision.

(F) Revise the school breakfast program to (i) restrict it to needy children, (ii) provide for apportionment of school breakfast funds on the basis of the number of school children in families with incomes equivalent to $4,000 or less per year for a family of four (withholding for private schools, where required, to be as at present on the basis of past participation), (iii) provide for a free or reduced price breakfast for any child in a household which is eligible to participate in a Federal food stamp or commodity distribution program or which has an annual income equivalent to $4,000 or less for a family of four, and (iv) extend and increase appropriation authorizations for the breakfast program (from $12 million for fiscal 1971) to $25 million for fiscal 1971, $50 million for fiscal 1972, and $75 million for fiscal 1973. The conference substitute adopts the Senate provision increasing the authorization for fiscal 1971, but omits the remainder of the Senate provision, with the understanding that the entire school breakfast program authority will be reviewed before its expiration in 1971.

Mr. McGOVERN. Mr. President, I rise, first, to commend the distinguished Senator from Georgia (Mr. TALMADGE) for being the principal author of the school lunch legislation now before us. I was happy to be a cosponsor of that legislation when the Senator first introduced it, along with the distinguished Senator from New York (Mr. JAVITS), the senior member of the select committee, and others, to join in an effort on the floor in what we believed were a series of helpful improvements in that legislation.

As the Senator from Georgia has just said, the House and Senate conferees earlier this week gave approval to practically all the fundamental provisions in the Senate legislation. Some compromises were reached, some of which, I thought, actually strengthened the legislation, and others perhaps modified it in a different direction but in a minor way. Substantially, we came out with a very strong school lunch program, one that is, I think, commensurate with the pledges we have made to see that no child goes hungry in the schoolrooms of this Nation.

Mr. President, this is an historic day for the children of America. We have long said that our children are our Nation's greatest resource. Today we deal with legislation that affirms that principle; that redeems a promise made to our schoolchildren 25 years ago—a school lunch for every needy child.

The school lunch program is perhaps as successful as any Federal program. A great deal of the credit for this rests with the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. ELLENDER), and the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN). But the program has come to be one that serves some better than others, and some not at all. It is a program where that old saying "Them that has gets" is all too true. Two-thirds of our poor children receive no lunch because they or their schools cannot afford it—while over 17 million children from more affluent families pay their 35 cents daily and take the program for granted. Three years ago the excellent study, "Their Daily Bread,"

brought this situation to our attention and made us aware of the need for legislative change in the national school lunch program. That started us on the road that led to this day. Along that road many came to the assistance of the Nation's children.

Last December President Nixon convened the White House Conference on Food, Nutrition, and Health. The Conference brought together 3,000 concerned citizens interested in the nutritional health of our Nation and especially that of our children. Some who came knew what it was to be poor and suffer from hunger—all knew it hurt and wanted it ended.

These 3,000 delegates unanimously endorsed a priority action program to eliminate hunger in America. That program called for a universal child-feeding program in the near future and a school lunch for every needy child immediately. This recommendation was not the result of a 3-day deliberation at the Conference. It was the result of the urgent cry of experts like Miss Jean Fairfax who produced "Their Daily Bread" and Dr. Charles Lowe who warned us in testimony before the Select Committee on Nutrition and Human Needs that while "There is no evidence that feeding people makes them smart, but is is indisputable that hunger makes them dull."

Last December President Nixon answered the concern of the White House Conference, Miss Fairfax, Dr. Lowe, and us all by pledging that every needy school child would receive a free or reduced price lunch in school by next Thanksgiving.

February 24 the Senate unanimously passed an amended version of S. 2548 that provided the President with the legislative mechanism necessary to fulfill this vow.

The Senate in effect unanimously said we want to guarantee every one of the hungry schoolchildren in our land the right to a school lunch.

After 25 years of inaction the first step was taken toward making the rhetoric of "a school lunch for every child" a reality.

This was possible because the Senator from Georgia (Mr. TALMADGE) brought to the floor of the Senate, with the endorsement of the Committee on Agriculture and Forestry, the best school lunch bill this body had ever introduced.

This bill provided for such long demanded reform as authorization for year-in-advance appropriations; carryover authorization; State matching from State revenues; and a greatly increased authorization for equipment.

The bill that finally passed the Senate and went back to the House included amendments that defined the price of reduced price meals as no more than 20 cents; required the States to submit annual plans describing the States' proposed use of available moneys to serve free lunches to all eligible children and the States' attempt to bring every school within the State into the national school lunch program; and most important of all, created a right in any needy child to receive a school lunch.

Thus, it was a very comprehensive bill that the Senate sent back to the House where this whole round of legislative reform had begun under the astute leadership of the distinguished chairman of the Committee on Education and Labor, and sponsor of H.R. 515.

The conference report on H.R. 515 which is pending before us now, continues in the word and the spirit of the President's December pledge and the Senate-passed bill. Its objective is to bring a school lunch to every needy child through legislatively improved administrative procedures in the school lunch program.

It retains year-in-advance appropriations; carryover authorization; State matching from State revenue; increased authorization for equipment; improved allowances for State administrative expenses; apportionment of funds to the States on the basis of need rather than past participation; State plans and State reporting; an increased authorization for breakfast funds; self certification by affidavit only; and the requirement that any school not participating in the national school lunch program, but receiving section 32 or section 416 commodities, be bound to the provisions of section 9 of the national school lunch act pertaining to the service of meals without cost or at reduced price to needy children.

Even more important, the conference report retains the language of section 6 of S. 2548 that every needy child "shall be served meals." This is perhaps the most important phrase in all the legislation dealing with child nutrition. It creates, as the distinguished Representative from Illinois, Mr. PUCINSKI, so eloquently stated it during the conference, "a right to a school lunch." This is a right bestowed on the children of America. A right that we expect will be vigorously exercised in their behalf.

Without this vital language, and the right it creates, all our efforts at reform would be meaningless and empty. Our children would have only a promise, a hope rather than a right.

By using this language of entitlement, the Congress has made a firm commitment that it will not allow 5 million hungry schoolchildren to grow up half educated, unemployable, and dependent because they lacked proper nourishment during their formative years when they were undergoing the learning process.

This is a commitment that entails adequate funding. The Senate committed itself to it on February 23 of this year when it demanded an open-ended authorization for this program while rejecting an authorization that called for $250 million in fiscal year 1971. At the time, it was made clear that this was done so that the Appropriation Committee would be free to appropriate all the money that would be necessary to fully fund the national school lunch program.

With this commitment in mind, I strongly recommend the conference report on H.R. 515 to the Senate for its approval.

Mr. TALMADGE. Mr. President, let me express my deep appreciation to the distinguished Senator from South Dakota for his generosity. As I pointed out in my remarks to the Senate, the Senator from South Dakota made a major contribution toward approval of the bill not only as a cosponsor thereof but also as chairman of the Committee on Nutrition and as a member of the conference committee. I share with him the pride of accomplishment in what I think is a major piece of legislation.

Mr. SPONG. Mr. President, I want to commend the Senator from Georgia (Mr. TALMADGE) for his work on the school lunch legislation.

I believe that he has performed an extremely fine service in drafting and piloting this legislation through Congress.

I was present last year when Senator TALMADGE introduced the school lunch amendments which, as he said, were designed "to insure that nc child who came to school hungry would go home hungry."

I was privileged to cosponsor his bill and to testify in support of it before the Senate Agriculture Committee.

The school lunch program is, I believe, one of our most important Federal programs. It has broad potential—potential which this bill will help fulfill.

Last year, I visited a number of school lunch programs throughout the State of Virginia. I had numerous school and medical personnel tell me of the benefits of the program: That children who had been properly fed were more alert, more anxious to learn, less of a discipline problem.

Recent medical studies have tended more and more to demonstrate a direct relationship between good nutrition and mental development.

Fortunately, my State of Virginia has had a relatively high participation rate in the school lunch program—about 57 percent of all schoolchildren in the State participate.

Unfortunately, however, at least 100,000 Virginia schoolchildren who need access to the school lunch program do not now have such access.

Under the terms of the conference bill, these children could be brought under the program.

There is, it seems to me, no doubt that we need a school lunch program in every school and that every hungry child needs access to that program.

That was my purpose in cosponsoring this legislation and that is my purpose in supporting it today.

The language in the conference bill is direct.

It says that as of January 1, 1971:

> Any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines *shall be served* meals at free or reduced costs.

That is the heart of this bill.

And that provision will be reinforced by the provisions which give the States a valid and important role in carrying out the program.

This is a good bill.

It is good so far as the school lunch program is concerned and so far as the school breakfast program is concerned.

It is also a significant bill, for, as Senator TALMADGE pointed out earlier, it is the first major hunger and malnutrition

bill to pass Congress, as a result of current concern over improving the nutritional status of millions of Americans.

It is the first bill to reach enactment making actual reforms in a nutrition program.

It attacks the nutrition problem where it is, perhaps, most severe and most damaging.

I am pleased to support this legislation.

I ask unanimous consent to have printed in the RECORD a table indicating Virginia's participation in the existing program during 1969.

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

SUMMARY OF SCHOOL FOOD SERVICE PROGRAMS, FISCAL YEAR 1969

Program	Number of schools with programs	Average number of pupils served daily: Free or partially paid	Paid	Total	Total meals served	Federal reimbursement	Local operating cost
Breakfast	54	4,965	3,984	8,859	885,910	$129,370.10	
Lunch	1,763	86,541	466,196	574,666	100,383,500	5,928,207.58	
Milk	1,801			[1] 49,424,367	[1] 149,807,867	1,811,560.55	
Nonfood (equipment)	264					549,970.85	
Total reimbursement						8,415,248.64	
Local operating cost							$47,077,693.26

[1] One-half pints.

Source: State Department of Education, Commonwealth of Virginia, School Lunch Division.

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

Mr. SPONG. I yield.

Mr. TALMADGE. Mr. President, I express my deep appreciation to the Senator for his generosity. The Senator from Virginia was a cosponsor of the bill I offered which was the genesis of this bill. He made a major contribution to its passage. I appreciate it. And I thank him for his interest.

Mr. SPONG. Mr. President, I thank the Senator.

MR. JAVITS ENDORSES CONFERENCE REPORT ON H.R. 515

Mr. JAVITS. Mr. President, I, too, thank the Senator from Georgia, who is primarily responsible for this bill. The Senator from Georgia took distinguished leadership in bringing the bill to its present state, and we have every expectation that it will become law.

I thank the chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER), with whom I worked so closely on the Select Committee on Nutrition and Human Needs, and I also thank the other Senators who took part in this splendid effort which resulted in these major improvements to the National School Lunch Act. I wish to express a particular vote of thanks to Senator MCGOVERN, the chairman of the Select Committte on Nutrition and Human Needs, for his fine efforts in improving our school lunch program.

The Senate is today considering the conference report on H.R. 515, to amend the National School Lunch Act. As the ranking Republican on the Select Committee on Nutrition and Human Needs, and as the sponsor of one of the Senate amendments to S. 2548 which passed the Senate overwhelmingly on February 24. I urge the Senate to adopt the conference report.

My amendment would have established a national eligibility standard to assure that all children from families with incomes equivalent to or less than $4,000 would receive free lunches. The conference substitute deleted this $4,000 standard in favor of making the standard the poverty level as determined by the Secretary of Agriculture. I accept this change. My major purpose in introducing my amendment was to establish a national standard. I feel that the conference action will not only maintain this principle, but in fact, may even be much broader since the poverty level is now approximately around $3,600 and will surely rise above $4,000 within a few years. Also, and very important, the poverty level standard is a minimum level and is not a ceiling. Therefore, children who meet the poverty level criteria in a state like New York where the poverty level is above the national level, would still get free and reduced price lunches.

Under this standard, set in the conference report, States and local schools will no longer be able to be arbitarary in the determination of which children will receive free or reduced price meals as was the case in the past. The law will be clear: any child at poverty level must receive a free or reduced price lunch and priority for free lunches must be given to neediest children. This makes the intent of the Congress crystal clear that poor children can no longer be denied free or reduced cost lunches.

I am pleased that the conference adopted my provision which set 20 cents as the maximum cost of a reduced price lunch. The purpose of reduced cost lunches is to bring meals to children who could not afford the meal at the regular price. The previous lack of definition allowed districts to provide reduced cost meals at only a trivial reduction off the regular price. I believe that by establishing 20 cents to be the maximum cost of such lunches, participation in the lunch program by needy children will mushroom. Studies have shown that the lower the price, the greater the participation.

The conference report also maintained my provision for determination of income solely on the basis of an affidavit executed in such form as the Secretary of Agriculture may prescribe. I am pleased with this action because it complements the trend in many of our domestic programs to use the affidavit as the basis for determining income eligibility. I cannot stress strongly enough that this affidavit must control in the determination of eligibility for free and reduced price lunches.

The conference report also contains a provision which I believe is most necessary: that there shall be no overt identification of the recipients of free or reduced price lunches. This is of critical importance because of the dignity which it confers upon the poor. This anonymity is very crucial and is very necessary in order to bring those children into the program who in the past, because of the stigma of identification, did not choose to participate in the program.

I urge the Congress to appropriate the funding necessary to provide every needy child with a free or reduced price lunch. At the very least, I feel we need $300–$400 million more for free and reduced price lunches.

Finally Mr. President, our goal must be to give all needy children a free lunch. I am hopeful that we can accomplish this in the very near future and the action of the House-Senate conference will go a long way toward the accomplishment of this objective.

Mr. TALMADGE. Mr. President, I express my deep gratitude to the distinguished Senator from New York for his assistance. The Senator from New York (Mr. JAVITS) made a major contribution of his own toward the passage of this legislation. He authored a bill and appeared before our committee and testified in behalf of his bill.

The Senator from New York offered amendments on the floor, several of which were agreed to. So, this bill contains a major share of his handiwork and he can take pride in that fact.

Mr. JAVITS. I do. And I again repeat that it would not have been possible without the understanding and cooperation of the Senator from Georgia.

Mr. TALMADGE. Mr. President, I thank the Senator.

Mr. DOLE. Mr. President, the school lunch program was started in 1943. Its value has never been questioned. As is often the case, however, the administration of a legislative program does not always meet the expectation or intent of the creators. This problem of interpretive implementation of the school lunch program coupled with normal social and educational changes have highlighted the need to correct the problems of nutrition and hunger among the school children of the United States today.

As a member of the Senate Select Committee on Nutrition and Human Needs and the Senate Agriculture and Forestry Committee, I have seen the need to update the school lunch program. In examining the conference committee report on H.R. 515, I am pleased to note that the conferees' recommendations embody the basic principles of S. 2548 as originally reported from the Committee on Agriculture and Forestry which I supported.

The recent report of the White House Conference on Food, Nutrition, and Health contains many recommendations which are fulfilled in H.R. 515. The report emphasizes that malnutrition is severely distracting to a child and may interfere with the learning process and is likely to precede undernutrition. The report suggests that one effective way to take immediate action against this problem is to provide expansion of the school lunch and breakfast programs. This legislation provides that recommended expansion.

With this legislation a child from a low-income family will receive his meals free or at reduced rates without any stigma or discrimination. All children will be able to listen and study free from hunger pains and unexposed to ridicule of their poverty status.

The White House report also stresses that presently many of the schools that need the school nutrition programs the most cannot afford the kitchen and serving equipment necessary to qualify for the program. This bill will make it possible for professional catering firms to rent the equipment to a school or even prepare and serve the meals on a contract basis. When passed, the National School Lunch Act and the Child Nutrition Act amendments will assure proper, adequate, and nutritious meals for all students, especially the children from lower income and poverty families. This will eliminate a hindrance these children have faced. It will aid them in assimilating the education so important to success in their mature lives.

Therefore, I urge the Senate to support H.R. 515 as reported from the conference committee in the interest of insuring equal opportunity in education through adequate nutrition.

I commend the Senator from Georgia for his excellent work.

Mr. BYRD of West Virginia. Mr. President, I am pleased to support and vote for the conference report to H.R. 515. This legislation will amend and broaden the National School Lunch Act and the Child Nutrition Act of 1966. It provides for much needed administrative reforms, revises the State matching requirements, strengthens the nutrition training and education programs, and increases the availability of these needed food service programs for our children.

This legislation will go a long way toward erradicating hunger among our school children. Our country—the richest in the world—can and should continue to operate these programs so that no child attends school on an empty stomach.

In my State of West Virginia, we have some 321,000 school-age children. Over half of these children will benefit by these programs.

It will mean that learning will still be of foremost importance, but it will mean normal growth and proper nutrition for an increased number of our children. It will be a small investment for a high return from our greatest national asset—for our hopes for the future rest with the children of today.

Mr. TALMADGE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The report was agreed to.

INSERTIONS IN THE RECORD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the RECORD be kept open for 1 hour after adjournment today for the insertion of statements and introduction of bills personally by Senators.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE NAVAL RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on projects proposed to be undertaken for the Naval Reserve subsequent to June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF TITLE 10, U.S. CODE, TO PROVIDE FOR THE APPOINTMENT OF FEMALE OFFICERS IN THE JUDGE ADVOCATE GENERAL'S CORPS, REGULAR ARMY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the appointment of female officers in the Judge Advocate General's Corps, Regular Army (with an accompanying paper); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms, for the period July 1969-February 1970 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON NATIONAL ATMOSPHERIC SCIENCES PROGRAM

A letter from the Chairman, Federal Council for Science and Technology, Washington, D.C., transmitting, pursuant to law, a report on the national atmospheric sciences program, fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

PUBLICATION OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a publication entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1968" (with accompanying document); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems in land acquisitions for national recreation areas, National Park Service, Department of the Interior dated April 29, 1970 (with an accompanying report); to the Committee on Government Operations.

NOTICE OF PROPOSED CONTINUANCE OF CLASSIFICATION OF PUBLIC LANDS FOR TRANSFER OUT OF FEDERAL OWNERSHIP

A letter from the State Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a notice of proposed continuance of classification of public lands for transfer out of Federal ownership (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT IN GLACIER BASIN AND MORAINE PARK AREAS OF ROCKY MOUNTAIN NATIONAL PARK, COLO.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in Glacier Basin and Moraine Park areas of Rocky Mountain National Park, Colo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON RECEIPT OF PROJECT PROPOSAL UNDER THE SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of a project proposal to supplement a previously approved loan application from the Central Oregon Irrigation District, of Redmond, Oreg.; to the Committee on Interior and Insular Affairs.

PROPOSED MODIFICATION OF BOUNDARIES OF THE COEUR D'ALENE, NEZPERCE, PAYETTE, BOISE, SAWTOOTH, AND TARGHEE NATIONAL FORESTS, IDAHO

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to modify the boundaries of the Coueur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs

REPORT ON MEXICAN AMERICANS AND THE ADMINISTRATION OF JUSTICE IN THE SOUTHWEST

A letter from the Chairman, United States Commission on Civil Rights, Washington, D.C., transmitting, pursuant to law, a report on Mexican Americans and the administration of justice in the Southwest, dated March, 1970 (with an accompanying report); to the Committee on the Judiciary.

LABOR-MANAGEMENT DIFFICULTIES AT THE U.S. GOVERNMENT PRINTING OFFICE

A letter from the Public Printer, U.S. Government Printing Office, reporting, for the information of the Senate, on labor-management difficulties at the U.S. Government Printing Office; to the Committee on Rules and Administration.

PETITIONS

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

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A concurrent resolution of the Legislature of the State of Florida; to the Committee on Aeronautical and Space Sciences:

"S. CON. RES. 503

"A concurrent resolution requesting the National Aeronautics and Space Administration to designate Cape Kennedy as the operational base for the space shuttle system

"Whereas, the space shuttle—a reusable low-cost rocket for ferrying men and materials back and forth between earth and space stations—is the next big essential piece of hardware for the U.S. space exploration program; and

"Whereas, the Kennedy Space Center is the most modern and complete space port in the world; and

"Whereas, over 2½ billion dollars is already invested in the extensive facilities at the Kennedy Space Center and down range facilities; and

"Whereas, these facilities include extensive assembly, pre-launch checkout, cryogenic hydrogen and oxygen storage, launch and support capabilities; and

"Whereas, a down range tracking capability exists at the nearby Eastern Test Range facility; and

"Whereas, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence; and

"Whereas, a highly skilled team of 18,000 operations, maintenance and assembly personnel are at the Cape; and

"Whereas, the launch of space shuttles over the water add immeasurably to the safety of development flights of the system; and

"Whereas, advantage can be taken of existing facilities for assembly of vehicles after delivery and refurbishment of vehicles after each flight, and

"Whereas, Cape Kennedy is easily accessible by all modes of transportation; and

"Whereas, construction costs in the area are cheaper than other areas of the country which might be possibly considered; and

"Whereas, there are 88,000 acres of government land available for expansion if needed; and

"Whereas, Florida Industry received over 422 million dollars in income from the sale of goods and services to the Kennedy Space Center last year; and

"Whereas, the educational support and opportunities provided by higher educational institutions in the immediate area and throughout Florida have and will continue to contribute significantly to the success of NASA and industry; and

"Whereas, the Kennedy Space Center offers a unique aggregate of facilities which are not available at any other possible site for development and operational flights of the space shuttle system at minimum cost to the U.S. taxpayer; and

"Whereas, the Science and Astronautics Committee of the United States House of Representatives in its report on the Fiscal 1970 budget states that "maximum use should be made of existing facilities to support the space shuttle program" and that "the extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration": Now therefore,

"Be It Resolved by the Senate of the State of Florida, the House of Reprseentatives Concurring:

"That the National Aeronautics and Space Administration is hereby requested to designate Cape Kennedy as the operational base for the space shuttle system.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, President of the United States Senate, Speaker of the United States House of Representatives and to each member of the Appropriations and Aeronautical and Space Sciences Committee of the United States Senate and the Appropriations and Science and Astronautics Committees of the United States House of Representatives.

"Approved by the Governor April 15, 1970.

"Filed in Office of Secretary of State April 15, 1970."

A resolution of the Senate of the State of Hawaii; to the Committee on Appropriations:

"S. Res. 100

"Resolution requesting Hawaii's congressional delegation to make efforts to obtain Federal funds for the construction of a second breakwater at Port Allen, Kauai, Hawaii

"Whereas, the United States Navy uses the Port Allen harbor for underwater testing and therefore has an interest in maintaining safety in the harbor; and

"Whereas, the present breakwater is insufficient for stopping waves from coming into the harbor and causing resultant damage to fishing boats moored at Port Allen; and

"Whereas, the fishing industry in Hawaii is not large and cannot sustain losses caused by such wave action; and

"Whereas, a second breakwater would alleviate the situation; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that Hawaii's Congressional Delegation be requested to obtain Federal appropriations for the construction of a second breakwater at Port Allen, Kauai, Hawaii; and

"Be it further resolved that certified copies of this Resolution be sent to members of Hawaii's Congressional Delegation, the President of the U.S. Senate, the Speaker of the U.S. House, members of the Public Works and Appropriations Committees in both the U.S. House and Senate, the Secretary of the Army, the Director of the U.S. Bureau of the Pudget, the Chief of Engineers of the U.S. Army Corps of Engineers and the Board of Engineers for U.S. Rivers and Harbors.

"Senate of the State of Hawaii."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Appropriations:

"Resolutions by the Commonwealth of Massachusetts

"Resolutions memorializing the Congress of the United States to appropriate additional funds for medical research into kidney diseases

"Whereas, The first session of the Ninety-first Congress cut requested appropriations for medical research; now, therefore, be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to restore the amounts by which such appropriations were reduced, particularly for research into kidney diseases; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to members thereof from this Commonwealth.

"Senate, adopted, April 2, 1970.

"Norman L. Pidgeon,
"Clerk.

"House of Representatives, adopted in concurrence, April 7, 1970.

"Wallace C. Mills,
"Clerk.

"Attest:

"John F. X. Davoren,
"Secretary of the Comonwealth."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Commerce:

"Joint Resolution, Alaska State Legislature

"Joint resolution relating to the establishment of an exclusive fisheries zone for the United States

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the present 12-mile exclusive fisheries zone of the United States is not adequate for the conservation of the stock of fish which this country will need to utilize fully in order to remain a major fishing nation; and

"Whereas the United States has slipped to sixth place in world fisheries behind such nations as the Soviet Union and Communist China, which intend to expand their fishing efforts in the North Pacific; and

"Whereas the commercial fishermen of the Pacific Northwest, as well as the economy of the United States as a whole, are being detrimentally affected by the heavy flow of imported foreign seafood products, gear conflicts and other competition from the massive foreign fleets on the fishing grounds, and by the depletion of precious resources because of over-fishing and destructive fishing practices of foreign fleets; and

"Whereas the United States has failed to implement fully two provisions from Geneva Conventions which would give our nation valuable bargaining tools in fisheries negotiations with other nations, the first of which states that sedentary species of fish on the Continental Shelf are part of the shelf and are considered to be the exclusive property of the coastal nation and the second of which provides for conservation of the living resources of the high seas and allows the United States to designate conservation areas and promulgate conservation measures to protect these resources;

"Be it resolved that the Congress of the United States is respectfully requested to enact legislation declaring that this nation's exclusive fisheries zone is expanded to a depth of 300 meters or to 100 miles off the coast of the United States, whichever is greater.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable Donald L. McKernan, Special Assistant to the Secretary of the Interior for Fisheries and Wildlife; the Honorable John W. McCormack, Speaker of the U.S. House of Representatives; the Honorable Richard B. Russell, President Pro Tempore of the U.S. Senate; all Governors of the Coastal States in the United States; the International North Pacific Fisheries Commission; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"The following officers of the Legislature certify that the attached enrolled resolution, House CS for Senate Joint Resolution No. 89, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

"Passed by the Senate April 13, 1970.

"Brad Phillips,
"President of the Senate.

"Attest:

"Betty Hanifan,
"Secretary of the Senate.

"Passed by the House April 10, 1970.

"Jalmar M. Kerttula,
"Speaker of the House.

"Attest:

"Constance H. Paddock,
"Chief Clerk of the House.

"Attest:

"Keith H. Miller,
"Governor of Alaska."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Commerce:

"H. Con. Res. 51

"Concurrent resolution requesting Hawaii's congressional delegation to make efforts to obtain the passage of S. 3176, 'a bill to authorize a program for development of a tuna fishery in the central and western Pacific Ocean' introduced by Senators Fong and Inouye

"Whereas, the supply of Skipjack Tuna in the Central and Western Pacific contains the potential for a 100 million industry; and

"Whereas, the present pole and line method is an inefficient method of harvesting Skipjack Tuna, and the fast sinking purse seine method is a promising and more efficient method of harvesting tuna in the Central and Western Pacific; and

"Whereas, a properly regulated fishery utilizing modern purse seine methods of harvesting could provide a long term resource supplying both food and lucrative employment; and

"Whereas, Hawaii has the expertise in fisheries research to conduct purse seine trials, population dynamics studies, and other research essential to the development of the Central and Western Pacific Skipjack Tuna resource; and

"Whereas, the Governor of Hawaii has called a meeting of the Governors of Guam, American Samoa, and the High Commissioner of the Trust Territories to discuss the development of this potential; and

"Whereas, the Trust Territories, Guam, and American Samoa will contribute funds and personnel and facilities to the research program; and

"Whereas, Hawaii has been the leader in proposing the development of this resource; and

"Whereas, the development of the Skipjack Tuna resource will serve to broaden the economic base of Hawaii, Guam, American Samoa, and the Trust Territories of the Pacific; and

"Whereas, there is a strong and increasing demand for tuna in the United States and world market; and

"Whereas, United States Senators Fong and Inouye have jointly sponsored S. 3176, 'A Bill to Authorize a Program for Development of a Tuna Fishery in the Central and Western Pacific Ocean' calling for a $3.5 million appropriation to research and develop the technology for the exploitation of this resource; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that Hawaii's Congressional Delegation be requested to make all efforts to pass S. 3176 so that federal funds may be obtained for the development of the Central and Western Pacific Ocean Skipjack Tuna Resource; and

"Be it further resolved that certified copies of this Concurrent Resolution be sent to members of Hawaii's Congressional Delegation, the President of the United States Senate, and the Speaker of the United States House of Representatives

"We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"TADAO BEPPU,
"Speaker, House of Representatives.

"Attest:

"GEORGE TAKANE,
"Assistant Clerk, House of Representatives.

"We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"DAVID C. MCCLUNG,
"President of the Senate.

"Attest:

"SEICHI HIRAI,
"Clerk of the Senate."

A resolution of the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on the Judiciary:

"H. RES. 207

"On May 28, 1962, an agreement was reached between the States of New York, Maryland and Pennsylvania to work toward the creation of an interstate compact for the development of the Susquehanna River Basin.

"On August 13, 1962, an interstate advisory committee was established to make certain studies and make recommendations to the three involved states. This advisory committee completed its work and on the following dates, the respective states approved the adoption of the Susquehanna River Basin Compact:

"Maryland: April 21, 1967.

"New York: May 2, 1967.

"Pennsylvania: July 17, 1968.

"Early in 1969, implementing legislation was introduced in both the United States Senate and the United States House of Representatives and assigned to the respective judiciary committees of both Houses. Neither committee has conducted hearings on the legislation nor has the administration taken any position concerning the proposed compact.

"The underlying purposes of the proposed interstate compact are for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Susquehanna River Basin; for the improvement of navigation, reduction of flood damage, reduction and control of surface subsidence, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities.

"Because further delay in enacting this legislation by the Congress will critically jeopardize the eventual establishment of the compact and failure to establish this compact will seriously hinder the future economic development of the Susquehanna River Basin; therefore be it

"Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States to take a public position in favor of the compact as soon as possible, the Judiciary Committee of the United States Senate and the Judiciary Committee of the United States House of Representatives conduct hearings as soon as possible on the compact; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officer of each House of Congress of the United States, the chairman of the United States Senate Committee on the Judiciary and the chairman of the United States House of Representatives Committee on the Judiciary, and to each Senator and Representative from Pennsylvania in the Congress of the United States."

A resolution adopted by the Inter-Tribal Council of the Five Civilized Tribes, praying for the enactment of either S. 3445 or H.R. 15866; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Jasper Business and Professional Women's Club, of Jasper, Ala., praying for the enactment of legislation to protect the rights of individuals; to the Committee on the Judiciary.

A resolution adopted by the City Council of Philadelphia, Pa., praying for the establishment of a centralized facility within Philadelphia for the diagnosis and treatment of drug addicts; to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I present, for the consideration of the Senate, a resolution passed by the Senate of the Commonwealth of Massachusetts memorializing the President of the United States and the Congress to control the importation of men's wearing apparel and textile goods from foreign countries employing cheap labor, and I ask that it be printed in the RECORD and appropriately referred.

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

The resolution was referred to the Committee on Finance, as follows:

"RESOLUTION BY THE COMMONWEALTH OF MASSACHUSETTS

"Resolution memorializing the President of the United States and the Congress to control the importation of men's wearing apparel and textile goods from foreign countries employing cheap labor

"Whereas, The importation of unlimited quantities of men's wearing apparel and textile goods from countries employing cheap labor constitutes a serious economic threat to the apparel and textile industry of the Commonwealth, an industry vital to the state's economy; and

"Whereas, A sensible and equitable policy should be adopted and strictly adhered to by the federal government in order to protect and promote the standard of living of thousands of Americans whose livelihood is directly or indirectly affected by governmental directives regarding unrestricted quantities of imported apparel and textile goods and materials; now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully urges the President of the United States and the Congress to take any action that may be necessary to protect the men's apparel and textile industry of the Commonwealth by invoking reasonable and equitable controls on the importation of men's apparel and textiles from countries employing cheap labor; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, March 30, 1970.

"NORMAN L. PIDGEON,
"Clerk.

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

Mr. KENNEDY. Mr. President, I present for the consideration of the Senate a resolution passed by the House of Representatives of the Commonwealth of Massachusetts memorializing the Congress of the United States to take certain action in remembrance of the Katyn Forest massacre, and I ask that it be printed in the RECORD and appropriately referred.

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

The resolution was referred to the Committee on Post Office and Civil Service, as follows:

"RESOLUTION BY THE COMMONWEALTH OF MASSACHUSETTS

"Resolution memorializing the Congress of the United States to take certain action in remembrance of the Katyn Forest Massacre

"Whereas, This year marks the thirtieth anniversary of the Katyn Forest Massacre—the Soviets' cold-blooded murder of 15,000 POW Polish officers captured in the communist rape of Poland in September, 1939; and

"Whereas, Mass graves of these officers were discovered near Katyn, USSR; and

"Whereas, Citizens of Polish origin and descent have greatly contributed to the progress of the United States in time of war and in peace, are loyal, industrious and law-abiding and have distinguished themselves in the field of public service in our states and our nation and have served and lost their lives in the defense of our country; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to remember this Katyn Forest Massacre by enacting legislation providing for the erection of a monument, the issuance of a postage stamp and an exhibition of Katyn documents in the possession of the United States; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, March 31, 1970.

"WALLACE C. MILLS,
"Clerk.

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

REPORT OF COMMITTEES

The following reports of committees were submitted:

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 12878. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona (Rept. No. 91-832).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 793. A bill for the relief of Peter Chung Ren Huang (Rept. No. 91-810);

S. 1703. A bill for the relief of Ross Pintabona (Rept. No. 91-811);

S. 2427. A bill for the relief of Cal C. Davis and Lyndon A. Dean (Rept. No. 91-812);

S. 2526. A bill for the relief of Angelo DiStefano (Rept. No. 91-813);

S. 2856. A bill for the relief of Saul Bluestone (Rept. No. 91-814);

S. 2976. A bill for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga) (Rept. No. 91-815);

S. 3136. A bill to confer U.S. citizenship posthumously upon Guy Andre Blanchette (Rept. No. 91-816);

H.R. 1951. An act to confer U.S. citizenship posthumously upon Sp4. Aaron Tawil (Rept. No. 91-817);

H.R. 2817. An act for the relief of Delilah Aurora Gamatero (Rept. No. 91-818);

H.R. 3955. An act for the relief of Placido Viterbo (Rept. No. 91-819);

H.R. 5936. An act for the relief of Kong Wan Nor (Rept. No. 91-820);

H.R. 6125. An act for the relief of Anne Reale Pietrandrea (Rept. No. 91-821);

H.R. 9001. An act for the relief of William Patrick Magee (Rept. No. 91-822);

H.R. 11578. An act for the relief of Patricia Hiro Williams (Rept. No. 91-823); and

H.R. 12037. An act for the relief of Ali Somay (Rept. No. 91-824).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1886. A bill for the relief of Dr. Max Ruetger Hasche (Rept. No. 91-825);

S. 2490. A bill for the relief of Miriam Lazarowitz (Rept. No. 91-826);

S. 3037. A bill for the relief of Dr. Shusum Cheuk (Rept. No. 91-827); and

H.R. 5106. An act for the relief of Rogelio Tabhan (Rept. No. 91-828).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 850. A bill for the relief of Kwok Kuen (Kwen) Ng (Rept. No. 91-829); and

S. 2863. A bill for the relief of Annette Romney (Rept. No. 91-830).

FEDERAL ROLE IN HEALTH— (S. REPT. NO. 91-809)

Mr. HARRIS. Mr. President, on behalf of the Senator from Connecticut (Mr. RIBICOFF), the chairman of the Subcommittee on Executive Reorganization, I submit a report on the Federal Role in Health, and ask unanimous consent that his statement concerning it be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The report will be received and printed; and, without objection, the statement will be printed in the RECORD.

The statement of Mr. RIBICOFF, presented by Mr. HARRIS, is as follows:

Mr. President, pursuant to Senate Resolution 320 of the 91st Congress, I submit a report entitled, "Federal Role in Health," and ask that it be printed. The report was approved by the Committee on Government Operations.

The report is based on hearings and investigations conducted by the Subcommittee on Executive Reorganization and Government Research over a two-year period. It includes a summary of 8 days of hearings held in 1968; correspondence between the Subcommittee and the 24 Federal agencies involved in health; a staff investigation into Federal health construction funds and comments by James V. Shannon, M.D., former director of the National Institutes of Health and presently Professor and Special Assistant to the President of Rockefeller University.

In assessing the Federal role in health, the Subcommittee found that there was no national health policy, no central mechanism to consider or formulate that policy, and that Federal health programs were a cumbersome disjointed bureaucracy that even key Federal officials have difficulty managing.

To correct this, the Subcommittee made two basic recommendations:

First, establish a high level Council of Health Advisers within the Executive branch to consolidate health programs and formulate a national health policy with planning and purpose. Such a council should examine the performance of the entire Federal health bureaucracy, while recommending improvements to the President.

Second, reorganize the Department of Health, Education and Welfare to raise the department's top health officer from the status of assistant secretary to under secretary. The HEW reorganization would also give the under secretary four assistant secretaries responsible for health care services, consumer protection, planning and the combination areas of science, manpower and education of health personnel.

In addition, the Subcommittee also recommended the following:

Third, eliminate all health-related functions of the Commerce Department's Economic Development Administration and the Small Business Administration and transfer these functions to HEW.

Fourth, conduct an Internal Revenue Service investigation of those Small Business Administration-financed hospitals which have converted to nonprofit management to determine whether individuals used Federal dollars to develop tax shelters. The review should recommend appropriate Congressional action if necessary.

Fifth, order a General Accounting Office investigation of Federal hospital construction efforts to determine how well six departments and agencies match up health construction with health needs.

After considering all the evidence, the Subcommittee concluded there is little coordination, planning or purpose among the 24 Federal Departments and agencies that will spend $20.6 billion on Government health programs in Fiscal 1971. It would be supreme understatement to say that the Federal effort has been unequal to the challenge posed by this crisis.

We began by hearing witnesses from outside Government in order to learn how they viewed this complex—and worsening—situation. We resumed hearings with the views of the Federal Government.

Some of what we have learned has been familiar. Some of it has been new and distressing. All of it bears repeating—and will bear repeating—until we make clear to the American people the acute state of distress we face in health care.

In medical technology, there is no question that the United States has raced ahead of the rest of the world, but our medical ingenuity has not yet made American medicine the world's best. Few dispute that U.S. medical research is also the world's most advanced and that the nation's hospitals are among the world's best equipped. But once again, the fruits of this research are not getting out to the great bulk of the population.

Adequate medical care is no longer a privilege, nor even a concession, but the right of every citizen. This specifically includes those Americans who do not really know what adequate health care is: those who are too poor to pay for it; who do not know where to find it; who live too far from the nearest doctor or medical center to receive it.

And yet, if anything, the poor get sicker, and the sick poorer. Hospitals have been built in the wrong place at the wrong time for the wrong reasons. Insurance companies have reflected the interests of the providers of medical services rather than those of the ultimate consumer—the buying public. All in all, we have found national health care—private and public—uneven in quality, wastefully dispensed and unwisely financed.

As our report states, the Subcommittee found the nation's private health care system no less chaotic and crisis-ridden than the Federal medical system. In short, we found:

Large numbers of the poor received improper care, or no care at all.

The middle class felt the financial pressure of the high cost of care and lived in fear of a prolonged and expensive catastrophic illness.

The care both received often was fragmented and impersonal.

Accidental factors, such as where a man lived or worked, often determined the quality of his health care and health insurance.

Specialization had reduced the number of physicians serving the basic health needs of the population. Many turned to hospital emergency rooms as their "family doctor," placing heavy and unexpected demands upon these facilities.

Health insurance plans, by generally covering only care administered in hospitals, encouraged the most expensive care possible. In addition, by covering treatment instead of prevention, the plans were paying for sickness rather than health.

Such findings point up that American medicine is remarkable for its lack of formal direction and discipline. The kinds of gaps that exist are demonstrated in our investigation of just hospital construction alone—which permits obsolete, overstrained facilities in one location and creates new, unneeded ones—sometimes just blocks apart—in another.

Yet the Subcommittee found not only a disgraceful lack of planning, but we learned that the agencies which do support health programs know little about their programs, and that interagency program coordination is a hit-and-miss proposition—duplicative and distorted when it does exist at all.

There are so many programs administered in such bureaucratic confusion that no one—not the Department of Health, Education and Welfare, not the Bureau of the Budget, not any of the private organizations—was able to tell the Subcommittee even how many programs there are.

With specific regard to bureaucracy, we were especially concerned with HEW, the principal agency in health care. Since this Department is the chief actor among the various health players in the national medical system, our basic concern was to first determine how effectively the biggest Government component was organized for its mission.

In the course of considering just this one bewildering place, several recommendations reflect our Subcommittee's concern. An essential measure contemplates the creation of the position of Under Secretary. We intended that this Secretary would play

the key role in coordinating the Federal effort in health care.

Mr. President, before anything else, we must make certain that the availability of medical care matches its capabilities; and we must do this so that Federal expenditures result in the delivery of health care instead of establishing and supporting a health bureaucracy.

In sum, three important points emerged from these hearings. First, health and medical costs have increased for very sound reasons: staff, salaries, new equipment and technology, and increased demand for our health and medical care facilities.

Second, the rising costs—though shocking—are symptoms of much more serious problems.

Finally, these more serious problems relate to the fundamental questions of how we organize, finance and deliver it.

New developments often bring new sets of dangers. For example, there are countless reasons why the cost of Medicaid soared from $2 billion in 1966 to an estimated $5 billion in 1969, and why it could easily reach as much as $20 billion by the mid-1970's. But if this country has learned anything from Medicaid and Medicare, it is that a rational delivery system should have been prepared a long time ago.

Just more money will not solve anything. We must begin to better contain the health crisis by better management. We must begin to establish some overall health policy to guide the administration of these billions of dollars.

IMMIGRATION AND NATURALIZATION—REPORT OF A COMMITTEE (S. REPT. NO. 91-831)

Pursuant to Senate Resolution 45, 91st Congress, first session, Mr. EASTLAND, from the Committee on the Judiciary, submitted a report entitled "Immigration and Naturalization," which was ordered to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STEVENS:

S. 3769. A bill to amend the Internal Revenue Code of 1954 to require notice and hearing prior to levy upon the salary or wages of an individual; to the Committee on Finance.

S. 3770. A bill for the relief of Doctor Won Pal Chung; to the Committee on the Judiciary.

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

By Mr. HOLLAND:

S. 3771. A bill for the relief of Doctor Jocelyn Tandoc-Juarez; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 3772. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of pollution by allowing an individual taxpayer to deduct from gross income the cost of eligible pollution control equipment; to the Committee on Finance.

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

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

S. 3773. A bill to declare that the United States holds in trust for the Reno-Sparks Indian Colony certain lands in Washoe County, Nev.; to the Committee on Interior and Insular Affairs.

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

By Mr. JAVITS (for himself and Mr. GOODELL):

S. 3774. A bill to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection; to the Committee on Public Works.

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

By Mr. SPARKMAN:

S. 3775. A bill to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code; to the Committee on Banking and Currency.

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

By Mr. SPARKMAN (for himself and Mr. BENNETT, by request):

S. 3776. A bill to amend and extend the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

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

By Mr. JACKSON (for himself and Mr. ALLOTT, by request):

S. 3777. A bill to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts; to the Committee on Interior and Insular Affairs.

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

By Mr. SYMINGTON (for himself and Mr. EAGLETON):

S. 3778. A bill to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; to the Committee on Public Works.

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

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

S. 3779. A bill for the relief of Concrete Industries Monier), Limited; to the Committee on the Judiciary.

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

By Mr. McCARTHY:

S. 3780. A bill to provide an adequate income for all Americans, to assure to every person a decent standard of living with dignity, justice, and democracy; to the Committee on Finance.

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

By Mr. STEVENS:

S. 3781. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. SMITH of Illinois:

S. 3782. A bill to limit the amount which may be paid to any producer in any year under programs administered by the Department of Agriculture for wheat, feed grains, and upland cotton to $20,000; to the Committee on Agriculture and Forestry.

By Mr. GORE:

S. 3783. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. NELSON (for himself and Mr. MUSKIE):

S. 3784. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that pesticides manufactured for use in the United States or imported for use in the United States comply with certain standards of biodegradability and toxicity; to the Committee on Public Works.

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

By Mr. DOMINICK (for himself, Mr. GRIFFIN, and Mr. COTTON):

S. 3785. A bill to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war; to the Committee on Labor and Public Welfare.

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

By Mr. KENNEDY:

S. 3786. A bill to amend title VII of the housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities; to the Committee on Banking and Currency.

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

By Mr. MONDALE:

S. 3787. A bill for the relief of Rene' Cespedes; to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 195. Joint resolution to authorize the Secretary of the Interior to conduct a study of the possibilities of offshore nuclear power plants as a means of alleviating the thermal pollution problems encountered in onshore operations of such plants; to the Committee on Public Works.

(The remarks of Mr. TOWER when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN:

S.J. Res. 196. Joint resolution increasing the authorization for College Housing debt service grants for fiscal year 1971; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the joint resolution appear later in the RECORD under an appropriate heading.)

By Mr. SCOTT (for himself and Mr. SCHWEIKER):

S.J. Res. 197. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

(The remarks of Mr. SCOTT when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3769—INTRODUCTION OF A BILL REQUIRING NOTICE AND HEARING PRIOR TO LEVY UPON THE SALARY OR WAGES OF AN INDIVIDUAL

Mr. STEVENS. Mr. President, it has come to my attention that on several instances, the Internal Revenue Service has acted with undue haste, perhaps inadvertantly, in attaching wages and salaries of taxpayers.

I will give one example. An inquiry arose concerning a 1964 tax return. The

taxpayer claimed he had already paid a deficiency the IRS said was still owed. The IRS notified the taxpayer that the question of payment was being looked into. The next thing the taxpayer knew, his salary was attached. Fortunately, this particular taxpayer did not suffer any adverse consequences as a result, but in many instances employers take a sufficiently dim view of having an employee's salary attached by the IRS that the employee may lose his job.

Because of the severe consequences that can flow from an attachment of an employee's salary or wages, I am today introducing legislation which will require the IRS to notify the delinquent taxpayer and offer him an opportunity to be heard before attachment can be made. This will assure that the taxpayer has an opportunity to assess the particular action the IRS is about to take and to make his case before the employer receives notice of attachment. An exception is provided in cases where the Secretary or his delegate determine that the collection of the tax is in jeopardy.

This extra precaution on the part of the IRS is necessary to assure that a taxpayer does not suffer an unjust and undeserved consequence, but instead has the chance to argue that the proposed attachment is unwarranted or unnecessary.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

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. 3769) to amend the Internal Revenue Code of 1954 to require notice and hearing prior to levy upon the salary or wages of an individual, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6331 of the Internal Revenue Code of 1954 (relating to levy and distraint) is amended by redesignating subsection (d) as (e) and by inserting after subsection (c) the following new subsection:

"(d) Salary and Wages.—

"(1) In general.—Levy may be made under subsection (a) upon the salary or wages of an individual only after the Secretary or his delegate has notified such individual of his intention to make such levy and has afforded such individual an opportunity for a hearing thereon.

"(2) Jeopardy.—Paragraph (1) shall not apply to a levy if the Secretary or delegate has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy."

(b) The amendments made by subsection (a) shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

S. 3772—INTRODUCTION OF THE INDIVIDUALS' ANTIPOLLUTION INCENTIVE ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I introduce today for appropriate reference the Individuals' Antipollution Incentive Act of 1970. This legislation will appeal to many Americans. It will provide direct economic assistance to those individuals who want to lessen the causes of environmental pollution.

Americans for too long have treated their environment—air, water, and land—as a dumping ground for the untreated wastes of industrial civilization. The pollution of our water, land, and air has grown at such a rapid pace over the past 15 years that it now poses a serious threat to our future existence. We have now reached the saturation point. We must at all levels—government, industry, and individual—recognize that a massive cleanup campaign must be relentlessly pressed.

Congress has enacted legislation to lead the way. Many States, including my State of West Virginia, have strengthened their pollution control programs. While this part of the fight against pollution is important, the contributions that could be made on an individual basis have largely been ignored.

Several million Americans participated in last week's Earth Day activities. These citizens, concerned about our environment, picked up litter, cleaned up lakes and streams, planted flowers, and learned of the dangers of pollution.

On several occasions, I have been asked, "What more can I, as an individual, do to alleviate pollution?" This question continues to concern me. True, there is little that the individual on the street can do about the design of the internal combustion engine, or in formulating the chemical makeup of the fuel it burns, or about the design and location of highways and streets. Up to now, these activities have been left to the expertise of Government and industry. Nevertheless, there is much the individual can do about pollution, and if the energies of the concerned citizen—revealed last week—could be utilized into just cleaning up his own property, this country could really begin to fight the ravages and hazards of pollution. It is to these individuals that this bill is intended to give an incentive.

Mr. President, motor vehicle pollution is one of the major threats to the quality of our environment and to the health of our people. It is estimated that over 90 million automobiles are now emitting pollutants into the air we breathe. The automobile engine is responsible for three-fourths of the carbon monoxide, half of the hydrocarbons, and nearly half of the nitrogen oxide pumped into the air every day.

The Clean Air Act, as amended, authorizes the Department of Health, Education, and Welfare to formulate Federal standards for the control of air pollution from new cars. New standards, which are currently proposed, would greatly reduce by 1980, the quantity of hydrocarbon and carbon monoxide emitted into the air.

Some 30 million cars, produced since 1968, have been provided with devices and adjustments to lower, to some extent, the level of pollutants exhausted. This means that today there are some 60 million cars, which continue unabated, to contribute every day to the contamination of our air. We cannot afford to wait until every American has purchased a new car to be assured that our environment will be partially protected. Action must be taken now to reduce the high amount of pollutants discharged daily into our atmosphere.

Mr. President, the legislation I am introducing takes a direct approach. It encourages every car owner to have his automobile fitted with the best antipollution equipment available.

This bill, by adding a new section to the Internal Revenue Code of 1954, will allow an individual taxpayer to deduct amounts paid by him during the taxable year to acquire eligible pollution control equipment. The deduction provided for by the bill is a deduction from gross income. Thus, it will benefit every taxpayer, no matter if he takes the standard deduction or itemizes his deductions.

The type of equipment for which a deduction would be allowable under the bill is new antipollution equipment acquired by the taxpayer after 1968, which is used in connection with tangible personal property of the taxpayer—such as an automobile, boat, or airplane—or real property of the taxpayer, such as a residence, to abate or control air or water pollution; and, which is of a type designated by the Secretary of the Treasury in rules or regulations promulgated under authority provided by the bill.

In this regard, the bill provides that the Secretary of the Treasury is to determine the types of antipollution devices which are identifiable as devices to abate or control pollution and for which it is appropriate to allow the new deduction. The Secretary is to make this determination with the assistance of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, or the Secretary of the Treasury has made this determination, he is to promulgate rules or regulations which designate the approved types of antipollution devices. This authority would allow the Secretary of the Treasury to exclude from the scope of the new deduction devices which do not, in fact, aid in the abatement or control of pollution.

The new tax deduction provided for in the bill is limited for a taxable year to $50 with respect to the antipollution equipment acquired for each automobile, boat, and so forth. In addition, the bill provides that the deduction is not allowable for antipollution equipment to be used in connection with business property unless the property is also used for personal activities. For instance, a salesman who used his automobile partly for business activities, and partly for personal activities, would be allowed the deduction for antipollution equipment placed on the automobile. On the other hand, antipollution equipment placed on a truck used solely for business purposes would not be eligible for the deduction under this bill, as comparable incentives for businessmen were included last year in the Tax Reform Act of 1969.

When a deduction is allowable for the cost of antipollution equipment, this bill provides that depreciation deductions may not also be claimed with respect to the equipment. This provision insures that in the case of property, such as an automobile, used partly for business activities and partly for personal activities,

a taxpayer will not be allowed to deduct the cost of antipollution equipment twice, once under the new deduction and again by means of the depreciation deduction.

The bill also provides that where a deduction for antipollution equipment is allowed, the amount allowed as a deduction is not to be considered part of the taxpayer's cost for the property to which the antipollution equipment relates.

The changes made by this legislation will be applicable for taxable years beginning on or after January 1, 1969. In the case, however, of amounts paid for antipollution equipment in a taxable year which ends on or before the date of enactment of the bill, it is provided that the deduction which otherwise would be allowable for that taxable year instead is to be taken by the taxpayer in his first taxable year which ends after the enactment of the bill.

Mr. President, it is hoped that this bill will provide an additional incentive to the automobile industry by creating a national market and demand for antipollutant devices. The automobile industry must intensify its research and development activities, and begin to market—on a national scale—new equipment for our cars so as to limit the amount of pollutants emitted into the air today. I feel that industry can and must take this responsibility.

We must continue to accelerate the battle against pollution. In too many instances we have used our technology to defeat nature. Now we have the opportunity to develop and utilize our technology to save both nature and man. We cannot allow the final victory to belong to the pollution monsters we have created.

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

The bill (S. 3772) to amend the Internal Revenue Code of 1954 to encourage the abatement of pollution by allowing an individual taxpayer to deduct from gross income the cost of eligible pollution control equipment introduced by Mr. BYRD of West Virginia, was received, read twice by its title, and referred to the Committee on Finance.

S. 3773—INTRODUCTION OF A BILL TO HOLD IN TRUST FOR THE RENO-SPARKS INDIAN COLONY CERTAIN LANDS IN WASHOE COUNTY, NEV.

Mr. BIBLE. Mr. President, for myself and my colleague from Nevada (Mr. CANNON), I introduce for appropriate reference a bill to declare that the United States shall hold in trust for the Reno-Sparks Indian Colony certain lands in Washoe County, Nev.

This bill, Mr. President, is the second piece of legislation we have introduced in the current Congress in an effort to provide improved living conditions and a better community life for the Reno-Sparks Colony. An earlier bill would have declared the colony lands also be held in trust by the United States as a means of helping the colony become eligible for Federal housing and related assistance. The bill we sponsor today would add to the colony a 480-acre tract of land currently in the public domain situated near the site of the former Stead Air Force Base. The selected lands are vacant and unappropriated public lands. The only improvement is a drift fence installed by the Bureau of Land Management. It would be only a minor problem to remove the fence should the land be transferred from public ownership.

Mr. President, the Reno-Sparks Colony badly needs all the assistance it can get in solving mounting problems of crowding and worsening living conditions. The surrounding area, once a rural farming section, has now been urbanized and lately zoned for intense industrial development. These changes, coupled with a growing Indian residential population, have caused serious housing, health and economic problems. The colony just this month was designated as a redevelopment area eligibile for assistance under the Public Works and Economic Development Act of 1965. But legislative action is also needed both to qualify the existing colony for housing and community development assistance and to provide additional land to relieve crowding and to permit the establishment of recreation areas. A portion of the 480-acre tract described in this new bill would also be suitable for light industry use, permitting the Colony Indians to expand their economic base.

Plans for the future include the formation of a tribal development corporation owned by the colony members. With income derived from expanded properties, this corporation could provide services now paid for with public funds. The ultimate goal is a land and economic base that will not only afford decent living and working conditions for the colony but enable its residents to form an active community that is largely self-supporting.

I hope we can have affirmative action on both bills benefiting the Reno-Sparks Indian Colony before the current Congress adjourns.

To round out my remarks for the RECORD, I ask that a January 26, 1970, resolution of the Reno-Sparks Tribal Council in support of this legislation be printed following this statement.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the resolution of the Reno-Sparks Tribal Council will be printed in the RECORD.

The bill (S. 3773) to declare that the United States holds in trust for the Reno-Sparks Indian Colony certain lands in Washoe County, Nev., introduced by Mr. BIBLE, for himself and Mr. FANNIN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The material presented by Mr. BIBLE is as follows:

RESOLUTION RENO/SPARKS TRIBAL COUNCIL

Whereas, the Reno-Sparks Tribal Council has undertaken a study of the present and future prospects concerning the welfare of the residents of the Reno-Sparks Indian Colony and the economic development of the said colony, we take note of the following:

The Reno-Sparks Indian Colony had its genesis in certain acts of Congress which original intent was to provide homes and farm sites for Washoe and homeless Nevada Indians, with adequate water rights. In providing for the purchase of lands which make up the Reno-Sparks Colony, Congress originally contemplated a resident population of 150 people. This legislation was enacted in 1917. At the time this legislation was passed the area which makes up the Reno-Sparks Colony was on the outskirts of Reno. Under the circumstances which then existed, it was reasonable for Congress to envision a farming community of perhaps 150–200 people occupying the land. However, as most urban and semi-urban areas of the nation have grown and expanded outward to encompass what may have originally been the outskirts of a town or city, the city of Reno has expanded outward, and what was originally a farming area is now the center of industrial growth of Reno and Sparks. Presently the colony is used as residential property by some 600 residents. Even though the property is used as a residential area, it is not located in the residential areas of either Reno or Sparks.

The area surrounding the colony has been zoned by the Washoe County Regional Planning Commission as industrial and is rapidly becoming the industrial area of Reno and Sparks. Located directly east of the colony is a large sand and gravel operation, to the west a number of service industries border on Kietzke Lane, which is becoming the primary area for automobile sale outlets. Further to the west a number of industries are developing, including warehousing and electronics. The overall present growth pattern of the Reno-Sparks area when considered in conjunction with the zoning regulations applicable to the area surrounding the colony and its present population lead inevitably to the conclusion that there is no prospect in the present area for expansion and development of the colony as a residential area.

Among the problems which face the present residents of the colony are as follows: Population density, health, housing, community development and economic development.

As indicated above there are presently 600 residents occupying an area originally intended to serve the needs of some 150 to 200 people. According to statistics in the Overall Economic Development plan of March 1969, the comparison of population density prepared in 1967 indicates a population per square mile of 11,921 for the colony as compared with 6,410 per square mile for the rest of Reno.

Many of the health problems confronting the colony are indirectly caused by the population density and its effects on living conditions. As an illustration, in June of 1969, the colony was faced with an outbreak of hepatitis, which reached epidemic proportions. The disease spread and many more people were infected than would have been because there are 600 people occupying an area originally intended for 150 people.

Housing conditions in the colony are substandard. Although there is presently a mutual self-help housing program which will provide 20 additional units, the program originally contemplated 50 units, but the balance of 30 units cannot be built because of lack of available space. This lack of land area forces many families to double and triple up in houses which were originally intended for one family. Further, the statistics gathered in 1967 for the Overall Economic Development Plan indicates that there are 36 houses which are either unfit for occupancy or are considered to be in poor condition as housing facilities.

The prospects for community and economic development are affected by the nature of the surrounding area. As indicated above the growth pattern of the neighboring prop-

erties effectively precludes orderly community development of the colony as a residential area. Because of the limited land area, and the fact the colony is presently used as a residential area, there is virtually no prospect for orderly economic and industrial development.

After a consideration of the foregoing the Reno-Sparks Tribal Council took under advisement, the possibility of acquiring additional unused federal land in close proximity to Reno. Following a review of 18 possible locations, the members of the tribal council and other residents, chose an area in the vicinity of Stead, approximately 6 miles north of Reno. The area comprises 480 acres and is located at township 21 north range 18 east of the Mount Diablo Meridian, the south half of section 10 and the northeast quarter of section 28. The land would be held in trust by the United States of America for the benefit of the Reno-Sparks Indian Colony.

The advantages of such action to the peoples of the Reno-Sparks Colony would be numerous and would have effects as to the following areas; population density, health, housing, the return to the colony of those Indians who have been unable to secure homesites at the present location and Indian self-determination with regard to economic and community development.

As mentioned previously, the present site of the colony is wholly inadequate to meet present population demands. In the Overall Economic Development Plan of 1969, the figures for population by age as of 1967 indicates that 51% of the present population is comprised of people under age 21. Based on these figures, the projected population for 1975 by conservative estimate will be 1100. This will mean a population density per square mile at the colony equal to that of New York City at present. With the addition of the land at Stead, 320 acres is proposed for use for both residential and recreational purposes. Of this, 200 acres would be utilized for residential homesites, which would mean in effect, a population density based on present growth rates of 3300 persons per square mile. The balance of 120 acres, while rough and mountainous, with proper planning could be used for community recreational purposes. The above figures do not take into account those Indians who at present are living off the colony due to unavailable land for assignment purposes. There are many people who have made application for assignment of land in the present colony, but have been refused by the tribal council because there simply is not enough land to fulfill all the requests.

The land at Stead would provide homesites for those people who are presently forced to live off the colony because of lack of available land, as well as alleviating the situation which now exists where two and three and sometimes as many of four or five families are living on one assignment. The return of those Indians now forced to live off the colony would help strengthen the bonds of the overall community as well as providing a geographic center for the preservation of family ties and cultural values.

With the acquisition of land at Stead, much would be accomplished in the areas of health and safety. As indicated above, the overcrowded living conditions at the present colony site pose a definite threat to the health of the inhabitants. The proposed site would eliminate the overcrowding, thus removing the main factor which contributes to the spread of communicable diseases at the colony. The zoning of the present area supports industrial development, and it is obvious that the area is becoming increasingly congested with heavy trucking and commercial traffic. With over 20% of the present population age 10 or under, there is a real safety hazard involved with children crossing streets and playing on industrial sites during both working and non-working hours. The land at Stead would provide an environment which would be far more conducive to the health and safety of the members of the Reno-Sparks Colony.

Of the proposed 480 acres it is envisioned that a parcel of 160 acres, which is located two (2) miles south of the 320 acre residential area, would be used for industrial development. As mentioned previously the present colony site provides no opportunity for industrial development. When the land at Stead is acquired, the present colony site would be used for industrial development. Thus, the people of the Reno-Sparks Colony would have a substantial base with which they would establish a source of tribal income. What is imagined in the near future is a Tribal Development Corporation owned by the members of the colony which, with income derived from the use of these properties, would provide services and facilities now paid for with public funds.

At the present time 17.6% of the labor force at the colony is unemployed, this is three times unemployment rate of Washoe County. One of the basic objectives of economic development would be to eliminate much of this unemployment, thereby reducing the dependence on welfare as means of support. The industrial development would be keyed toward providing jobs for Indian people. This could be arranged through leases to corporations who would draw in the labor market of the nearby Indian community at Stead. Financing for these industries is available through the Economic Planning Unit of the Inter-Tribal Council. Therefore, the people of the Reno-Sparks Colony consider the opportunity presented by acquisition of the land at Stead a monumental step toward long range goals of Indian economic self-determination.

After a careful consideration of all the foregoing points the Tribal Council feels that it is imperative that the land at Stead be acquired to secure the present welfare and future potential for all the residents of Reno-Sparks Colony.

Therefore, be it hereby resolved, that all right, title and interest in the following vacant and unappropriated public domain land located in Washoe County, Nevada, to wit; south one-half section 10 and northeast one-quarter section 28 in township 21 north, range 19 east, of the Mount Diable Meridian, be declared by the Congress of the United States of America, to be held in trust for the benefit of the members of the Reno-Sparks Indian Colony.

Certification: I, the undersigned, Secretary of the Reno-Sparks Indian Council, hereby certify that the Reno-Sparks Indian Council is composed of six (6) members, of whom 5 constituting a quorum were present at a duly called meeting which was convened and held on January 26, 1970, and that the foregoing resolution was duly adopted by a vote of 5 for and 0 against, pursuant to authority contained in the Constitution and By-laws of the Reno-Sparks Indian Colony approved January 15, 1936.

VALERIE JEAN KAYE,
Secretary, Reno-Sparks Indian Council.

S. 3775—INTRODUCTION OF A BILL TO AMEND THE VA DIRECT HOME LOAN PROGRAM

Mr. SPARKMAN. Mr. President, I introduced for referral to the proper legislative committee a bill which would amend the VA direct home loan program so as to permit paraplegic veterans needing especially adapted housing to obtain direct loans from the VA with which to finance such housing.

Under present law, specifically section 1811 of title 38, United States Code, the Veterans' Administration is authorized to make direct loans in "housing credit shortage areas." The direct loan program is financed through a revolving fund. Such loans can only be made in areas when home financing is not generally available such as in small towns and rural areas.

Under present law, specifically chapter 21 of title 38, United States Code, the VA is authorized to make grants up to $12,500 to paraplegic veterans in order to help them obtain housing especially suited to their needs.

It has been found, however, that in some instances, particularly when mortgage money is tight, these paraplegic veterans are unable to obtain mortgage funds—in addition to the grant—to finance the purchase of the housing they need.

The bill I introduce would simply make mortgage credit available to these veterans through the VA direct loan program if there is a showing that a paraplegic veteran cannot obtain the additional financing needed through the regular and usual sources of mortgage credit.

Mr. President, what is being proposed by this bill is to bring together two very fine programs which I sponsored several years ago.

I sponsored the legislation which originally established the VA direct home loan program in 1950. I also sponsored the legislation which established the paraplegic grant program. I am very proud of these two programs because they have been very useful to our veterans. I am also very proud of the record our veterans have made in using the direct loan program. Losses under the program amount to less than one-half of 1 percent and, today, repayments of home loans under the program are sufficient for the program to be carried on without the necessity of funds being authorized for the program on an annual basis. This is an enviable record our veterans have made.

The bill I introduce today is just another way of our Nation recognizing the great contribution which paraplegic veterans have made to their country.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in my remarks.

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

The bill (S. 3775) to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1811 of title 38, United States Code, is amended by adding after subsection (k) the following new subsection:

"(1) Notwithstanding the provisions of subsections (a), (b), and (c) of this section,

the Administrator is authorized to make or enter into a commitment to make a loan to a veteran who is determined to be eligible for the benefits of chapter 21 of this title, to assist such veteran in acquiring a specially adapted housing unit authorized under chapter 21, if the veteran is eligible for loan guaranty benefits under this title and shows to the satisfaction of the Administrator that he is unable to obtain a guaranteed loan for such purpose from a private lender. Such loans shall be subject to all provisions of this section except those contained in subsections (b) and (c)."

SEC. 2. Section 1811(i)(1) of title 38, United States Code, is amended by inserting after "housing credit shortage area," the following:

"Or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title."

S. 3776—INTRODUCTION OF A BILL TO AMEND AND EXTEND THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Mr. SPARKMAN. Mr. President, I introduce for referral to the proper legislative committee a bill which has been requested by the Office of Emergency Preparedness. My colleague, the ranking member of the minority on the Banking and Currency Committee, Senator BENNETT, and I introduce this bill by request.

Mr. President, I ask unanimous consent that the bill along with a section-by-section analysis be printed in full in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 3776) to amend and extend the Defense Production Act of 1950, as amended, introduced by Mr. SPARKMAN, for himself and Mr. BENNETT, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 304 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094) is amended by striking the second, third, and fourth provisos of subsection 304(b) and by adding at the end of section 304, the following new subsections:

"(c) After June 30, 1970, contracts under section 302 or under section 303 for the expansion of productive capacity and supply or the encouragement of exploration, development, or mining of strategic and critical minerals or metals shall be made only in accordance with section 305, and the provisions of subsection (b) of this section shall not apply to such contracts.

"(d)(1) The Secretary of the Treasury is authorized and directed to cancel any notes issued to the Secretary of the Treasury pursuant to this section, in an amount equal to the net losses incurred by an agency in carrying out its functions under sections 302 and 303, together with interest accrued and unpaid on such notes, upon being advised by the head of the agency issuing such notes that such net losses have occurred. Upon the cancellation of any such notes the aggregate amount of borrowing which may be outstanding at any one time under subsection (b) of this section shall be reduced in an amount equal to the amount of the notes so canceled.

"(2) When all notes issued pursuant to this section have been paid or canceled, the borrowing authority shall terminate and, except as otherwise provided by law, any cash balance then existing or thereafter arising shall be covered into the Treasury as miscellaneous receipts.

"(3) After June 30, 1970, no interest shall accrue on notes outstanding under this section."

SEC. 2. Title III of the Defense Production Act of 1950, as amended, is amended by adding at the end thereof the following new section:

"SEC. 305(a) The President is authorized, through such agencies of the United States as he may designate, to enter into contracts, within such amounts as may be appropriated pursuant to subsection (b) of this section, (1) under section 302 and (2) under section 303 for the expansion of productive capacity and supply or the encouragement of exploration, development, or mining of strategic and critical minerals or metals.

"(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 302 and 303.

"(c) If the President determines that the national security requires the obligation of funds under section 302 or section 303 in excess of funds then available pursuant to subsection (b) above, he is authorized, notwithstanding the provisions of section 3678 of the Revised Statutes (31 U.S.C. 628), to utilize such other appropriated funds as he deems necessary, and he may, to the extent he deems it advisable, reimburse such funds from appropriations subsequently made pursuant to subsection (b). The President shall submit a report to the Congress on each contract made under this subsection not more than 90 days after the making thereof."

SEC. 3. Subsection 303(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093), is amended by striking out "but not extending beyond June 30, 1975," and adding at the end of subsection 303(b) the following new sentence: "No contract made under subsection (a) shall obligate or commit the Government to make purchases or to provide financial assistance for the encouragement of exploration, development, or mining of strategic and critical materials for a period longer than ten years from the date on which it is entered into."

SEC. 4. Section 710(e) of the Act is amended by deleting the last two sentences thereof and inserting in lieu thereof the following: "Members of this executive reserve who are not full-time Government employees may be allowed transportation expenses and per diem in lieu of subsistence at the rates prescribed by section 5703 of title 5 of the United States Code for individuals serving without pay."

SEC. 5. The first sentence of section 717(a) of the Defense Production Act, as amended, is hereby amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1974."

The material presented by Mr. SPARKMAN follows:

BILL TO AMEND AND EXTEND THE DEFENSE PRODUCTION ACT OF 1950

SECTION-BY-SECTION ANALYSIS

Section 1. This section repeals the present limitations upon the President's authority to enter into contracts financed by the borrowing authority of subsection 304(b) and substitutes for them a new subsection (c) providing that no contracts under section 302 or 303 may be financed under the borrowing authority after June 30, 1970. Contracts under those sections, after that date, must be financed as provided by section 305, added by the second section of the bill.

The first section also adds a new subsection (d) to section 304 providing for the cancellation of notes (and interest thereon) heretofore issued to the Secretary of the Treasury by various agency heads pursuant to section 304(b), in an amount equal to net losses incurred by the agencies involved in carrying out their functions under section 302 and 303. Whenever notes are so cancelled the borrowing authority provided by section 304 is reduced by an amount equal to the notes so cancelled. When all such notes are paid or cancelled, the borrowing authority under section 304 terminates and any cash balance is paid into the Treasury. Interest accrual on notes ceases as of June 30, 1970.

Section 2. This section adds a new section 305 to Title III of the Act. Subsection (a) authorizes the President to enter into contracts under sections 302 and 303, within the limits of available appropriations.

Section 305(b) authorizes the appropriation of funds to carry out the purposes of sections 302 and 303. Section 305(c) provides that when the President finds that the national security requires the making of certain contracts under sections 302 and 303, and funds appropriated pursuant to section 305(b) are insufficient to meet the obligations arising out of those contracts, the President may use other appropriations to finance them. The President may then authorize the reimbursement of the appropriation account involved from funds subsequently appropriated pursuant to section 305(b). All such cases must be reported to the Congress within 90 days.

Section 3. This section amends section 303(b) to impose a ten year time limit on purchase and development contracts made pursuant to section 303.

Section 4. This section amends section 710 of the Act so as to provide that members of the Executive Reserve may be allowed travel and per diem allowances equal to those now authorized for individuals serving the United States without compensation. It would also eliminate certain obsolete language providing exemptions from conflict of interest laws.

Section 5. This section provides a four year extension of the Act, to June 30, 1974.

S. 3777—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO CONTRACTS FOR THE PROTECTION OF PUBLIC LANDS FROM FIRES IN ADVANCE OF APPROPRIATIONS

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Senate Committee on Interior and Insular Affairs, Mr. ALLOTT, and myself, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

This measure was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the executive communication will be printed in the RECORD.

The bill (S. 3777) to authorize the Secretary of the Interior to enter into contracts for the protection of public lands

from fires, in advance of appropriations therefor, and to twice renew such contracts, introduced by Mr. JACKSON, for himself and Mr. ALLOTT, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The communication presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 20, 1970.

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

DEAR MR. PRESIDENT: Enclosed herewith is a proposed bill "To authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The proposed bill would confer upon the Secretary of the Interior, who is responsible for the suppression of fires on large areas of public lands, authority parallel to that conferred upon the Department of Agriculture with respect to national forest lands (16 U.S.C. 557a, 579a). The authority conferred would include the prevention and suppression of fires on or threatening public lands. It would permit him to enter into contracts for tanker aircraft, and for other kinds of aircraft, supplies and services, for an entire fire season, and to renew such contracts not more than twice.

The "fire season" on public lands varies throughout the United States. In some areas, such as California and the Southwest, the fire season includes most of the year. In most areas, however, it runs from about May through October. For these latter areas, this Department's Bureau of Land Management seeks in March or early April of each year to enter into contracts which will be necessary for fire fighting activities. In so doing, it encounters numerous problems created by existing law, which the enclosed proposed bill is designed to overcome.

Existing statutes (41 U.S.C. 11, 31 U.S.C. 665(a)) generally prohibit the making of contracts which obligate the Government in advance of appropriations to support such contracts. This generally means that contracts should not extend beyond June 30 of a given fiscal year. There is, however, a compelling need that fire fighting services be available and continue on without interruption from one fiscal year into the next one. There is no time to negotiate new contracts or to renew existing contracts on July 1, when the parties involved may be in the midst of full scale fire fighting activity. Therefore, the Bureau of Land Management currently attempts to overcome the difficulty by including a clause in its fire fighting contracts that makes the financial obligations of the Government, after the forthcoming June 30, contingent on passage of a funding appropriation by the Congress. This technique is disfavored, however (see 36 Comp. Gen. 683 and B–165013(2) of January 16, 1969), and makes important the special statutory authority set forth in the proposed bill.

The Department of the Interior has some flexibility in funding fire fighting. For a number of years Congress has included language in Interior Appropriation Acts, such as Section 102 of P.L. 90–425, which permits the Secretary to transfer funds within any Bureau, as necessary, to fund fire fighting, and to use current funds to pay for fire fighting obligations incurred in the preceding fiscal year. This enables Congress to avoid over-appropriating initially, but it does not overcome the basic prohibition against entering into contracts for services and supplies in advance of an upcoming fiscal year. The proposed bill would allow this, by permitting the writing of contracts "prior to the passage of an appropriation therefor". The bill also makes clear that payments would still be contingent upon an applicable appropriation.

It is sometimes difficult to determine which fiscal year's funds should be charged for the costs of a particular fire fighting contract. Thus a contract with the owner of an aerial tanker usually guarantees him a minimum daily amount for giving the Government exclusive and instant standby availability. The contract also includes an hourly rate of payment for actual hours to be flown. At present the minimum guarantee is charged en toto to the first fiscal year's funds, because 41 U.S.C. 11 and 31 U.S.C. 665(a) require that the Government guarantee be fully funded. The payments for actual flight hours are charged to the funds of the particular fiscal year in which the flights occur. This charging would be continued by the language of the proposed bill, which provides that funds will be obligated in "fiscal years in which the costs are incurred".

Aerial tankers which drop fire retardant materials are most important in fire fighting. Such aircraft are very expensive. They must be supported by proper ground facilities and they must be flown by qualified and experienced pilots. If owners of aerial tankers can look forward to at least two annual contract renewals, they can amortize their costs over a three year period, reduce the overall cost to the Government, undertake equipment improvements, and provide much better and safer service. Quality of service is intimately related to the cost of service because inexperienced operators can quickly run up flight hours and still be ineffective in fighting fires. The proposed bill would recognize these factors and allow contracts to be entered into and twice renewed without additional competition. The Comptroller General has already authorized negotiation of aerial tanker contracts, in his decision B–157954 of December 15, 1965; however, the twice annual renewal feature is not now authorized for the Department of the Interior, as it is for the Department of Agriculture under the two statutes cited above.

The proposed bill is not limited by its terms to contracts for tanker aircraft, although it is particularly needed for that purpose. In addition, it would apply to other aircraft, such as helicopters and light fixed wing aircraft that are needed on a seasonal basis, as well as to needed supplies and services for pre-suppression and suppression of fires. Procurements, other than those for tanker aircraft, are presently formally advertised, and they would continue to be, unless special circumstances permitted their negotiation under the terms of the Federal Property and Administrative Services Act of 1949, as amended. Most of the materials which would be used in connection with the proposed contracting authority is presently obtained through the General Services Administration. We do not contemplate use of the proposed authority to contract directly for those supplies available through General Services Administration.

While the reasons recited above in justification of the bill for aircraft contracting purposes do not generally apply to contracts for supplies and other services, and while we thus would expect rarely to rely upon this legislation as a basis for such contracts, we anticipate that there may be circumstances in which we may find it important to be able to do so. Contracts for supplies and for services other than aircraft may sometimes need to be placed on a seasonal basis, and they may also present the accounting questions (as to which fiscal year to charge) referred to above.

The Bureau of the Budget has advised that this legislative proposal is in accord with the President's programs.

Sincerely yours,

HARRISON LOESCH,
Secretary of the Interior.

S. 3778—INTRODUCTION OF THE HARRY S. TRUMAN DAM AND RESERVOIR BILL

Mr. SYMINGTON. Mr. President, a week from Friday, on May 8, Harry Truman celebrates his 86th birthday. As a mark o ' that fine occasion for our former President and Missouri's No. 1 citizen, I introduce today a bill to give his name to the Kaysinger Bluff Dam and Reservoir on the Osage River.

Because the Kaysinger Dam and Reservoir lies between the town where he was born and the towns of his boyhood, it would be particularly appropriate to rename the largest single multipurpose reservoir in Missouri, the Harry S. Truman Dam and Reservoir.

Although he was to become the 33d President of the United States and guide this Nation through the stormy post-war years, Harry Truman was the product of the rural Missouri environment which shaped his destiny, and he never forgot it.

As a youth he worked on his father's farm, and has always been interested in the conservation and wise use of our land and water resources. From his years on the farm and his service in public office in his own county, in the Senate and in the Presidency, he knew that without water, life would be impossible, but he also knew that water uncontrolled could bring hardship and ruin to scores of people. And he recognized that water is a fragile and not unlimited resource requiring constant vigilance and development.

Mr. Truman was first among modern Presidents to note the close relationship between the conservation of our water resources and the preservation of our national strength, and in 1947 told Congress that—

> The major opportunity of our generation to increase the wealth of the Nation lies in the development of our great river systems.

He was to repeat many times his belief that the mark of a well-managed land lies in the care a nation gives to its rivers.

Although he has been honored the world over, no major memorial outside of the Truman Library in Independence exists in the State of Missouri to Harry Truman. Thus, it would be fitting, indeed, if we were to name the giant Kaysinger Bluff Dam and Reservoir project in Missouri after this man who for so long championed the cause of water resource development.

The Kaysinger Bluff Dam and Reservoir, the key unit in the Marias des Cygnes River Basin System which empties into the Missouri River, is a multi-purpose structure which will bring flood control, hydroelectric power, and recreation to that section of Missouri that produced Harry S. Truman and which he loves so well.

The upper reaches of this vast reservoir are not far from his birthplace and

boyhood home at Lamar; and Clinton, where his parents once lived, will be only a stone's throw from the water's edge. His boyhood homes in Grandview and Independence, where the former President now makes his home and where the Truman Library is located, are only an hour's drive from this vast reservoir.

It is, therefore, in recognition of this great American who celebrates his birthday on May 8 that today I introduce legislation on behalf of Senator EAGLETON and myself which would change the name of Kaysinger Bluff Dam and Reservoir to Harry S. Truman Dam and Reservoir.

I ask that a fine editorial which appeared in the Clinton Daily Democrat recommending this name change be included in the RECORD at this point.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the editorial will be printed in the RECORD.

The bill (S. 3778) to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo., introduced by Mr. SYMINGTON, for himself and Mr. EAGLETON, was received, read twice by its title and referred to the Committee on Public Works.

The editorial presented by Mr. SYMINGTON is as follows:

WHY NOT NOW?

Mention Harry Truman's name in Greece and you'll get a happy response.

The Greeks know about President Truman, and have even erected a statute to his memory in Athens, a fitting place for a man of Olympian accomplishments.

As a matter of fact there are few places where Harry Truman of Missouri isn't known. And the memory remains strong and grows in respect as the years tick by and the greatness of his decisions take on an historic perspective.

Other countries have honored our neighbor from Independence, whose parents at one time lived in Clinton, but what about the state and nation of his birth? Sure, there's the birthplace memorial at Lamar and the Truman Library at Independence, but these are now the expected benchmarks of a president.

Missouri needs a lasting and big memorial to a man who becomes bigger every year as history's assessment of him becomes finer. After all, what other conqueror in history helped rebuild not only the defeated enemies, but a whole continent? What other chief of state had the depth of vision to know that restoration of world well-being was a more powerful weapon than armies in rolling back the tide of Communism which was threatening our way of life—and, further, could clothe his vision in fact and deed?

Kansas City had an opportunity to honor Missouri's Number One Citizen when it renamed Mid-Continent International Airport. But the gears failed to mesh. It came up with an identifying, if stolid, name, Kansas City International Airport. In doing this they not only missed an opportunity to honor Mr. Truman, they chucked-out using a name known around the globe, one which would have given the huge field north of Kansas City a unique identity.

We'd like to suggest, before more years roll by, that a vast new project at our doorstep, Kaysinger, be given the name of Harry S. Truman Dam and Reservoir.

It would symbolically represent many of the things Mr. Truman fought and stood for: Preservation of our precious resources of land and water; a place where his fellow citizens, humble and great alike, can find recreation among the towering oaks and hickory trees and on a body of God-given water; an example of a cooperative effort of citizens and their government and how this may enrich this land of ours, and it would be in the section of Missouri that Harry S. Truman loved so well that he returned to it after his immense and effective labors for his country and the world.

Even this $213 million creation and all of its beauty-to-be pale beside the dimensions of our former President, but we humbly submit that by its nature it is more fitting than an airport or a statute to the man his mother praised for plowing the straightest furrow.

Let's make it Harry S. Truman Dam and Reservoir.

Mr. EAGLETON. Mr. President, I am proud and happy to join with Senator SYMINGTON in offering this bill to change the name of the Kaysinger Bluff Dam and Reservoir to the Harry S. Truman Dam and Reservoir. I am sure that in time, there will be many memorials to this Missourian who was one of this Nation's handful of truly great Presidents, but, as Senator SYMINGTON has so eloquently pointed out, none could be more fitting than this. I can think of no better way to honor one of the finest men America has ever produced.

S. 3779—INTRODUCTION OF A BILL FOR THE RELIEF OF CONCRETE INDUSTRIES—MONIER, LTD.

Mr. SPARKMAN. Mr. President, I am introducing for myself and for the Senator from Virginia (Mr. SPONG) a bill for the relief of Concrete Industries, Monier, Ltd., an Australian construction firm. Senator SPONG and I are also submitting a resolution to refer the matter which is the subject of our private relief bill to the U.S. Court of Claims for a determination, in accordance with sections 1492 and 2509 of title 28 of the U.S. Code, of the true facts of the matter. Under the law, the Court of Claims will make findings of fact and conclusions sufficient to inform the Congress whether or not there is a legal or equitable claim owing by the United States and the amount due under such claim.

Briefly, this Australian firm was a joint venturer with an American construction firm on a contract with the U.S. Navy calling for the construction of a radio communications facility at North West Cape, Western Australia. The construction of this facility by our Navy in Australia was pursuant to treaties entered into between the United States and Australia in May of 1963.

During the course of the contract, the American firm suddenly and unexpectedly became insolvent and no longer able to participate in the venture. Actually, the American firm was the most prominent party in the joint venture, and prior to its collapse, the Australian firm had little to say about matters of policy and administration. After the collapse of the American firm, Concrete Industries, Monier, Ltd., completed the contract at what is claimed to be substantial financial sacrifice.

The bill and resolution that Senator SPONG and I are introducing will simply permit this firm to present its case to the U.S. Court of Claims for a determination of whether our Government has any legal or equitable liability in this matter. We hope that the Senate will give them a day in court.

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

The bill (S. 3779) for the relief of Concrete Industries, Monier, Ltd., introduced by Mr. SPARKMAN, for himself and Mr. SPONG, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 3780—INTRODUCTION OF A BILL TO PROVIDE AN ADEQUATE INCOME FOR ALL AMERICAN CITIZENS

Mr. MCCARTHY. Mr. President, I introduce, for appropriate reference, a bill to provide an adequate income for all American citizens.

The defects and deficiencies of the present welfare systems are generally conceded. They are inefficient, often demeaning and discriminatory toward recipients and on the whole inadequate to meet their needs. The programs involve complex administrative machinery and impose conditions which are destructive of the dignity and self-respect of recipients, particularly as they relate to dependent children, and the handicapped, and to the working poor, who by lack of training, experience, or opportunity are unable to obtain work at wages that are high enough to provide for themselves and their families.

In recent years there has been advance in understanding of the causes and effects of poverty and of programs to meet the problems. There have been proposals for a guaranteed income, for a guaranteed wage for those able to work, for a negative income tax to provide a minimum income, for family allotments, and most recently the program recommended by President Nixon on welfare reform and the bill, H.R. 16311, the Family Assistance Act of 1970 now approved by the House of Representatives. The projected income provided by many of these plans is too low to be adequate for families and the plans continue many traditional aspects of welfare programs which are not conducive to freedom and self-respect of those who must use the system to survive.

We accept as a principle no child should be punished or handicapped by the financial condition of his family. If American society has the spirit, it has the capacity through its resources and the economy to guarantee adequate food, clothing, housing, medical care, and education for all the children of the Nation and those adults who need assistance. The benefits of the present welfare and public assistance programs have been insufficient to enable the poor to attain the minimum required for decency in living.

The bill I am introducing today starts with the premise that adequate income is the basic objective. It proposes that eligibility for assistance should be based solely on need and it aims at establishing a procedure which will provide an adequate income for all citizens.

The bill represents the structure and procedures recommended by the National Welfare Rights Organization. This group, with 350 affiliates in 48 States, is an organization of welfare recipients and other poor people. The group speaks for those who know first hand the deficiencies and frustrations of the present systems.

The bill would provide a minimum adequate income for a family of four of $5,500, an amount based on data collected in surveys conducted by the Bureau of Labor Statistics. The income would be automatically adjusted for size of family, costs of living in various parts of the country, and changes in the cost of living. It entitles recipients to certain rights necessary to preserve human dignity, and it includes provision for a fair hearing before reducing or ending benefits to a recipient. It provides a work incentive by permitting recipients to keep a part of their earnings.

I believe it will be helpful and constructive to have the idea and recommendations of these citizens brought before the Finance Committee and the Senate in the form of proposed legislation. The Finance Committee and the Senate should have an opportunity to hear their views and examine their recommendations at this time when we are considering a major change in welfare programs. Some aspects of the bill may be criticized as unrealistic. The same may be said about the amounts provided under the proposal of President Nixon and incorporated in H.R. 16311, where even the maximums are very inadequate compared to actual living costs for families today. It is my hope we can report a bill from the Finance Committee which will provide a program with adequate income.

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

The bill (S. 3780) to provide an adequate income for all Americans, to assure to every person a decent standard of living with dignity, justice, and democracy, introduced by Mr. MCCARTHY, was received, read twice by its title and referred to the Committee on Finance.

SENATE JOINT RESOLUTION 195—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO STUDY THE POSSIBILITY OF OFFSHORE NUCLEAR POWERPLANTS

Mr. TOWER. Mr. President, today I introduce a companion resolution to two earlier measures, Senate Joint Resolution 184 and Senate Joint Resolution 185, which I have introduced concerning the problem of thermal pollution. In those first two resolutions, I asked that the Secretary of the Interior be authorized to begin investigating the potential of tidal and solar energy utlization for the production of electrical energy. Due to our ever-increasing electricity consumption, we are continually releasing larger amounts of heat into our rivers and bays from nuclear and conventional fuel-burning powerplants. As we all know, this is creating a hazard for marine life and is tampering with the ecological and thermodynamic balances of nature to a degree as yet unknown. How serious this effect on the delicate balance of nature will be, we probably will not know for some time, but it is certainly not too early to begin planning for supplemental and alternative sources of electrical energy for the future.

The resolution I am introducing today will authorize the Secretary of the Interior to investigate the potential advantages and disadvantages of locating nuclear powerplants offshore, where the large amount of water can effectively dissipate heat. The effects of such plants on the ecology of the sea need to be known before they could be constructed, and the dangers of radiation leakage also need to be assessed and planned for well in advance of possible construction. Transmission problems would also need to be evaluated, since relay of current to the interior of our continent could well be impractical.

I recommend this resolution to my colleagues in the Senate as one of several directions in which to begin looking in order to assure ourselves of vital electrical power in years ahead when continued thermal pollution of rivers, lakes, and bays could reach intolerable levels.

The PRESIDING OFFICER (Mr. COOK). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 195) to authorize the Secretary of the Interior to conduct a study of the possibilities of offshore nuclear powerplants as a means of alleviating the thermal pollution problems encountered in onshore operations of such plants, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Public Works.

SENATE JOINT RESOLUTION 196—INTRODUCTION OF A JOINT RESOLUTION INCREASING THE AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

Mr. SPARKMAN. Mr. President, I introduce for appropriate reference, a Senate joint resolution which would provide for an additional $2,600,000 authorization for the college housing interest subsidy grants. This legislation is necessary to provide the authority needed to meet the budget request for fiscal year 1971, now pending before the Congress. The Appropriations Committees of both Houses of Congress are working on the budget request for fiscal year 1971 and need the additional authorization if the full budget request for college housing is to be approved.

The interest subsidy proposed for fiscal year 1971 would be adequate to finance a $300 million college housing construction program—the same level we have had for the past several years.

Considering the backlog of requests, a $300 million program is at a very minimum level for college housing construction at this time. We would like to see a higher level of construction but, in view of the President's request to hold the budget down, I believe our committee will agree to abide by the budget request.

Mr. President, it is interesting to look back over the years at the success of the college housing program. I was fortunate to have sponsored the legislation which started the program in 1950. I am proud of its accomplishments and I have never failed to promote it and sponsor additional appropriation authority to keep the program operating at a high level.

Originally the program was a direct Federal loan program at an interest rate of the cost of money to the U.S. Treasury. Later we dropped the rate to 3 percent. The loan is for 50 years which helped keep the amortization costs down.

Two years ago, the Budget Bureau pressed for a change in the program from a direct loan to an interest subsidy assistance program. The Congress responded by authorizing the interest subsidy financial assistance, but retained the direct loan program to be used for those colleges which would have difficulty in borrowing at a reasonable rate of interest.

I have never strongly favored this new interest subsidy approach but, as far as the colleges are concerned, they will continue to get the benefit of a 3-percent loan.

The college housing program has been a good one, providing accommodations since its inception in 1950, a total of over 800,000 units in domitories and other facilities. This has involved an outlay of around $3.6 billion of Federal loans.

In the Housing and Urban Development Act of 1969, to provide for rising construction and interest costs, the Congress enacted an additional $4.2 million of authorization for a cumulative total through 1971 of $24.2 million.

Interest costs have continued to rise, however, and it is currently estimated that the program levels authorized by Congress for 1969 and 1970 will require a supplemental contract authorization of $5.5 million. The request for appropriation act approval of this amount is included in House Document 91–272.

The budget request for 1971 is for a $300 million program—the same level as for the last several years—to be supported by interest subsidy grants of $9.3 million. This amount, together with the amounts estimated to be used through 1970, would bring the total contract authority requirement to $26.8 million which is $2.6 million in excess of the amount authorized.

Mr. President, I ask unanimous consent that a table showing the utilization of the authority and the additional authorization necessary be included at this point in my remarks.

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

The joint resolution (S.J. Res. 196) increasing the authorization for college housing debt service grants for fiscal year 1971, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The table presented by Mr. SPARKMAN is as follows:

Contract authority in appropriation acts:	
Fiscal year 1969, enacted	$5,500,000
Fiscal year 1970, enacted	6,500,000
Fiscal year 1970, proposed supplemental	5,500,000
Fiscal year 1971, budget estimate	9,300,000
Total requirements through Fiscal year 1971	26,800,000
Contract authority included in Section 401 of Housing Act of 1950, as amended	24,200,000
Additional authority required	2,600,000

Together with the $4,200,000 provided in the Housing and Urban Development Act of 1969, the additional amount to become available on July 1, 1970, would be $6,800,000.

SENATE JOINT RESOLUTION 197—INTRODUCTION OF A JOINT RESOLUTION RELATING TO DESIGNATION OF NATIONAL VOLUNTEER FIREMEN'S WEEK

Mr. SCOTT. Mr. President, I have often encouraged the revitalization of this Nation's spirit of volunteerism. This is a feeling without which our country could not function to its full capacity.

This is one group of men who lead all others in the dedication to volunteer services. The volunteer firemen, who risk their lives to save others, are too often ignored in the quiet acceptance of their duty.

Today, I am introducing a joint resolution to authorize the President to set aside the week of September 19 through September 26, 1970, as National Volunteer Firemen's Week. I am pleased to be joined in this effort by my colleague, the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER).

The designation and proclamation which our resolution would authorize is an appropriate, if meager, tribute to the men who risk their lives every day protecting others. The enthusiasm for volunteerism, so desperately needed throughout the Nation, spurs these men to daring feats without economic reward.

The importance of this tribute was pointed up recently in our Commonwealth of Pennsylvania. Five courageous volunteer firemen were killed in what appeared to be a routine fire. An explosion at a paint firm in the Erie County town of Corry, Pa., toppled a three-story brick wall on them.

The men lost were: Dennis B. Rockafellow, 28, married and the father of two, an electrical machinist; Richard Brigham, 22, a camera technician; Lauren Shreve, 26, married and the father of two, a foreman at the Erie County Plastics Co.; Jon Miller, 30, married just last year, a newspaper advertising manager, and David Apps, 37, married and the father of four, general manager of the industrial division of Mace Electronics and the son of the fire chief.

After the tragedy, the mayor of the town of 8,000 said: "Our town is crying."

Our hearts reach out to the families and friends of these brave men and others like them throughout America. It is time that the Congress and this Nation acknowledge the contribution these men have made to the many communities across the land fortunate enough to be served by a volunteer fire company.

Mr. President, a similar resolution introduced with strong bipartisan support by the Honorable JOHN P. SAYLOR, has just passed the House of Representatives. I urge my Senate colleagues to act now and to join me in this plea for a recognition of our volunteer firemen by passing the Senate resolution which I am introducing today. This action is the least we can do to honor these brave men.

Mr. President, in the hope that others will cosponsor, I ask unanimous consent that the full text of my joint resolution be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). 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. 197) authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, introduced by Mr. SCOTT (for himself and Mr. SCHWEIKER), 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. 197

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 1631

Mr. MURPHY. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of S. 1631, to amend and supplement the Federal reclamation laws relating to the furnishing of water services to excess lands.

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

S. 3238

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of my colleague from New York (Mr. GOODELL) be added as a cosponsor of S. 3238, to amend the National Foundation on the Arts and Humanities Act of 1965, as amended.

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

S. 3484

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wyoming (Mr. MCGEE) be added as a cosponsor of S. 3484, the Marine Environment and Pollution and Control Act.

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

S. 3507

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the senior Senator from Wisconsin (Mr. PROXMIRE) be added as a cosposor of S. 3507, the Detergent Pollution Control Act.

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

S. 3562

Mr. HUGHES. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), and the Senator from Michigan (Mr. HART) be added as cosponsors of S. 3562, a bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependents.

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

S. 3607

Mr. PEARSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Michigan (Mr. HART), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Vermont (Mr. PROUTY) be added as cosponsors of S. 3607, to create a Rural Community Development Bank to assist in rural community development by making financial, technical, and other assistants available for the establishment or expansion of commercial, industrial, and related private and public facilities and services and for other purposes.

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

S. 3715

Mr. BROOKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Ohio (Mr. YOUNG), the Senator from Missouri (Mr. EAGLETON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), and the Senator from Michigan (Mr. HART) be added as cosponsors of S. 3715, the Flexible Fiscal Policy Act.

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

SENATE CONCURRENT RESOLUTION 63—SUBMISSION OF A CONCURRENT RESOLUTION TO EXPRESS THE SENSE OF THE CONGRESS THAT A WHITE HOUSE CONFERENCE ON INCREASED COMPETITION IN THE TRANSPORTATION INDUSTRIES BE CALLED BY THE PRESIDENT OF THE UNITED STATES IN 1971

Mr. TOWER. Mr. President, when Congress created the Interstate Commerce Commission back in 1887, no attempt was made to limit competition or confer monopolistic powers within the railroad industry. As times have changed and as new regulatory agencies have been created and the charters of others

changed, Congress has on some occasions explicitly directed regulatory agencies to curtail competition in their industries. Congress' intentions varied with the times, politics and the state of concentration existing in an industry. As a scholar of regulation states it: "all of the agencies that were given authority to control entry have used it to restrict competition, even when the authority was given only to protect the public against entry by unethical businessmen and unsafe business practices. The curtailment of entry has become so commonplace that it almost is no longer questioned in Congress or in the Justice Department's antitrust division."

Of all the regulated industries, freedom of entry is more closely controlled in the transportation industries than in any of the others. It is easier to obtain permission to start a television or radio station—itself no easy matter—than it is to be granted an airline route franchise or to start a bus company. Even a presently existing common carrier, such as a railroad, can look forward to years of expensive litigation if it attempts modernization or innovation to improve its service. The Government has immersed itself to an unparalleled degree in pricing, in technological planning, in the allocation of resources and in the determination of the number of competitors within the various transportation industries.

The result has been a chaotic patchwork of laws, regulations, subsidies, and policies which lack all coordination, which have crippled whole industries, and which seem at times to be devised to work at cross purposes with each other and with our real transportation needs. This stifling atmosphere has had its effect on transportation progress.

It has been estimated that Americans as individuals and as businessmen spend over $100 billion on transportation and shipping annually. Transportation accounts for 20 cents out of every dollar spent by corporations and by consumers each year. The President's Council of Economic Advisers in 1966 estimated that ICC regulation of freight rates alone was costing the country more than $400 million extra each year. Other estimates have ranged as high as $1 billion. One naturally begins to wonder how much regulation of all modes of transportation is costing the Nation beyond legitimate costs.

We generally date Federal involvement in the Nation's transportation system from passage of the Interstate Commerce Act in 1887. In truth, we must reach even further in the past to 1817 when John C. Calhoun proposed to Congress:

> Let us bind the Republic together with a perfect system of roads and canals.

Congress soon responded with funds and lands, and the Federal Government, in the form of the Army Corps of Engineers, entered the transportation business. Today there are over 30 Federal offices, agencies, bureaus, and departments involved in the regulation and promotion of our various modes of transport and cargo hauling.

Author Louis M. Kohlmeier, Jr., the Pulitzer Prize-winning reporter for the Wall Street Journal, in his recently published book "The Regulators," commented on the lack of Federal coordination in this area:

> The fragmentation of transport policy is indeed a particularly sharp reflection of the pressures and compromises that always have been the hallmarks of the legislative process in Washington. Fragmentation feeds upon itself. Each new bureaucracy becomes its own best lobbyist. Each with the backing of an omnipresent corps of industry lobbyists lending moral and other appropriate support, promotes its own branch of transportation, while the public cost, both economic and social, goes up and up and up.

Mr. President, better coordination is certainly a necessary and laudable objective. However, the keystone of our policies must be competition. Whatever the particular historic context surrounding establishment of the various regulatory agencies involved in transportation regulation and promotion, the fact is that the various transportation industries, taken together, are now competitive with each other to the extent possible within the regulatory framework.

At the time of passage of the Interstate Commerce Act of 1887, train travel was the only feasible mode of long distance transportation between the various States. When the Civil Aeronautics Act was passed in 1938, the fledgling airline industry appeared as a David in need of help in slaying the Goliaths of the established transportation industries. The interstate highway system was pushed during New Deal days with the slogan: "to get the farmer out of the mud." All of these relationships are changed now. Latest available statistics tell us that as of 1968 there were over 83 million private passenger cars registered in the United States. Three hundred and fifty-two thousand buses, both publicly and privately owned, were available and competing to haul passengers within and between cities. Seventeen million trucks were available to haul goods throughout the Nation. Private autos accounted for 87 percent of intercity passenger travel. Domestic airways in 1968 accounted for just over 9 percent of passenger miles traveled. The railways, the behemoth and the villain of the early 20th century, were responsible for 1.12 percent of intercity passenger travel. Buses accounted for something over twice that figure.

As times have changed, governmental relationships with the transportation industry have failed to keep pace. We continue past policies of regulation and promotion. I am afraid that we have not acted in the best interests of the country and the industries concerned.

It has become quite obvious in the past decade, for instance, that high-speed urban and intercity mass transit is the only feasible answer to relieving the jam of auto traffic on our highways and city streets. The one industry which should have grown with the times and which could have answered this need gradually as it arose is the railroad industry. Yet eight decades of railroad regulation and competition with other federally favored modes of transportation has so decimated the industry that there is no technological expertise left to draw upon. When it was finally realized that urban and high-speed intercity mass transit possessed unique value, we had to begin to learn anew how to construct railroads. Engineers from the aerospace industry had to be recruited to design the prototype locomotive, and they had to travel to Japan to inspect the locomotives operating on the Tokyo to Osaka line to acquire the technological knowledge to design the Penn Central Metroliner for use in the Northeast Corridor.

In dealing with whole industries and wielding literally life-and-death power over them, the need for coordination between Federal regulatory agencies is crucial. It was once said about a certain European dictator that he had so centralized decisionmaking power in his own hands that the only mistakes he could make were gigantic ones. So it is with Government regulation. Take, for example, the fate of the New York, New Haven and Hartford Railroad. To quote from Mr. Kohlmeier's book mentioned earlier:

> The New Haven, once a rock-solid New England institution that sold at $200 a share, carried 86 million passengers in 1922. In 1957 it still carried 45 million and in that year New Haven freight trains ironically were weighted down with tons of supplies with which the Connecticut Turnpike was being built. The turnpike opened in 1958 and the New Haven's fate was sealed. The turnpike is but a few yards from the railroad right of way from New York City through much of Connecticut. New Haven's tracks quite literally went to rust. Its passengers dropped to 39 million the year the turnpike was opened, to 30 million in 1960 and in 1961 the New Haven went into bankruptcy despite an emergency infusion of more than $30 million of Federal loans that will never be repaid.

A similar situation arose between Chicago and Rockford, Ill. The CAB assigned the Chicago-Rockford route to Ozark Airlines. By 1957, an average of 80 passengers per day boarded Ozark planes at Rockford. When the Northwest Tollway was opened between Chicago and Rockford, Ozark had to curtail service by 50 percent. On an average day in September 1965, it is reported that only 22 passengers left Rockford on Ozark flights.

I cite these examples knowing that the case can be equally well made that the automobile offers greater convenience and that the building of interstate highways is simply an accommodation to progress and evidence of the automobile's popularity even for intercity travel. I agree with this and do not mean to question the value of our interstate highway system or detract from the achievement which it represents. My point is that each Federal agency is busy promoting its own particular industry without regard to the totality of our transportation setup. As popular and necessary as our interstate highway system is, there is no doubt also that it has contributed to the demise of the railroads. Now the benefits and value of this once-great asset are becoming particularly evident, and we are having to start anew to rebuild it.

Quoting Mr. Kohlmeier again:

> There is no reason to believe that the conflict between highway and airway policy will, in the long run, be resolved other than by more Federal highway construction and larger federal subsidies for airlines. Similarly, history offers no assurance that highway planning will be cut back because of the automobile's conflict with railroad trans-

portation or urban transit. To the contrary, the solution to these conflicts already is being charted: more federal subsidies for the railroad and for urban mass transit.

A free market is democracy extended to economics: Individual consumers are free to make their choices. There is price competition between those offering goods and services, but there are other means of competition, also. There is the choice of convenience, and competition on the basis of the quality of the good or service. When price competition is denied between competitors such as it is in the domestic airlines industry, then the race is on to provide benefits of other kinds. As Washington Post columnist Nicholas von Hoffman once commented:

> Judging from the ads, your average airplane passenger is a gluttonous, sex-crazed souse.

The fact that there is no price competition possible between domestic airlines because of rulings by the Civil Aeronautics Board has affected even the design of planes. For years the accent has been on speed rather than passenger capacity. Finally, because of military needs, the C–5A transport was built and is being adapted to commercial uses. The plane is capable of carrying more than four times the number of passengers carried by conventional jets. However, the International Air Transport Association has already indicated that it is "idle speculation" to hope for "tremendous fare reductions" on these planes.

Some measure of price competition has sprung up on international routes—particularly over the Atlantic. The supplemental air carrier industry, which entered the 1960's as a group of several hundred small airlines referred to as large irregular air carriers and which were recognized by Congress in 1968 with legislation permitting them to fly inclusive tour charters, has been flying affinity groups to Europe at prices substantially below the fares charged by the major commercial airlines. The international scheduled carriers—which, aside from U.S.-flag carriers, are almost all governmentally owned—have for years been setting standard fares through the International Air Transport Association. By our action in 1968, we recognized the right of the supplementals to compete on the basis of price, providing certain ground rules were observed.

Now the European Civil Aviation Conference has recommended that member countries refuse the supplementals landing and uplift rights based on their present low fare schedules. The United States has been advised that many European countries—perhaps all of them—intend to follow this recommendation. This would remove the supplementals' competitive advantage and would not only spell the death of the supplemental industry but also quiet the first hope of price competition within the airlines industry. I am personally hopeful that the administration will follow every possible diplomatic and administrative channel to secure landing and uplift rights for the supplementals in Europe and elsewhere at the rates which have been set previously and which have already been approved by the Civil Aeronautics Board. The rights of the supplementals to compete must be safeguarded, and this faint glimmer of competition must not be permitted to die.

The plight of the supplementals illustrates the need for federal agency coordination and for a coherent and coordinated transportation policy. In this case, even the State Department and the Department of Justice—along with the CAB and the Department of Transportation—are being called into action to implement national transportation policy.

In addition to the denial of price competition, Mr. President, I find it appalling also that Federal regulation in this modern day and age follows a policy of restricting and hindering entry of new competitors. To quote from Mr. Kohlmeier again:

> The airline industry is the most tightly closed and least competitive of all. About twenty domestic airlines were in business in 1938 when the Civil Aeronautics Board was created. They received "grandfather" franchises from the Board. Since 1938 no new company has been licensed to engage in scheduled, domestic trunk-line service. The number of trunk lines has since declined . . . to fewer than a dozen. The CAB has authorized direct-route competition among no more than three airlines and it has sanctioned this limited amount of competition only on the nation's most heavily traveled routes. Following World War II the Board did begin to license and subsidize thirteen local service airlines to serve smaller cities. But it carefully avoided any substantial amount of route competition among local service lines or between the local lines and the trunk lines.

I ask my colleagues to remember that this situation obtained during one of the greatest boom times any industry has ever known.

Rather than protecting established industries from new competitors, we must follow a policy of freedom of entry for all comers; rather than continuing rigid and inflexible rate structures, we must allow price competition between carriers and between industries; instead of helter-skelter, agency-by-agency regulation and promotion, there must be coordination. Finally, we must be sufficiently prepared to recognize market needs to allow mergers and combinations between carriers as one solution to the persistent problem of under-capitalization, particularly in the airlines industry. None of the above suggestions are workable in an atmosphere of subsidization, promotion and heavy-handed regulation.

For instance, there could be no question of freedom of entry by new competitors when Government subsidies are the rule. Such an open-ended situation would be an invitation to anyone who wanted to come feed at the Federal trough.

Mr. President, my remarks today have been a preface to the concurrent resolution which I now submit, expressing the sense of Congress that a White House Conference on increased competition in the transportation industries should be called by the President in 1971.

The question of how best to achieve greater competition is a complex one. If corporate self-reliance and greater competition are to be the future policies, then a great deal of public examination and planning is necessary. This would be a definite shift from the past.

Our transportation policies for eight decades can be summed up in two words: Regulation and promotion. Times have changed. If we are to plan for the future, then we must recognize the viability of the free market. I recommend that our transportation policy of the future be competition. Progress is possible only when men are free to experiment and to dare.

Centralized planning is built upon a straight line projection of present trends. Innovation and progress cannot be planned for; perhaps that is history's most important lesson—that achievement and advancement spring from the least expected places.

There are some who would argue the cause of a particular economic group. Some would value consumers above producers. Others would give advantages to producers over the rest of humanity. There is a similar tendency among central planners to favor one industry over another. All make the same error in their moral failure to recognize the legitimate rights of all men. Society does not progress and civilizations do not flourish when they are strait-jacketed. If we enforce a rigidity in our business relationships and petrify our economic institutions, we do so at our own expense. When change is beneficial, we call it progress. But I doubt if we are sufficiently aware of its antecedents. If our Nation is to continue to flourish, then we must accommodate change and encourage progress.

We must fashion our own future, not in the sense of creating more laws and bureaus to administer them, but by recognizing the individual nature of human progress and making the world free for innovators.

I thank the Senate for its attention and close my remarks with a quote from "Landmarks of Tomorrow," a work by Peter Drucker:

> But innovation is more than a new method. It is a new view of the universe; as one of risk rather than of chance or of certainty. It is a new view of man's role in the universe; he creates order by taking risks. And this means that innovation, rather than being an assertion of human power, is an acceptance of human responsibility.

The PRESIDING OFFICER (Mr. COOK). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 63) was referred to the Committee on Commerce, as follows:

S. CON. RES. 63

Whereas our Nation's transportation industries continue to be governed in the regulatory pattern first set 83 years ago by the establishment of the Interstate Commerce Commission, prior to the advent of the airplane, prior to the full development of waterborne commerce, and prior to the development of significant automobile, bus, and truck transportation;

Whereas our national regulatory policies often effectively discourage intra-industry competition and the entry of new competitors in the fields of cargo transport and passenger conveyance;

Whereas regulatory administration has failed in a number of citable instances not

only to promote, but simply to recognize and consent to technological innovations and improvements devised by the various regulated carriers;

Whereas regulation has resulted in rigid rate structures, and price competition is virtually forbidden between specific regulated carriers as well as discouraged between the various modes of transport;

Whereas the national transportation policy lacks both coordination and definition, and responsibility is spread over more than thirty Federal offices;

Whereas it is now evident that reliance on Federal regulation has adversely affected the interests of passengers, manufacturers, shippers, wholesalers, retailers, and all others dependent upon interstate transportation, as well as potential competitors of the industry and the transportation itself; and

Whereas our Nation's transportation needs would be better served by a policy of increased competition between the various modes of transportation with decreased reliance on the panacea of independent regulation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should (1) call a White House conference in 1971 to promote greater competition in transportation industries by developing and recommending national policies which will recognize and encourage the competition which presently exists in these industries, will enable potential new competitors to realize their roles in transportation, and will result in more efficient use of resources in the free market, benefiting all sections of the economy, and (2) designate the Secretary of Transportation to plan and conduct such conference with the assistance and participation of the chairmen of the various regulatory agencies associated with transportation, as well as other appropriate government personnel, representatives of the industries involved, special interest groups and consumer group representatives.

SENATE CONCURRENT RESOLUTION 64—SUBMISSION OF A CONCURRENT RESOLUTION TO TERMINATE CERTAIN JOINT RESOLUTIONS AUTHORIZING THE USE OF THE ARMED FORCES OF THE UNITED STATES IN CERTAIN AREAS OUTSIDE THE UNITED STATES

Mr. MATHIAS (for himself, Mr. MANSFIELD, Mr. JAVITS, and Mr. PELL), submitted the following concurrent resolution (S. Con. Res. 64); which was referred to the Committee on Foreign Relations:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That (a) under the authority of section 6 of the joint resolution entitled "Joint resolution to promote peace and stability in the Middle East", approved March 9, 1957 (71 Stat. 5; Public Law 85–7), as amended, such joint resolution is terminated effective upon the day that the second session of the Ninety-first Congress is adjourned.

(b) Under the authority of section 3 of the joint resolution entitled "Joint resolution to promote the maintenance of international peace and security in southeast Asia", approved August 10, 1964 (78 Stat. 384; Public Law 88–408), such joint resolution is terminated effective upon the day that the second session of the Ninety-first Congress is adjourned.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION—DELETION OF NAME OF A SENATOR

SENATE CONCURRENT RESOLUTION 62

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Kentucky (Mr. COOPER), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Vermont (Mr. PROUTY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maine (Mrs. SMITH), and the Senator from Missouri (Mr. SYMINGTON) be added as cosponsors of Senate Concurrent Resolution 62.

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

Mr. DOLE. Mr. President, the name of the Senator from Louisiana (Mr. LONG) was erroneously listed as a cosponsor on the first printing of the concurrent resolution. I ask unanimous consent that his name be stricken at the next printing.

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

SENATE RESOLUTION 400—SUBMISSION OF A RESOLUTION TO REFER S. 3779 TO THE CHIEF COMMISSIONER OF THE U.S. COURT OF CLAIMS FOR A REPORT THEREON

Mr. SPARKMAN (for himself and Mr. SPONG), submitted the following resolution (S. Res. 400); which was referred to the Committee on the Judiciary, as follows:

S. RES. 400

Resloved, That the bill (S. 3779) entitled "A bill for the relief of Concrete Industries (Monier), Limited", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of section 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimants.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 30

Mr. BROOKE. Mr. President, at the request of the Senator from Vermont (Mr. PROUTY), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of Senate Resolution 30, to amend the Standing Rules of the Senate relative to the Select Committee on Small Business.

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

SENATE RESOLUTION 383

Mr. KENNEDY. Mr. President, at the request of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that, at the next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of Senate Resolution 383, to express the sense of the Senate for an Indochina conference.

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

Mr. PEARSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. SAXBE) be added as a cosponsor of Senate Resolution 383, to express the sense of the Senate for an Indochina conference.

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he presented to the President of the United States the following enrolled bills:

On April 27, 1970:

S. 2306. An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; and

S. 3253. An act to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building".

On April 30, 1970:

S. 1193. An act 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; and

S. 3544. An act to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

FAMILY ASSISTANCE PLAN—AMENDMENTS

AMENDMENT NO. 600

Mr. SAXBE. Mr. President, in January I submitted an amendment, No. 467, to S. 2986, the Family Assistance Act of 1969. The amendment increases the guarantee-to-the-elderly provision of the bill from $90 to $155 a month for those age 72 and over. The family assistance bill, having recently passed the House, is now pending before Senate Finance Committee, and hearings are scheduled to begin this week.

Today, I am submitting an amendment to H.R. 16311, in the nature of a substitute to my amendment No. 467. This substitute amendment is identical to the original, with one additional fea-

ture. It links the guarantee provision to the elderly, blind, and disabled to the national cost-of-living index and the State cost-of-living schedules.

I am pleased to have the following distinguished Senators join me as cosponsors of this amendment: Senators BROOKE, GRAVEL, HATFIELD, METCALF, YARBOROUGH, and YOUNG of Ohio.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD and be referred to the Committee on Finance.

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

The amendment (No. 600) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 600

On page 70, immediately after the word "month" on line 22, strike out the semicolon and insert in lieu thereof ", in the case of an individual who has not attained age 72, and $155 per month, in the case of an individual who has attained age 72, adjusted semi-annually to the national cost of living index and state cost of living schedules."

On page 73, line 9, strike out the period and insert in lieu thereof "; plus".

On page 73, between lines 9 and 10, insert the following:

"(4) in the case of amounts expended as such aid for individuals who have attained age 72, 100 per centum of so much of such expenditures as exceeds $90 per month multiplied by the total number of recipients of such aid who have attained such age."

AMENDMENTS NOS. 601 AND 602

Mr. TOWER. Mr. President, I support the basic principles of H.R. 16311, the family assistance plan which passed the House of Representatives on April 16. This bill is basically identical to the bill which President Nixon sent down to the Congress last August.

The strength of this legislation is in its work incentive features. By giving people an incentive to work, the family assistance program represents an attempt to stymie, if not altogether remove, the welfare dependency cycle from our society.

It is because I believe that the success or failure of this proposal rests with this work incentive concept that I am today introducing two amendments which will strengthen this most important aspect of this legislation.

My first amendment would remove the payment of food stamps from the excludable income category for determining eligibility for the family assistance program. This amendment would delete the words, "food stamps," from its present position in section 443(b), subpart (5) of the House-passed bill and insert the phrase, "or food stamps," directly after "veterans pensions" in the same subpart of the bill.

I strongly believe that the Senate should take this action. All of the other sources of excludable income relate to exclusion for the sake of providing incentives. The payment of food stamps as an excludable source of income goes against the work incentive principle, since it raises income without a comparable work requirement feature. The Ways and Means Committee in its report on this bill made the following statement in reference to the possibility that the payment of food stamps might affect the amount of the family assistance payment:

> Your committee believes that any other policy would tend to have a circular effect and would render the food stamps or other assistance largely meaningless.

Mr. President, I trust we are not at the point where it would seem inconceivable to consider a Government program meaningless. The family assistance program itself attests to the fact that the aid to families with dependent children program is none other than an absurd and meaningless program.

Along related lines, both the Secretary of Agriculture and the Secretary of Health, Education, and Welfare are in favor of substituting cash assistance for food stamps. In addition, Prof. Milton Friedman, who is given credit for devising the negative income tax proposal, which is somewhat similar to the family assistance program, has raised objections to a welfare proposal which gives assistance in both cash and food stamps.

My amendment is not intended to make food stamps unavailable to those who are in serious need of them. Its intent is only to make the bill as consistent as possible with the work incentive principle. Food stamps will still be available under its own program; however, there is no logical reason for excluding the income derived from their receipt in computing payments under the family assistance program.

My second amendment also deals with the strengthening of the work incentive feature. Under the House passed bill, the first two members of a family are entitled to $500 each per year. If one of the adult members of the family refuses to register for employment or for a job-training program, then he is no longer eligible for assistance. However, the next eligible member of the family will be entitled to the $500. Therefore, in most cases one of the children will inherit the $500 that his parent forfeited by not registering. I believe that the bill should be amended so that the next eligible person in the family would receive $300; that is, the same amount he would be entitled to if the father had registered.

In essence, if this amendment became part of the bill, the family assistance plan payment would be reduced by $500 instead of $300 if a parent refused employment. I see no incentive in granting the next eligible member of the family the same amount that another family member would have received had the latter registered for employment or training. My amendment would increase the incentive for each eligible family member to register for employment or training, since failure to do so would result in actual financial loss to the family as a whole.

As I stated in the beginning of my remarks, I support the main principle behind this legislation. These two amendments are only intended to strengthen the incentive features of the family assistance program. I urge my colleagues, particularly those in the Senate Finance Committee who are holding hearings on this bill, to give these proposals their most careful consideration.

The PRESIDING OFFICER (Mr. GRAVEL). The amendments will be received and printed, and will be appropriately referred.

The amendments (Nos. 601 and 602) were referred to the Committee on Finance.

AUTHORIZATION OF APPROPRIATIONS FOR THE CIVIL RIGHTS COMMISSION—AMENDMENT

AMENDMENT NO. 603

Mr. MCCLELLAN submitted an amendment to be proposed by him, to the bill (S. 2455) to authorize appropriations for the Civil Rights Commission, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

(The remarks of Mr. MCCLELLAN when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT OF FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 604

Mr. GOODELL (for himself, Mr. MCGOVERN, and Mr. YOUNG of Ohio) submitted an amendment, intended to be proposed by them, jointly, 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 remarks of Mr. GOODELL when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

MILITARY PROCUREMENT AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 605

Mr. MCGOVERN (for himself and Mr. HATFIELD) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123), the Military Procurement Authorization Act, which was referred to the Committee on Armed Services and ordered to be printed.

(The remarks of Mr. MCGOVERN when he submitted the amendment, appear earlier in the RECORD under the appropriate heading.)

RAIL PASSENGER SERVICE ACT OF 1970—AMENDMENT

AMENDMENT NO. 606

Mr. PELL (for himself and Mr. KENNEDY) submitted an amendment, in the nature of a substitute) to the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. PELL when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—AMENDMENT

AMENDMENT NO. 607

Mr. MONDALE. Mr. President, the Senate version of the National Aeronautics and Space Administration authorization bill, which will soon reach the Senate floor, contains $110 million for design and definition of the space shuttle/station. I am submitting an amendment to this bill to eliminate these funds by reducing the line item "Space Flight Operations" from $515,200,000 to $405,200,000.

There are two basic aspects of this space shuttle/station project. The first is to develop a chemically fueled two-stage reusable shuttle, which will operate between the surface of the earth and low earth orbit. The second is to develop a space station module as a permanent structure in orbit designed initially for the support of 6 to 12 occupants; ultimately, NASA hopes to erect a space base by joining together these space station modules, and this base will be capable of supporting between 50 and 100 men in earth orbit.

The $110 million proposed for this project in the Senate bill—and the $190 million already approved by the House—is for preliminary design of both the shuttle and the station. This hardware development phase thus constitutes the first major step toward the development of the shuttle and station. Indeed, the fiscal year 1971 NASA authorization makes the emergence of the space shuttle/station as a clearly defined project for congressional approval.

In leading the fight against the space shuttle station in the House, Congressman JOSEPH KARTH of Minnesota—chairman of the Subcommittee on Space Science and Applications and a strong supporter of our space program—pointed out that the decision to approve or disapprove this project constitutes a crucial turning point in the U.S. space program. For the space shuttle station is the beginning of a new phase of the manned space program, a phase much larger in scope than the Apollo moon-landing program.

The significance of this project for the future of the space program is best described in the report of House Committee on Science and Astronautics justifying the project.

The report states:

> During the last half of this decade, *this country will commence a new epoch in manned space flight.* In the short age of manned flight, man's journeys into space have been both brief and intermittent, focused on exploring this new region and testing his ability to survive. The space shuttle and space station will further transform this history.
>
> To introduce this new epoch, when man will truly exploit the environment of space, this country must develop an economical system for ferrying men and materials to and from earth orbit. Without such a system, the performance of space tasks could become disproportionately expensive. (Emphasis added.)

The basic issue before us, then, is whether or not we are ready and willing to fund a new epoch in manned space flight. I do not believe that a majority of our citizens are willing to support a massive new effort in space at this time. Furthermore, I do not believe that there is sufficient justification for proceeding with the development of the space shuttle station in fiscal year 1971.

Such justification is imperative in light of the high cost of this project. The $110 million recommended by the Senate committee—and the $190 million approved by the House—may not seem to be a great deal of money to a nation long accustomed to multi-billion-dollar military and space programs. But this money is only a small part of the project's ultimate cost.

NASA's preliminary cost estimates for development of the space shuttle/station total almost $14 billion. However, according to Congressman KARTH, NASA officials readily concede that these preliminary estimates are unreliable. Indeed, as Congressman KARTH notes, preliminary cost estimates in the space field are uniformly low, often only a fraction of ultimate cost. It is quite likely, therefore, that the ultimate cost of this project will greatly exceed $14 billion.

For this reason alone, I believe it would be unconscionable to embark on a project of such staggering cost when many of our citizens are malnourished, when our rivers and lakes are polluted, and when our cities and rural areas are decaying.

NASA attempts to minimize this enormous cost by arguing that the space shuttle could reduce the cost per pound of payload in orbit by a factor of 10. According to a House supporter of this project:

> Instead of paying between $500 and $1,500 a pound to get an object in space, we will hopefully be paying less than $50 a pound by use of this Space Shuttle.

But this reasoning overlooks the facts that it will cost billions of dollars to develop the space shuttle. Once developed, it has been estimated that the shuttle will cost hundreds of millions to procure, whereas the launch vehicles to be replaced by the space shuttle—Delta Titan—cost from $3.5 million to $20 million for each vehicle. Given these extremely high development and procurement costs, the alleged "savings" by the use of this shuttle will occur only if the scope of U.S. space activities is greatly expanded in future years.

Thus, NASA officials have testified that they anticipate a minimum of 30 flights per year by NASA and an equivalent number in support of DOD programs.

But as Congressman KARTH observed:

> During the entire decade of the sixties, NASA exceeded 30 launches per year only once—36 in 1966—including Scouts and Saturn V's which are not to be replaced by the space shuttle. Assuming the space shuttle's payload capacity (of placing 50,000 pounds in orbit) would be fully utilized on each of the projected 60 yearly flights, this adds up to 3 million pounds of payload launched into orbit each year.
>
> How do 3 million pounds of payload in orbit compare with the space program of the past? In terms of cumulative payload launched, 1969 was NASA's biggest year with 442,358 pounds, over 97 percent of which was attributed to the four Apollo flights.

Thus, the defenders of this project must anticipate a significant expansion of our manned space flight program. Congressman KARTH notes that the NASA budget—which has declined annually since 1965—must increase dramatically during the next few years to support this project if the space shuttle is to fly by 1977; and their budget would have to increase even more after the shuttle becomes operational in order to support the kind of ambitious program it is designed to serve.

Like Congressman KARTH, I question whether the United States can afford such an ambitious space program and whether the American taxpayer would be willing to support it. Rather than testing the taxpayer's endurance, we should follow the course recommended by seven members of the House Committee on Science and Astronautics—that is, cost effectiveness—studies should be conducted comparing the operation of the space shuttle with the continued use of existing expendable launch vehicles before sizable amounts of money are applied to the shuttle development project.

Aside from the potential cost of both the shuttle and station, there are other reasons for opposing this project.

To begin with, the feasibility of a space shuttle/station has not been demonstrated. NASA acknowledges that design and development of the space shuttle represents a new and formidable technical challenge, which will require maximum innovation on the part of the aerospace industry. Congressman KARTH pointed out that before the space shuttle can become a reality, many difficult technological advances must occur in such areas as configuration and aerodynamics, heat protection, guidance and control, and propulsion. As a result of these technical complexities, a recent issue of Aviation Week and Space Technology notes that—

> There has developed within NASA a schism in approach to design—in size, configuration and operational requirements.

The argument that these technological problems should be resolved prior to design and development of the space shuttle/station is a persuasive one.

There is another reason for questioning the development of this project in fiscal year 1971. At this point, we simply do not know the feasibility of long-term manned operations in a space environment. Yet, the development of the space station is based on the assumption that man will be able to function effectively in such an environment for long periods of time.

The Apollo applications missions, which will begin in 1972, constitute an effort to determine man's effectiveness in space. Under this program, a Saturn workshop—or "Sky Lab"—will be placed into earth orbit, and each of three manned missions will rendezvous and dock with the workshop. The first of these missions will last for 28 days, and

the second and third will each last for 56 days. According to the report of the House committee, these missions "are a prelude to the operation of a space station and space shuttle" and their "greatest importance will be to demonstrate during long duration manned flights the interassociation of man and his experiments."

In short, until this experiment with a small orbiting station is completed in 1973, we will not know whether or not man will be able to use the shuttle/station. If the Sky Lab missions demonstrate that man cannot operate effectively in space for long periods of time, then the enormous funds allocated for development of the space shuttle/station will have been wasted. As one Congressman noted, it is strange, indeed, to authorize development of a giant space station before we have even flown the small one which is supposed to test the concept of space station flight.

It should be emphasized at this point that the decision to delete funds for development of a space shuttle/station will not kill the project. NASA officials have testified that approximately $80 million will be spent during fiscal year 1971 in direct support of this project by NASA's Office of Advance Research and Technology. This research is aimed at solving the difficult technical problems presented by the space shuttle/station.

Before undertaking the development of this project, we should first determine whether OART can resolve some of these technical difficulties. In addition, we should also know the results of the Sky Lab missions.

Because of these problems of feasibility and because of the ultimate cost of this project, there is little justification for proceeding with the development of the space shuttle/station in this fiscal year. But there is a more basic reason for opposing this authorization.

As Congressman KARTH argued during the House debate on this issue, there is every reason to believe that NASA proposes to embark this year upon a new space program based upon new hardware almost entirely in support of manned missions, with a manned Mars landing as the ultimate objective. The space shuttle/station is the first step toward this objective.

According to Mr. KARTH, without the space shuttle and without the 100-man space station to assemble the various spacecraft and other paraphernalia to get men to Mars, no Mars program is possible. NASA has testified that as soon as the space shuttle and space station have been developed, it plans to spend for a manned Mars exploration program $100 million in fiscal 1977, $300 million in fiscal year 1978, and $1 billion in fiscal year 1979.

If this is so, approval of a space shuttle/station will be the initial phase of a program with an estimated cost of $50 to $100 billion over the next 15 years. Thus, while we have yet to establish a national policy calling for a manned landing on Mars, we may well be backing into such a policy by authorizing funds for a space shuttle/station.

Proponents of this project strongly deny that this is the case. But they do concede that the space shuttle/station is the basis of a "new epoch in manned space flight."

Even if this project is not intimately related to manned exploration of Mars it is clearly the beginning of a new and expanded manned space program. Thus, the decision to develop a space shuttle/station must be considered as congressional approval of this "new epoch in manned space flight."

If we grant such approval without careful and deliberate debate, we will have missed a golden opportunity to reassess the entire space program. For there are many persons, both defenders and critics of the space program, who argue that this program must achieve a better balance between manned and unmanned flights.

For example, in remarks before the House Committee on Science and Astronautics, the emininent space scientist, Dr. James A. Van Allen, stated:

> If, on a purely pragmatic basis, one or more men in the spacecraft is the cost effective technique for conducting any one of these missions, let it be done in that mode. But if, as I anticipate, this is not the case, let us *not* grieve nor devote ourselves to the invention of specious and inane reasons to the contrary. Rather let us get on with our . . . objectives in the most sensible and rational framework that we can devise.

Brian O'Leary, a former scientist-astronaut and now an astronomy professor at Cornell, recently wrote that:

> We should encourage science looking for a mission rather than a mission looking for science; we should ask how we can best perform a mission manned or unmanned, not what we can do with the man.
>
> In these times of conflicting, uncertain goals both inside and outside NASA, I think the unmanned planetary program provides a good example of what can be done. The Mariner 6 and 7 flyby missions gave us remarkable pictures and valuable scientific information, yet each cost less than 15 percent of the price of sending two test pilots to the moon.

And, finally, Max Born, a distinguished physicist and Nobel Prize winner, has commented that the manned space program was a "triumph of intellect but a failure of reason." To him, the manned missions are senseless, because their cost so far outweighs their scientific value and the money is so badly needed elsewhere.

Perhaps these authorities are wrong and perhaps there is great value to continuing and expanding the manned space program. Even so, a serious question would remain as to whether manned space exploration was worth its enormous cost. But before Congress can come to grips with the question of priorities, we should first attempt to make a judgment about what should be the proper future direction of the U.S. space program.

I agree with Congressman KARTH'S assertion that this year's NASA authorization bill—and particularly the issue of whether to develop a space shuttle/station—presents Congress with an unusual opportunity to participate in shaping the basic policies of the U.S. space program for the next decade. We can seize this opportunity by eliminating the funds proposed for the space shuttle/station.

Deferring this project will not put an end to space exploration. The United States can have a meaningful and worthwhile space program in the next decade based upon existing technology and equipment.

But since the space shuttle/station requires the development of new technology and new equipment, it is the beginning of a manned space program much larger in scope than the Apollo moon landing program. It comes at a time of growing doubt in the scientific community about the value of future manned space flights, and at a time of even greater doubt about a manned flight to Mars.

Yet, there has been virtually no national debate as to whether our Government should undertake such a program. The purpose of my amendment is to start that debate in the Senate just as it was started in the House by Congressman KARTH.

I am convinced that if the American people understand the full implications of this space shuttle/station, they will decide that it is not in our national interest to proceed with the program at this time.

For in the end, it comes down to a question of priorities. It is interesting to note that the House committee report, in describing the space station, stated that its "living quarters will be attractive and comfortable." At a time when millions of Americans are living in substandard and rat-infested dwellings which are not "attractive and comfortable," it seems senseless to spend billions of dollars erecting decent housing hundreds of miles from earth.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

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

The amendment (No. 607) was referred to the Committee on Aeronautical and Space Sciences, as follows:

> On page 1, line 8, insert the following: Strike "$515,200,000" and insert in lieu thereof "$405,200,000."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 582

Mr. MCGOVERN. Mr. President, I am pleased to announce that Senators PERCY and HATFIELD have requested that their names be added to the list of 41 other Senators who are cosponsoring my amendment to create a simplified food stamp distribution system. Senator PERCY has been one of the hardest working, most effective members of my Select Committee on Nutrition. Senator HATFIELD was an early supporter of the landmark food stamp legislation passed by the Senate last fall. Their action demonstrates once again that partisanship has no place where hunger is concerned. I ask unanimous consent that Senators HAT-

FIELD and PERCY be added as cosponsors of amendment No. 582 to H.R. 16311.

I also ask unanimous consent that the name of a 44th Senator, one of the most respected Members of this body, Senator CLINTON ANDERSON, be added to the list of those cosponoring the simplified food stamp distribution system.

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

Mr. McGOVERN. Mr. President, I believe that 1970 can, and must be the year in which hunger is finally eradicated from our land. There is simply no excuse for permitting people to go hungry for even another day. We have studied, we have exposed, we have held lengthy hearings into innumerable specific proposals. Now we must act. My food stamp amendment, in combination with the kind of modest, carefully drawn, forward looking proposals set forth by Senator RIBICOFF, will make President Nixon's family assistance plan the vehicle for the elimination of hunger and the launching of an effective drive against the larger problem of poverty. I urge the Senate to act quickly and affirmatively on these amendments.

NOTICE OF HEARING ON NOMINATION OF MARTIN G. CASTILLO

Mr. McCLELLAN. Mr. President, on behalf of the Committee on Government Operations, I desire to give notice that a public hearing has been scheduled for Monday, May 4, 1970, at 10 a.m. in room 3302, New Senate Office Building, on the nomination of Martin G. Castillo to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

Persons interested in testifying on this nomination should contact the committee staff on extension 4751.

NOTICE OF HEARINGS ON PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BAYH. Mr. President, I am pleased to announce that the Subcommittee on Constitutional Amendments will be holding 3 days of hearings on Senate Joint Resolution 61, the "Equal Rights" amendment. The hearings will be held May 5, 6, and 7, beginning at 9:30 a.m., in room 318, Old Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

THE CHESAPEAKE AND OHIO CANAL

Mr. MATHIAS. Mr. President, last Saturday, April 25, the Chesapeake and Ohio Canal Association held its annual reunion hike along the historic C. & O. Canal. This year's hike, between Seneca and Glen Echo, in Montgomery County, attracted several hundred people of all ages. Led for the 17th time in as many years by Supreme Court Justice William O. Douglas, the association's members and friends hiked 16 miles along one of the beautiful stretches of the canal to dramatize again both the great assets of this property and the need to realize its full recreational potential.

I have long believed that the 185-mile canal should be elevated to the status of a national historical park, that its unique engineering features should be restored, and that its acreage should be enlarged to permit the development of more recreational facilities; such as, picnic areas, campgrounds, and boat ramps. Such action would serve the immediate recreational needs of metropolitan Washington and the upper Potomac Basin. It would also serve as the first step in the long-range conservation and enhancement of the scenic, historic, and recreational values of the Potomac River.

The C. & O. Canal Association has worked toward these goals for more than 15 years, and I am very much pleased that last week the association formally endorsed my bill, S. 1859, now pending before the Committee on Interior and Insular Affairs. I feel that this legislation is attainable now. It is practical now. It is needed right now.

In an interesting article published in the Washington Evening Star of April 28, Mr. George Huber reported on the hike and summarized the resources of that one stretch of the C. & O. Canal. I invite the attention of Senators, the Department of the Interior, and the public to the article 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:

ANNUAL RITES OF SPRING—HIKERS WANT C&O CANAL PRESERVED

(By George Huber)

People who don't know what it's all about wonder why 500 or so people turn out each spring for a day's hike along the C&O Canal with Justice William O. Douglas.

What it is is a one-day dramatization of a desire to assure preservation of this 185-mile stretch of land as a national historical park.

That the old canal is a great recreation facility, or more accurately has great recreation potential, goes almost without saying. It is within easy reach of a dozen metropolitan areas and of millions of people for hiking, fishing, boating, bicycling, canoeing, camping, bird watching, etc.

It comes as a surprise that the government doesn't have great plans to restore and improve this facility. There are individuals within the government who nurture such plans and hopes, but for things to go forward it will take an act of Congress making the canal a national historical park.

Much of the old canal is government owned, as a national historical monument, made so by an executive order by President Dwight Eisenhower. But there are large technical differences between a national monument and a national park, and a park established by act of Congress has a greater status of permanency and funding.

SHOWPLACE NEAR WASHINGTON

People who see only the showplace stretch of the canal just above Washington don't know that much of the rest is in ruins, hardly discernable in many places, unkempt and neglected, and some in private ownership. Part of this showplace stretch was the scene of last Saturday's annual Justice Douglas hike, the 17th he has led. Earlier hikes were further up the canal, drawing attention to some of the poorer canal stretches.

These hikes started in 1954, the first a week-long affair covering the entire 185 miles from Cumberland to Washington. It was proposed then to build a highway along the old canal bed. The hike led by Justice Douglas drew national attention to this plan, and effectively killed it.

GREAT DAY FOR HIKE

The men who were on that hike formed the C&O Canal Association, and planned a one-day reunion hike every spring thereafter. Others have joined in, everyone who shows up is welcome, and now great hordes come out on the last Saturday in April.

Last Saturday's hike was 16 miles, from Seneca to Glen Echo, and best estimates are that around 500 persons started. They had a perfect day for it, best yet of the spring.

There were all kinds in the crowd, including some celebrity watchers who just wanted to see and be seen. The great majority were sincere lovers of the outdoors, however, who want the canal preserved.

There were packs of Cub Scouts and groups of kids even younger. Boy Scouts were there, and Girl Scouts, the Campfire Girls too, Youth Hostels, Canoe Cruisers Association, Potomac Appalachian Trail Club, other groups and many individuals, also whole families including babies carried along in back packs.

The stretch they covered is beautiful and historic, certainly worth preserving, but this can be said of the entire canal.

A point of interest is Seneca Aqueduct, a sandstone structure carrying the canal across Seneca Creek. An unusual thing about this aqueduct is that it also is a canal lock.

Just below, in the Potomac River, is the old Seneca Rock Dam, a rip-rap structure that must have been an engineering feat in its day. It was built to divert river water into the canal, and although in ruins now still backs up enough water for the four-mile long Seneca Lake.

A mile after their start the hikers came to the Blockhouse Point cliffs towering over the canal. These got their name from a fort built there to guard the river during the Civil War.

SEWER CONSTRUCTION

A part of these cliffs tumbled into the canal during blasting for sewer construction two years ago.

Another effect of this sewer construction, and one of the many things that show how tenuous wildlife is along the canal, is evident at the Dierson Waterfowl Sanctuary not far below the cliffs. Here red-headed woodpeckers frequently were seen, but they left during the sewer work and haven't returned.

At Pennyfield Lock the hikers had a view of a Potomac River stretch where President Grover Cleveland loved to fish, and of the house he stayed in there.

Hikers especially were cheered by the great river panorama at River Bend, where not too many years ago a dam was planned. This scheme seems to have died.

And so, it went for the whole 16 miles, hardly a step that wasn't of scenic and historic value.

THE CHAPLAIN IS NEAR TO COMFORT AND CHEER

Mr. RANDOLPH. Mr. President, I wish to be among those expressilng gratitude for the years of service, guidance, and leadership of Dr. Edward L. R. Elson, our Senate Chaplain. He has devoted his life to the cause of serving God and humanity. Dr. Elson gives a humanitarian service to all who come for refreshment of the spirit. He is near to comfort and cheer.

Dr. Elson on Monday celebrated his 40th year as a minister, having been ordained by the Presbytery of Los Angeles on April 27, 1930. He was the assistant minister at the First Presbyterian

Church in Santa Monica and minister at La Jolla, Calif. In 1946, he accepted a call from the National Presbyterian Church in Washington. Here he has had a tremendous influence on the lives of thousands of citizens.

Dr. Elson was elected Chaplain of the U.S. Senate on January 9, 1969, and in this capacity he has been a source of inspiration to many of us in this Chamber. He is a truly dedicated servant.

The Chaplain is an individual who must be prepared to offer advice, inspiration, thanks, or solace. His constituency extends beyond the Hill. He is, in effect, a Chaplain to the Nation, and is a symbol of this Nation's commitment to the principles of divine guidance.

The position of the Senate Chaplain is, at the same time, an expression and firm commitment of this Nation to the separation of church and state. He serves the Government, but he is not a part of it; he does not influence decisions of state and is not the Government's advocate in party or policy.

To all of these responsibilities, Dr. Elson brings a faith in mankind and in the Government of the United States as well as a spirit of compassion and love. In his ministry, he is sustained and strengthened by a gracious wife, Helen.

SENATOR HIRAM L. FONG SELECTED FOR HORATIO ALGER AWARD

Mr. BOGGS. Mr. President, it is a distinct pleasure for me to call attention to a high honor conferred on the distinguished senior Senator from Hawaii (Mr. FONG).

On April 20 an announcement was made in New York that Senator FONG has been named a recipient of the Horatio Alger Award—one of 10 prominent Americans cited for having achieved outstanding success in their chosen fields despite humble beginnings.

On May 6, at the Waldorf Astoria Hotel in New York, bronze award plaques will be presented to Senator FONG and other recipients by Dr. Norman Vincent Peale in behalf of the Horatio Alger Awards Committee of the American Schools and Colleges Association.

The name of the award is taken from the "rags-to-riches" novels written by Horatio Alger, in which the youthful heroes overcame handicaps and poverty to win fame and fortune through hard work, honesty, and determination.

Winners of the award are selected annually by ballots distributed to 500 colleges and universities throughout the United States.

Prominent among the 174 previous recipients of the Horatio Alger Award, established in 1947, were such notables as former Presidents Dwight D. Eisenhower and Herbert Hoover; Eddie Rickenbacker, Gen. David Sarnoff, Conrad Hilton, J. C. Penney, Dr. Ralph Bunche, and Bernard M. Baruch.

Mr. President, I can think of no one whose life fits the Horatio Alger tradition more inspiringly than that of our very good friend and colleague from the 50th State.

Senator FONG was born in Honolulu, the seventh of 11 children of poor immigrants from China. At the age of 4 he picked mesquite beans to sell as cattle feed. Later, he shined shoes, sold newspapers, caddied, and caught and sold fish and crabs.

To help the large Fong family, he held as many as four part-time jobs simultaneously while going through college. Yet he graduated in 3 years with honors from the University of Hawaii. He had to interrupt his schooling twice to work full time; 3 years between high school and college, 2 years between college and law school. With meager savings and borrowed money, he earned his law degree at Harvard.

He served as a House member of the Hawaii Legislature for 14 years, six of them as speaker.

He founded a multiracial law firm and is founder, president, and chairman of the board of seven corporations in life insurance, financing, real estate, construction, and investments, with total assets of more than $80 million today.

In 1959 he was elected, and in 1964 reelected, to the U.S. Senate. Senator FONG's life is the subject of an inspirational film to be distributed to the Nation's schools. He is the recipient of four honorary degrees from universities. He served in the Army Air Force in World War II and is a retired colonel of the Air Force Reserve.

That, in a capsule, is the amazing life story of Senator FONG, the first U.S. Senator of Asian ancestry.

His hometown newspaper, the Sunday Star-Bulletin and Advertiser, on April 19 published a full-page article on Senator FONG, entitled, "New First for FONG—Horatio Alger Award," written by Gene Hunter, a veteran Advertiser staff writer. The article was illustrated with several photos depicting Senator FONG's successful rise to prominence.

Because I believe Senator FONG's success story is one which all Americans can admire and applaud, I ask unanimous consent that the text of the newspaper article be printed in the RECORD.

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

NEW FIRST FOR FONG—HORATIO ALGER AWARD

(By Gene Hunter)

Alger, Horatio Jr. (1834–1899). Massachusetts-born Unitarian minister who wrote some 100 novels chronicling the adventures of poverty-stricken and underprivileged boys who gained favor and fortune through hard work, honesty and thrift. Typical of the Alger novel titles was "Luck and Pluck."

Hawaii's Hiram L. Fong, onetime barefoot boy from Kalihi who became the first United States Senator of Oriental ancestry, has been named a 1970 winner of the Horatio Alger Award.

On May 6, at New York's Waldorf Astoria Hotel, Fong will become the first person from Hawaii to be presented the award. He will be one of 10 Americans selected for the honor on the basis of ballots from 500 colleges thorughout the United States.

Fong joins such notables as Dwight D. Eisenhower, Herbert Hoover, Dr. Ralph Bunche, Bernard Baruch, Bob Hope and Arthur Goldberg, who are among those who have been given the award during the past 24 years by the Horatio Alger Committee of the American Schools and Colleges Association.

Said the 62-year-old Fong of the honor: "The Horatio Alger Award is a wonderful way of reminding Americans that opportunities for success are still open to anyone who is willing to work hard for it."

"Luck and Pluck" have figured in the Fong success story—along with a shrewd instinct for politics. Except for the time when he lost his seat in the Territorial House of Representatives when the Republicans fell from power in the mid-1950s, Fong has been a consistent winner at the polls.

When Yau Leong Fong—the Down East "Hiram" wasn't added until much later—was born Oct. 1, 1907, the seventh child and fifth son of Chinese immigrants Lum and Chai Ha Fong, no one could have predicted that he would become a millionaire and a political power.

Lum Fong came to Hawaii from Kwangtung Province in 1872, at the age of 15, as an indentured laborer in the sugar plantations, earning $12 a month. His wife, also from Kwangtung, arrived at the age of 10 as a maid.

After a stint on the plantations Lum Fong went to work in a guano fertilizer factory in Kalihi. His famous son recalls:

"His job was to bag fertilizer, very dirty and dusty work. It was so dusty he had to tie pieces of cloth over his mouth and nose. Six days a week, 10 hours a day, he toiled at this job. On Sundays he worked as a watchman at the same plant. All the other 100 or so laborers at the fertilizer plant were Japanese immigrants. Only my family was Chinese, so I grew up among the Japanese."

All the Fong sons worked to help support the family, and as every voter who ever attended a rally for Lum Fong's politician son has heard now, at the age of 4 he was picking algarroba beans for sale as cattle feed. He earned 10 cents for each 30-pound bag, and the experience provided him with one of his favorite campaign anecdotes.

Horatio Alger, Jr., probably never heard of poi, which Yau Leong Fong delivered door-to-door, but his boy heroes frequently shined shoes and sold newspapers. So did the young Fong.

"I took almost any job that came along," Fong says. "None of them brought in much money, but it all helped to keep the family going. It was a hard life, but no harder than that for many others of my generation."

Other boyhood jobs included catching and selling crabs and fish and caddying at Moanalua Golf Course—25 cents for nine holes. Sometimes, on a good Sunday, Fong earned as much as $1.25. He got so tired of walking on a golf course that in later life he never took up the game.

As a youngster, Fong joined a Congregationalist church in Kalihi. He was so impressed with the story of the Rev. Hiram Bingham, a member of the First Company of missionaries who began Christianizing Hawaii in 1820, that as a youth he dropped his Chinese first name and became "Hiram L. Fong."

Fong skipped the second and fourth grades at Kalihi-Waena Elementary School, then entered McKinley High School and graduated with the "miracle class" of '24. Among other members of that class were financier Chinn Ho, Associate Justice Masaji Marumoto, businessman Hung Wo Ching and educator Stephen Kanda. He still recalls that Fong was barefoot when he came to McKinley.

Fong saw little hope of going to college. Lum Fong could not earn enough at the fertilizer factory to feed his family, which eventually totaled 13 children. Hiram Fong's older brothers were married and had families of their own to care for. The widow and three children of his eldest brother also had to be supported.

After high school, Fong went to work as a supply clerk at Pearl Harbor. The pay was adequate for that era and promotion soon came. Fong might have remained a career Federal employe—except for a burning desire for more education.

When he was 19 his father died, leaving him the chief breadwinner for the family. But his mother finally told him that if he could put himself through college and still contribute something to the family, he had her permission to attend the University of Hawaii. Fong dried tears of gratitude and began working out a financial plan.

He had vacation time coming from his Pearl Harbor job, which he converted into cash. With the money he bought a Model T and used it in his work as a part-time bill collector for Aloha Motors.

The University registrar's office gave Fong part-time work. He wrote campus news and articles about the Chinese community for The Honolulu Advertiser at 10 cents a column inch. And he became a tour guide, escorting visitors through Chinese temples.

It was at the University that he got his first taste of politics. He campaigned successfully for the editorship of Ka Leo o Hawaii, the campus newspaper, then an elective post.

As a freshman member of the University of Hawaii debating team he was asked to speak in political campaigns involving Sheriff Pat Gleason and Mayor Fred Wright, Republicans who helped form Fong's political views.

In spite of holding down four paying jobs and several unpaid ones, Fong managed to finish the four-year University of Hawaii course in three years. He made up his mind he would attend Harvard Law School.

But although Haratio Alger Jr. had been a Harvard graduate, the university wasn't impressed with Fong's background of poverty, hard work and dedication to education. It seems the University of Hawaii wasn't an accredited institution. It took the urging of Arthur G. Smith—a University of Hawaii regent, a Territorial attorney general and a Harvard alumnus—to convince members of the Harvard admissions board that they should change their minds. Fong became the first University of Hawaii graduate admitted to Harvard.

But he still needed $2,000 for his first year's tuition and he took time out to go back to work. His mentor, Mayor Fred Wright, hired him as chief clerk of the old suburban water system at $225 a month. But this was the Depression and soon his salary was cut back to $175. But still he managed to save the necessary $2,000 in two years.

At Harvard an old friend—Allen R. Hawkins, now a Circuit Court judge—found him a $13-a-month room containing a narrow bed, a small desk, a bureau and one chair. Fong borrowed money for room and board from friends. For his second and third years at Harvard he received a tuition loan from the university.

In his final year his old McKinley classmate, Chinn Ho, loaned him $1,000. As security Fong took out a $2,500 life insurance policy, telling Ho: "If anything should happen to me take out what I owe you and give the rest to my mother."

Fong graduated from Harvard in 1935 and arrived back in Honolulu with a dime in his pocket and $5,000 in debts. Mayor Wright again gave him a job, this time as a deputy City attorney under Wilfred Tsukiyama, later to become Hawaii's chief justice.

In 1938, at the age of 31, Fong married his high school sweetheart, Ellyn Lo, who had waited nine years for him to finish his schooling, pay off his debts and become established in his profession.

That same year Fong first ran for office, winning a seat in the Territorial House of Representatives.

When World War II began Fong resigned from the Legislature and reported for duty with the Army Air Corps, serving as a judge advocate and leaving the service with the rank of major. He ran successfully for his old seat in the House and won handily. He was Vice Speaker of the House from 1944 to 1948 and Speaker from 1948 to 1954, when he lost his only race.

In interviews years later, Fong recalled the 1954 Republican defeat in which he lost his seat by 32 votes.

"Everybody was against me—labor, government employes, my own Republican party," he said. "After 14 years, I was defeated. I was kicked out, but it was a kick upstairs."

Now Fong turned all his attention to business. Two years before his political defeat he and some associates had raised $200,000 with which to establish what now is Finance Factors Ltd., an industrial loan company that is the nucleus of a family of financial enterprises with assets of more than $80 million.

Once before, in 1938, Fong had attempted to become a businessman when he helped found a firm called Quality Milk Co. He soon went broke. "It taught me a very good lesson," Fong said years later. "You've got to watch a business."

In 1954 Fong organized a law firm. There are those who think he might have been considering future political campaigns, since he carefully touched all the major ethnic bases in founding Fong, Miho, Choy & Robinson; he was of Chinese ancestry, one partner was of Japanese ancestry, one was of Korean ancestry and one was Hawaiian-Caucasian.

Fong is tall, dark and husky and during his career as a territorial legislator many persons assumed from his appearance that he was Chinese-Hawaiian. Fong never fought that belief; after all, it undoubtedly was good for some votes from Papakolea and Waimanalo.

But during his first U.S. Senate campaign a reporter asked him about his ancestry. Fong stressed then that he was pure Chinese, with both parents born in China. "I just look Hawaiian," he explained.

That was in 1959, the year President Eisenhower signed the bill that made Hawaii a state. Some publicity man—possibly the late Vance Fawcett—coined the term "Man of the Pacific" to describe Fong during that campaign. The label frequently is heard today.

Fong easily beat his Democratic opponent, Frank F. Fasi—now Mayor of Honolulu—and on Aug. 24, 1959, was given the oath of office as a U.S. Senator by Richard M. Nixon, then the Vice President.

In 1882, when Lum Fong was a 25-year-old plantation worker in the Kingdom of Hawaii, the U.S. Senate had passed the Chinese Exclusion Act, prohibiting the immigration of Chinese. Now Lum Fong's No. 5 son had become the first Oriental to serve in that Senate.

Fong won reelection to a full six-year term in 1964, beating Democrat Thomas P. Gill, now Lieutenant Governor of Hawaii, It is considered likely that Fong will run for reelection this year, and so far there is no opposition on the horizon.

In 1964, at the Republican National Convention in San Francisco, Fong became the first Oriental—and the first Islander—to have his name placed in nomination for the Presidency of the United States. It was a "favorite son" nomination, not a serious attempt to run him for that office. But it was an honor nonetheless, and one that was repeated by the Republicans in Miami in 1968.

Many younger politicians seem deliberately to try to lose their Island accents and as a result sometimes are accused of "putting on airs." But Fong's forceful oratory still marks him as a onetime Kalihi boy.

A newspaperman who is fastidious about the language said of Fong's speech when he first ran for the Senate in 1959:

"There is the inverted word order and the lack of a smooth tie between subject and verb and a lack of freshly minted phrases. Yet there is no question that he is effective as a speaker—blunt, crude, effective."

Today, Fong's accent still shows that he was an Island boy who grew up the hard way. But after 11 years in the Senate his syntax and his delivery have been considerably polished.

Generally, Fong has supported the policies of his old friend, President Nixon. In return for Fong's loyalty Nixon has appointed several Island Republicans to important Administration posts.

But Fong has opposed Nixon on specific issues. He voted against the nomination of Judge G. Harrold Carswell to the U.S. Supreme Court, although he once told Carswell he considered him "worthy of confirmation." Fong also led a battle to override the President's veto of funds for health and education.

Most often, Fong has voted the way most other Islanders seem to feel about issues. He has opposed that portion of the Internal Security Act which would allow Federal officials to "detain" without proof persons they think might be disloyal in time of war—as West Coast Americans of Japanese ancestry were put into camps during World War II.

Fong has consistently backed liberalization of the immigration laws and has become a sponsor and a strong supporter of ocean research and anti-pollution measures. He also has called for closer economic ties with Red China and that country's eventual admission into the United Nations.

After 11 years in the Senate Fong has gained considerable Republican seniority and serves on four committees—Appropriations, Judiciary, Post Office and Civil Service—as well as on the Special Committee on Aging.

While Fong works in Washington, one of his four children—attorney Hiram L. Fong Jr., 30—is spending his first session as a member of the Hawaii House of Representatives, where his father once was Speaker.

Across the way, on the House's Democratic majority side, sits Stuart Ho, attorney son of Chinn Ho, who once loaned the senior Fong $1,000 with which to further his education.

So far, Hiram Fong Jr. hasn't challenged a fellow legislator to a fist fight on the House floor, as his father did in an earlier era.

LAW AND ORDER

Mr. TALMADGE. Mr. President, yesterday's Washington Evening Star contains an editorial column written by James J. Kilpatrick which I believe reflects the concern of an overwhelming majority of the American people today about what is taking place in our country.

Americans are concerned, and they are becoming increasingly so, about what is happening to the Nation's young people, about what we see taking place almost daily on college campuses, and about what is happening to law and order. I am fully aware that the term "law and order" has fallen into disrepute in some circles, and even that some people snicker and make a mockery of it.

I know of this scornful attitude toward law and order. But this is not to say that I agree with it or understand it.

I, for one, have no quarrel with a citizen's obligation to the law in a lawful society. I find no fault with the need to maintain order as an alternative to anarchy.

What I do understand, and what frightens me most of all, is that too many people have lost sight of the meaning of law and order and, as pointed out

in Mr. Kilpatrick's column, we seem now to have "failed to look after first things first, to cultivate in our public institutions those rules of law, civility, and grace that might have kept the whole thing in balance."

I bring Mr. Kilpatrick's column to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

[The Evening Star, Washington, D.C., Apr. 28, 1970]

A CAMPUS BURNS, THE AGE OF AQUARIUS DAWNS

(By James J. Kilpatrick)

HICKORY, N.C.—On the after-dinner road again, headed south first, then to the West Coast. It is getting on toward midnight, here in this dreary motel room, and the column will not come. It has to come; tomorrow's deadline sits on a heavy stomach, but the typewriter is cold and the trash basket full of bad leads.

Tonight's audience was receptive but the speech went poorly. One for four, and a scratch single at that. Sometimes you're up, says the song, sometimes you're down. This was a down night, and I have come back to this dugout in the blue dumps known to hitters who fan with runners on base. The typewriter looks at me like an unfed dog.

So I have been sitting for a while in the green-tweed chair, watching Kansas burn on the TV screen. The color control is out of kilter; I am too tired to correct it, so the smoke comes out purple and the flames a putty yellow. This is the dawning, so they say, of the Age of Aquarius; I herald it from a motel, darkly, in the livid light of a university set afire.

In the name of God, what has happened to our country? If this were Columbia or Cornell or Berkeley, the flickering image might not sear the heart. Scar tissue grows. But this is Lawrence, Kansas, heartland America; here, too, the arsonist's torch. And tonight it is not only Kansas.

At Penn State, the president and his wife have fled their home to escape the stones of "dissenters." Demonstrators seize a campus building in upstate New York. The virus of nihilism, nothingism, spreads its destructive infection.

I am not cheered, not tonight, by the thought that the anarchists constitute a small minority of the whole body of American students.

How have we fallen so weak, so sick, so spineless, nerveless, gutless? Is this the consequence of some lunatic obsession with equality—that all ideas are equally good, all modes of conduct equally permissible? Have we so corrupted our values as to accept the suicidal notion that in a society based upon order, disorder deserves equal time?

So it's the Age of Aquarius, is it? The fault, dear Brutus, lies not in our stars but in ourselves. We middle Americans have signally failed to look after first things first, to cultivate in our public institutions those rules of law, cilivity, and grace that might have kept the whole thing in balance.

Somehow we forgot—and this is Burke again—that liberty exists only with order and virtue, and cannot exist at all without them.

I am late on this copy, but everywhere the hour grows late. It is not enough—it never was enough—to urge merely that destructive students be expelled and arsonists be brought to trial.

Order has to come first, the restoration of order by whatever force may be required. Ronald Reagan was instinctively right: God prevent a blood bath, he said, but if reason cannot prevail against chaos, let us fill the tub, and not flinch.

My head rings with Burke tonight. In his great speech on conciliation with the colonies, Burke said the use of force alone is but temporary, and he was right. "It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered."

Force alone won't quench these livid fires. Without a rededication to the old values—justice, fairness, manners, kindness, respect for others, a sense of enduring responsibility for what has been and what will come, we are done for. I see few signs of such renewal. I see deadline, and a jet plane leaving; and in a motel at midnight I don't know when peace comes back again.

PRISONERS OF NORTH VIETNAM

Mr. MUSKIE. Mr. President, 9 months have passed since I joined with other Senators in calling upon the Government of North Vietnam to respect international standards of humanitarian treatment for the Americans it holds prisoner. These standards are defined by the Geneva Convention on "Protection of Prisoners of War," concluded in 1949. The United States and the Government of South Vietnam are signatories of the Convention to which the Government of North Vietnam acceded in 1957. The Convention applies to "all cases of declared war, or any other armed conflict which may arise."

The provisions of the Convention are respected by the United States and the Government of South Vietnam. North Vietnamese and Vietcong prisoners are placed in prisoner-of-war camps which are visited regularly by representatives of the International Committee of the Red Cross. The names of the prisoners have been made available, and prisoners have the right to send and receive mail.

In accordance with the Convention, we have offered to exchange prisoners, but North Vietnam has refused even to accept the return of its own sick or wounded.

The Government of North Vietnam has refused to identify most of the prisoners it holds; nor have the Communists been willing to identify any of the prisoners they hold in South Vietnam. Repeated requests by the International Committee of the Red Cross for permission to visit the camps in North Vietnam have been denied. Furthermore, we have received almost no cooperation from the North Vietnamese in determining the fate of more than 1,000 Americans who are missing in action.

We know, finally, that many of our men held in North Vietnam and in Laos have been subjected to the most grievous abuse and inhumane treatment.

Such treatment of prisoners is an offense and a reproach to the civilized conscience.

Mr. President, it goes almost without saying that there are definite differences of opinion as to the best policy we should follow in reducing, and eventually ending, our involvement in a war in Southeast Asia.

Nevertheless, we must all agree on the rights of American prisoners of war to fair and humane treatment as provided for under the Geneva convention. It is for this reason that I agreed to cosponsor the May 1 tribute to American prisoners of war and Americans missing in action, designated as an "Appeal for International Justice."

Our Government must continue to press Hanoi, as a matter of the highest negotiating priority, to name the men in captivity, to repatriate the sick and wounded, to permit impartial inspection of prison facilities, to assure proper treatment of all prisoners, and to undertake serious negotiations for the prompt release of all American prisoners in Vietnam and Laos.

Efforts on behalf of our men must not flag. We would break faith if our concern for them were diminished by the apparent decline in public concern with the broader issues of the war in Vietnam itself.

PENTAGON LOBBYISTS

Mr. YOUNG of Ohio. Mr. President, while almost half a million GI's, marines, and airmen are fighting in the Vietnam quagmire, the Department of Defense employs 339 lobbyists in Washington, D.C. This is three for every Senator. The Pentagon public relations staff includes more than 6,000 whose job it is to produce propaganda favoring the "top brass." Defense Department officials are spending $27.7 million this year on public relations. Meanwhile, legitimate news such as the My Lai massacre was whitewashed and concealed from the public for nearly 2 years. Also, cost overruns on Defense contracts including the F–111A and C–5A transport are suppressed. News to our fighting men in Vietnam is censored. Taxpayers sweat on.

POLISH CONSTITUTION DAY

Mr. PERCY. Mr. President, next Sunday, Americans of Polish descent will commemorate the anniversary of the promulgation of the Polish Constitution in 1791, only 2 years after the adoption of the U.S. Constitution. It was a great document vesting powers in the will of the people and speaking out for democratic ideals.

Despite the treacheries of history, cruel foreign dominations, and oppression, the Polish people and Americans of Polish descent have adhered to these ideals. Too many people accept the status quo as a permanent condition, but the Polish people do not, because they know that freedom will ultimately prevail if they persevere in maintaining their historical, cultural, and religious traditions; a perseverance that I saw first hand a few years ago when I visited a number of cities and communities in Poland.

Americans of Polish descent have distinguished themselves for their devotion to freedom, and they deserve the praise and support of all other Americans who really care about humanity and liberty. Therefore, I believe that Polish Constitution Day should be celebrated by all Americans in tribute to the millions of Poles and Polish-Americans who hold to their determination that Poland will once again be truly free.

Next Sunday, I will participate in the Polish Constitution Day observances in Humboldt Park. I will tell our Polish-American friends that all freedom-loving Americans support their legitimate aspiration for a truly free Poland.

MAN'S WORST ENEMY

Mr. MANSFIELD. Mr. President, Bill O'Donnell is from Billings, Mont., and is now in his sophomore year at the University of Montana. In the course of his studies, he wrote a paper recently entitled "Man's Worst Enemy." It is about the ravages of pollution as seen through the eyes of animals who are supposed to be less intelligent than man. I must say that it presents a most original approach, and in celebration of Earth Day, Bill's parents sent the paper along to me. I, in turn, wish to bring it to the attention of the entire Senate.

I therefore ask unanimous consent that Bill O'Donnell's paper entitled "Man's Worst Enemy" be printed in the RECORD.

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

MAN'S WORST ENEMY

Somewhere in the Rocky Mountains, a group of creatures is gathered to discuss the future of the World. They are meeting in the shadow of a huge rock crushing plant that is making food from the mountain rock. Mother Nature sits at the head of the convocation, her once splendid arrangements are now battered and ruined. All of the delegates seem to be crowded to one side of the room, all of them except one figure. He hovers on the other side, his head lowered as if he is deep in contemplation.

A figure emerges from the crowd and begins to address the convention. "I am the last of the Grizzlies. Once a powerful and mighty species. Soon we will only be remembered in the annals of time. Who is responsible for this defamation of nature: The blame lies entirely on the youngest of Mother Nature's offspring—Man. I submit before you these three pieces of evidence—a jar of water, a breath of air, and a clump of dirt. We have seen the natural beverage, water, polluted and contaminated with Man's sewage and industrial wastes. Where once fish swam freely, they are now floating in a death bath of oil. Our ocean, the origin of our existence, is now used as a garbage dump for oil, sewage and radioactive wastes. He destroys natural beauty and diverts water by the undiscriminate use of dams.

"Not only do we fear the water we must drink but also the air we must breathe. Giant factories now pour forth filth where mighty oak trees once shaded the land. He drives his high combustion engine that fills the air with poisons and death. Look at this dirt, it's half insecticides and half commercial wastes. No longer is our planet covered by lush green meadows and forested hills. The very means by which man contrived to increase production has now ruined the soil. This is our world, ruined not by a mutual mistake of nature, but ruined instead by one power minded creature!" The bear finished his speech and returned to his chair.

The convention was then disturbed by the shrill whistle of the rock crushing plant. It was time to change shifts. The quiet that had once reigned supreme in the mountains was broken by the screech of brakes, the blare of car horns and the shouts of angry motorists as they tried to enter the ten lane highway that was bisecting our nation's backbone. The clamor of the motorists increased as they learned that the bridge over the Great Canal was being repaired and only eight lanes would be open for travel. The Great Canal was an enormous ditch that ran from Alaska to Kansas. The ditch carried melted ice water from the Alaskan glaciers to the Kansas Prairie.

When the noise subsided, Mother Nature asked if anyone had anything to say in defense of Mankind. The animals watched as a bald eagle prepared to address them. "I was their National Emblem," he said. "When they realized I was in danger a few of them tried to convince the others that changes were needed. Not only did they work to save me, but some of them worked to clean the streams, conserve the forests and purify the air. The efforts were crushed by a giant three lettered monster—G.N.P. That's all I have to say, man's attempts to save his environment were thwarted because some men were blinded by the dollar signs in front of their eyes."

Mother Nature then began the roll call vote. The Aardvark was the first to cast his ballot. "To preserve ourselves, I conscientiously feel that I must vote for the termination of the species man." The antelope, bear, and beaver each cast their vote for the expulsion of *homo sapien*. The ballot proceeded. The ocelot, orangutan, and octopus all voted the same, until the vote came to the owl. He fluttered his wings and spoke to the meeting. "I do not feel that this vote is necessary. Man is on a road of self destruction. How long can any species expect to exist when their population growth exceeds their food production by 50%. His attempts to save himself like food from crushed rock and crude oil, treating sewage so that it is drinkable, and reforestation, are too little too late. Man, our youngest brother is doomed to self destruction. Soon he will be like the Lemmings running into the sea to escape from his own kind. I don't know whether he'll drown in the sea or be poisoned by his own waste that he indiscriminately has dumped in the oceans." The owl finished his speech and perched himself on a dead Ponderosa pine. It was all that remained of the forest. The other conventioners nodded their heads in agreement. Man was guilty of over population and over expansion. He will perish in his own torture chamber.

As the members dispersed, they were untouched by the gentle sobs coming from the human. They all noticed that his tears washed a clean streak through the soot and grime that clung to his face. The rock crushing plant was burning its waste material!

REIMBURSEMENT OF LOCAL SCHOOL BOARDS

Mr. ALLEN. Mr. President, on January 26, 1970, I sponsored jointly with the able and distinguished Senator from Mississippi (Mr. EASTLAND) a bill to compensate State and local authorities for replacement cost of hundreds of schools which have been closed throughout the Nation on the initiative of U.S. courts and Federal agencies. To emphasize the importance of this bill and the need of local school board for reimbursement, I ask unanimous consent that a letter from the Superintendent of Education of the Tallapoosa County, Alabama, schools be printed at this point in the RECORD.

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

TALLAPOOSA COUNTY SCHOOLS,
Dadeville, Ala., April 15, 1970.

HON. JAMES ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SIR: I need your help! The taxpayers of this county need your help! The boys and girls of this great county need your help!

Due to recent court orders, the Tallapoosa County Board of Education has closed over a million dollars worth of school buildings. In order to satisfy the court and HEW, the Tallapoosa County Board of Education has borrowed $700,000.00 against its special 7½ millage tax to build classrooms for the boys and girls in this county.

It seems to me that there should be some method of getting reimbursement of this money as a result of some Federal law in which you could enact to keep our educational standards up to the quality of education every boy and girl deserves.

I know of the great strides you have made in aiding the people of this great State, and I know that you will do everything you can to aid us in this time of need.

Thank you for any aid you can give us.

Sincerely,

VIRGIL NOLEN PRICE,
Superintendent.

Mr. ALLEN. Mr. President, this letter indicates that the Federal juggernaut crashes ahead in the South leaving behind a tragic wasteland of empty hollow shells of schools ordered abandoned and closed by Federal authorities.

Children are uprooted from their communities and transported long distances frequently to overcrowded and inadequate schools.

The human right of parents over their children and the political right of local school officials to a controlling voice in all laws affecting the health, safety, and welfare of children are subordinated to the dictates of a central power which has decreed racial balance in schools as a criteria enforced by use of the full powers of Federal Government.

Mr. President, public school buildings and facilities valued in excess of $100 million have been closed in the State of Alabama alone pursuant to this doctrine. This doctrine is wrong and the practice of depriving the taxpayers of use of local public property is wrong.

Many of the closed and abandoned buildings and facilities were built with proceeds from local bond issues. These bonds must be paid for from hard-earned tax dollars for years to come.

Yet, cynics persist in perpetuating the myth that the Constitution of the United States requires taking property without compensation. The people have no recourse in the face of these appalling wrongs except to appeal to Congress for help.

The situation offends commonsense and the spirit of justice. I am reminded of the words of the poet J. G. Holland:

Wrong rules the land, and
Waiting justice sleeps.

Mr. President, how long shall we permit justice to sleep?

How long before these shocking wrongs remain uncorrected?

FEDERAL ROLE IN HEALTH

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD the statement made by the Senator from Connecticut (Mr. RIBICOFF) on the filing of the report on "Federal Role in Health" by the Subcommittee on Executive Reorganization and Government Research.

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

STATEMENT BY SENATE RIBICOFF

Mr. President, pursuant to Senate Resolution 320 of the 91st Congress, I submit a report entitled, "Federal Role in Health," and ask that it be printed. The report was approved by the Committee on Government Operations.

The report is based on hearings and investigations conducted by the Subcommittee on Executive Reorganization and Government Research over a two-year period. It includes a summary of 8 days of hearings held in 1968; correspondence between the Subcommittee and the 24 Federal agencies involved in health; a staff investigation into Federal health construction funds and comments by James V. Shannon, M.D., former director of the National Institutes of Health and presently Professor and Special Assistant to the President of Rockefeller University.

In assessing the Federal role in health, the Subcommittee found that there was no national health policy, no central mechanism to consider or formulate that policy, and that Federal health programs were a cumbersome disjointed bureaucracy that even key Federal officials have difficulty managing.

To correct this, the Subcommittee made two basic recommendations:

First, establish a high level Council of Health Advisers within the Executive branch to consolidate health programs and formulate a national health policy with planning and purpose. Such a council should examine the performance of the entire Federal health bureaucracy, while recommending improvements to the President.

Second, reorganize the Department of Health, Education and Welfare to raise the department's top health officer from the status of assistant secretary to under secretary. The HEW reorganization would also give the under secretary four assistant secretaries responsible for health care services, consumer protection, planning and the combination areas of science, manpower and education of health personnel.

In addition, the Subcommittee also recommended the following:

Third, eliminate all health-related functions of the Commerce Department's Economic Development Administration and the Small Business Administration and transfer these functions to HEW.

Fourth, conduct an Internal Revenue Service investigation of those Small Business Administration-financed hospitals which have converted to nonprofit management to determine whether individuals used Federal dollars to develop tax shelters. The review should recommend appropriate Congressional action if necessary.

Fifth, order a General Accounting Office investigation of Federal hospital construction efforts to determine how well six departments and agencies match up health construction with health needs.

After considering all the evidence, the Subcommittee concluded there is little coordination, planning or purpose among the 24 Federal Departments and agencies that will spend $20.6 billion on Government health programs in Fiscal 1971. It would be supreme understatement to say that the Federal effort has been unequal to the challenge posed by this crisis.

We began by hearing witnesses from outside Government in order to learn how they viewed this complex—and worsening—situation. We resumed hearings with the views of the Federal Government.

Some of what we have learned has been familiar. Some of it has been new and distressing. All of it bears repeating—and will bear repeating—until we make clear to the American people the acute state of distress we face in health care.

In medical technology, there is no question that the United States has raced ahead of the rest of the world, but our medical ingenuity has not yet made American medicine the world's best. Few dispute that U.S. medical research is also the world's most advanced and that the nation's hospitals are among the world's best equipped. But once again, the fruits of this research are not getting out to the great bulk of the population.

Adequate medical care is no longer a privilege, nor even a concession, but the right of every citizen. This specifically includes those Americans who do not really know what adequate health care is: those who are too poor to pay for it; who do not know where to find it; who live too far from the nearest doctor or medical center to receive it.

And yet, if anything, the poor get sicker, and the sick poorer. Hospitals have been built in the wrong place at the wrong time for the wrong reasons. Insurance companies have reflected the interests of the providers of medical services rather than those of the ultimate consumer—the buying public. All in all, we have found national health care—private and public—uneven in quality, wastefully dispensed and unwisely financed.

As our report states, the Subcommittee found the nation's private health care system no less chaotic and crisis-ridden than the Federal medical system. In short, we found:

Large numbers of the poor received improper care, or no care at all.

The middle class felt the financial pressure of the high cost of care and lived in fear of a prolonged and expensive catastrophic illness.

The care both received often was fragmented and impersonal.

Accidental factors, such as where a man lived or worked, often determined the quality of his health care and health insurance.

Specialization had reduced the number of physicians serving the basic health needs of the population. Many turned to hospital emergency rooms as their "family doctor," placing heavy and unexpected demands upon these facilities.

Health insurance plans, by generally covering only care administered in hospitals, encouraged the most expensive care possible. In addition, by covering treatment instead of prevention, the plans were paying for sickness rather than health.

Such findings point up that American medicine is remarkable for its lack of formal direction and discipline. The kinds of gaps that exist are demonstrated in our investigation of just hospital construction alone—which permits obsolete, overstrained facilities in one location and creates new, unneeded ones—sometimes just blocks apart—in another.

Yet the Subcommittee found not only a disgraceful lack of planning, but we learned that the agencies which do support health programs know little about their programs, and that interagency program coordination is a hit-and-miss proposition—duplicative and distorted when it does exist at all.

There are so many programs administered in such bureaucratic confusion that no one—not the Department of Health, Education and Welfare, not the Bureau of the Budget, not any of the private organizations—was able to tell the Subcommittee even how many programs there are.

With specific regard to bureaucracy, we were especially concerned with HEW, the principal agency in health care. Since this Department is the chief actor among the various health players in the national medical system, our basic concern was to first determine how effectively the biggest Government component was organized for its mission.

In the course of considering just this one bewildering place, several recommendations reflect our Subcommittee's concern. An essential measure contemplates the creation of the position of Under Secretary. We intended that this Secretary would play the key role in coordinating the Federal effort in health care.

Mr. President, before anything else, we must make certain that the availability of medical care matches its capabilities; and we must do this so that Federal expenditures result in the delivery of health care instead of establishing and supporting a health bureaucracy.

In sum, three important points emerged from these hearings. First, health and medical costs have increased for very sound reasons: staff, salaries, new equipment and technology, and increased demand for our health and medical care facilities.

Second, the rising costs—though shocking—are symptoms of much more serious problems.

Finally, these more serious problems relate to the fundamental questions of how we organize, finance and deliver it.

New developments often bring new sets of dangers. For example, there are countless reasons why the cost of Medicaid soared from $2 billion in 1966 to an estimated $5 billion in 1969, and why it could easily reach as much as $20 billion by the mid-1970's. But if this country has learned anything from Medicaid and Medicare, it is that a rational delivery system should have been prepared a long time ago.

Just more money will not solve anything. We must begin to better contain the health crisis by better management. We must begin to establish some overall health policy to guide the administration of these billions of dollars.

DESTRUCTION AT STANFORD

Mr. PERCY. Mr. President, the decade of the 1960's witnessed the rise of many movements, ideas, and ideals. One of the most dramatic of these was the youth movement. It was in this decade that we realized that the youth of this Nation had something important to say and something useful to contribute to their country.

Unfortunately, it looks as if the decade of the 1970's is starting to be the decade of the radicals. It is they who now receive most of the publicity. Too frequently, the vast majority of sincere and dedicated students have been virtually ignored. Many of these young people have chosen to work through and for the system that is ours in America. Their success has been notable. VISTA, the Peace Corps, and many other organizations demonstrate the dedication of our students.

Yet, it seems that it is the radicals about whom we hear and read the most. They get widespread press coverage, adding to their egocentricity. With each new bit of publicity, they further blind themselves to reality, morality, and decency. With each new outrage, they feel more sanctimonious. This is the reasoning of a fool, not the rationality of a man seeking to use reason in the quest for knowledge and understanding.

The campus of Stanford University in California has not been free of them. On April 24 of this year, the Stanford Center for Advanced Studies in the Behavioral Sciences was severely damaged as the result of arson. The damage was estimated at between $50,000 and $100,000. This was the cost in dollars and cents, in bricks and mortar.

But this fire also destroyed the lifeworks of 10 scholars, 10 dedicated men

and women who had given their life to the pursuit of knowledge and truth. No cost estimate can be put on this loss, for no one can really imagine what the potential worth of this knowledge might have been to Stanford, to the Nation, to the world. Years of dedication, research, and toil have literally gone up in smoke.

These notes were not destroyed by an act of nature. They were destroyed as the direct result of a senseless, premeditated act by malicious, irrational people.

It is despicable and deplorable.

The people responsible deserve to feel the weight not only of an outraged society, not only of an angered student body; they should feel the heavy, crushing weight of conscience. They ought to, but I doubt that they will. These people seem to have lost all basic sense of right and wrong, good and bad. These only come as the result of maturity and rationality—something we are all supposed to have achieved to some degree by the time we become university students, but something these people lack.

They can never really repay those selfless scholars or a cheated society what they have wantonly destroyed. But they must not be allowed to go unpunished. They must face the full responsibility of their actions before the law.

Mr. President, each of us in the U.S. Senate realizes that this was a senseless act of young criminals. Each is aware of outrageousness of the act. Yet, we also know this foul deed was the result of a minute percentage of the student body of Stanford. I believe that we join together with the students of Stanford in condemning this type of action.

It is time that these selfish anarchists realize that the only people they represent are those irrational people bent on destruction. Their philosophy is a cruel disease that destroys instead of the needed medicine to cure.

I will be delivering the commencement address to the graduates of Stanford in June. I have every faith that these students are concerned, intelligent, sincere representatives of our leadership of tomorrow.

I know these students deplore the cruel actions of April 24.

We cannot bring back the works of these scholars, nor can we meaningfully alleviate their despair over their loss. This is society's loss as well. What we must do is indicate our deep concern, and not permit a demented mind to consider these acts of irrationality as legitimate free expression. They must be publicly and forcefully labeled as the senseless, criminal acts of selfish, immature anarchists. They defame and discredit the cause of constructive dissent in a free society.

Mr. President, I ask unanimous consent that a Washington Post article dated April 24, describing this outrage, be printed in the RECORD.

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

FIRE AFTER STANFORD SIT-IN DESTROYS 10 SCHOLARS' WORKS

STANFORD, CALIF., April 24.—The life works of a group of visiting scholars, including the man reputed to be India's greatest anthropologist, went up in smoke today when flames believed started by firebombs swept a building on the Stanford University campus.

The fires broke out shortly before 5 a.m., three hours after sheriff's deputies routed about 125 anti-ROTC demonstrators from a sit-in in another building on the campus.

Twenty-three demonstrators were arrested. The rest fled the building, rampaging through the campus afterward and smashing an estimated $30,000 to $40,000 worth of windows.

Damage in the fires in two separate wings of the Stanford Center for Advanced Studies in the Behavioral Sciences was estimated at $50,000 to $100,000. The university said this did not include damage to the notes and records of the scholars.

The university said the works of 10 scholars were destroyed. They included those of M. N. Srinivas of the University of Delhi, who had been conducting a 22-year research project on the caste system.

"Please don't disturb him," said a colleague, Sol Tax, a University of Chicago anthropologist. "His mother just died this week and now his entire life's work has been destroyed.

"What is lost is the irreplaceable product of a great scientist from India, where his science is sorely needed."

The university said the other scholars whose works were destroyed were Howard S. Becker of Northwestern University; Richard R. Brandt, University of Michigan; Steven Dedijer, University of London; John Bunzel, San Francisco State College; Prof. and Mrs. Howard S. Kenler, University of California at Santa Barbara; Edmund S. Phelps, University of Pennsylvania; John Rawls, Harvard; and Tax.

Bunzel, a political science professor, has been a target of radical students for more than a year. He said he found a bomb outside his home last year. Later, the tires of the two family cars were slashed and the words "fascist pig" smeared over both vehicles.

Stanford Fire Chief Frank Jurian said the flames were started simultaneously by what appeared to be a flammable substance thrown through the windows.

The anti-ROTC sit-in in Stanford's old student union building had been broken up about 1:30 a.m. by Santa Clara county sheriff deputies who swooped down on the demonstrators while they were drinking wine and eating peanut butter sandwiches to celebrate Lenin's birthday.

The deputies arrested 13 men, nine women, including the wife of a professor, and one juvenile.

Thursday night, while the sit-in was still in progress, three firebombs were thrown into the headquarters of the Free Campus Movement, a "libertarian-conservative" student organization whose members had tried to block the demonstrators when they took over the building. Damage was minor.

About 350 protestors, scuffling and fighting with the Free-Campus members, swept into the building Thursday afternoon. At 5 p.m. Stanford President Kenneth Pitzer declared the building closed to all unauthorized persons, but about 125 protesters remained.

Four sheriff's deputies later advised the occupiers they were trespassing. A large force of officers poured into the building without warning about 1 a.m.

PROBLEMS OF ENVIRONMENT

Mr. MANSFIELD. Mr. President, on April 22, 1970, the distinguished assistant majority leader (Mr. KENNEDY) delivered a thoughtful address at Yale University in commemoration of Earth Day. As with every other endeavor that the distinguished Senator from Massachusetts undertakes, this address reflects the thoughtful and indepth study of the problems of the environment; it is a significant contribution and should be of value to every Senator and to every thinking person in the country.

I ask unanimous consent that the address be printed in the RECORD. I commend its reading to all those who are interested in and concerned about our environment and the quality of life in America.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE YALE POLITICAL UNION, APRIL 22, 1970

It is a pleasure for me to be here at Yale on Earth Day to join the students of America in their call to dedicate ourselves to restoring our nation's environment. The environment movement marks the fourth time in a decade that our universities have called on the American people to admit that we have failed the American dream.

A decade ago, students from small black colleges in the South and from predominantly white colleges in the North joined together to help eliminate the stigma of racial discrimination from our social structure. Their effort awakened the nation's conscience. Action replaced apathy. A generation of freedom rides, sit ins, and voter registration brought home to all of us the hurt and injustice of the "whites only" sign. For the first time in ninety years, the Federal government began to fulfill the promise of the Civil War amendments to the Constitution, and to transform the racial structure of America into a society of equal justice.

Five years ago, our colleges and universities began to focus attention on another national problem—our participation in the Vietnam war. As troop levels and bombing raids escalated, it was the academic community which raised the first voice of protest, which first questioned the validity of our ends in Vietnam and the morality of our means, and began to transform the nature of our international commitments.

Throughout the decade of the sixties, it was the students who challenged the archaic tradition of higher education in modern America. By demanding relevance and quality and expanded educational opportunity, they began to transform American education.

Now at the dawn of the decade of the seventies, students are assuming a leading role in the attack on another of our major national failures—the failure in our environment. They are reminding us of the ugliness of America, reminding us of how we have allowed selfishness and carelessness to destroy our natural resources and foul our atmosphere.

Pollution is a persistent and pervasive national problem. It is a problem the American people will no longer tolerate. I am here today to pledge my effort to your work—to help reach the goal of removing the stain of pollution from our nation and our world, and restoring the quality of our environment.

Five days ago we witnessed one of the greatest rescues in the history of mankind, the safe return of our astronauts. Never have we as Americans been so proud of our triumphant technology as we were when it embraced those three brave men on the brink of death, hundreds of thousands of miles in space, and brought them safely back to our own small planet.

But the blessings of our technology have also been our curse. Ever since the industrial revolution began to transform civilization more than a century and a half ago, we have given full rein to science, and blind acceptance to progress.

For too long, we tolerated the luxury of uncontrolled technology, confident that our earth and atmosphere could absorb and cleanse all the products and by products of our science. Only slowly have we come to

realize that while the capacity of our technology is virtually limitless, the capacity of our environment is not. Ninety-nine percent of all the scientists who have ever lived are living today and conducting their research. Their number is constantly increasing. At last, our concern has been aroused over the continuing avalanche of new products and discoveries they are pouring into our society.

In large part, I think, our triumph in space is the source of our new concern with the environment. For the first time in history, man has been able to stand back from his planet, and to see it in both its beauty and its smallness.

Since Hiroshima, we have known that the world can end with a bang, and we have made halting efforts to create the policies and international environment to prevent that holocaust. Today, we are becoming equally convinced by the ecologists, who warn us that the world can as surely end with a whimper, by the imperceptible accretion of pollution in our physical and social environment. We have failed to create the policies and institutions essential to escape this equally serious threat.

It strains belief to count our scientific miracles, but to learn that we still rely on the ancient law of nature—the principle of biological oxidation—to treat ninety percent of all our industrial and municipal waste.

It strains belief to know that Neil Armstrong can walk on the moon, 250,000 miles away, but that he cannot swim in Lake Erie, a few miles from his Ohio home.

The Cuyahoga River in Cleveland bursts into flames, and becomes the only body of water in North America that is a fire hazard. The lawlessness of private industry spills thousands of gallons of oil into the Gulf of Mexico. The carelessness of the Federal Government allows an oil company to drill without adequate casings in a notoriously unstable geologic region in California, and the beautiful shores of Santa Barbara are ravaged by oil.

We know that aroused citizens, concerned about the environment, can make a difference. Because individual Americans saw the danger, citizens banded together to halt a freeway that threatened San Francisco Bay. In New Orleans, they halted a freeway through the heart of the French Quarter. In Florida, they stopped a jetport in the Everglades. In Baltimore, one of the nation's most famous architects leads a team of highway engineers and sociologists in planning new programs of urban transit.

In light of our meager and fragmented success of the past, it is fair to say that Earth Day marks the beginning of a historic new effort to control pollution. To be sure, a decade ago, Congress and the Federal government—through legislation and regulation—began to build the foundation of a national anti-pollution program. Landmark legislation was passed to combat air and water pollution, but, the programs were limited, their administration was divided, and, always, appropriations fell far below the authorization.

The 91st Congress has already taken fresh steps to remove some of the weaknesses in our Federal approach. We established a Council on Environmental Quality. We enacted the Water Quality Improvement Act of 1970, which, for the first time, expands our Federal responsibility into the area of oil pollution. We are writing new legislation in areas like thermal pollution, noise pollution, and solid waste management.

Because our efforts have not been adequate in the past, we must do much more if we are to meet our responsibilities to the future.

First, I believe that the Federal Government must take a far greater role in regulating all who pollute the environment. Even private industry has begun to acknowledge the need for more forceful federal action. According to a recent survey of corporate executives throughout the nation:

Fifty-seven percent of the executives favor greater federal regulation to control pollution.

Fifty-three percent favor national standards to control pollution, rather than State or local standards.

An overwhelming 80 percent believe that protection of the environment should be taken into account—even if it means inhibiting the introduction of new corporate products; even if it means foregoing an increase in corporate production; and even if it means a reduction in corporate profits.

Today, for the first time, the commitment of our corporations to combat pollution is being tested by extraordinary private efforts such as the Campaign to Make General Motors Responsible. Campaign GM gives shareholders and their constituents a unique opportunity to voice their concern over the environmental values of our nation's largest corporation.

Ultimately, however, we must rely on far-reaching federal legislation to ensure that private industries stop polluting our country.

Second, we must build better economic incentives to insure that our public concern over pollution is translated into effective action. I favor current proposals to tax polluters. I believe revenues from such taxes should be channeled to an environment trust fund, whose revenues will be available only for the war against pollution. Only in this way can we insure that public leadership and private profit combine in the most effective possible attack on the sores that fester in out environment.

Third, the federal government must deal immediately with the air pollution choking our cities. We can do so only by coming to grips with the internal combustion engine. In the cities of America, automobiles alone cause 80% of the air pollution and 75% of the urban noise. Throughout the nation, automobiles contribute 90% of all the carbon monoxide pollution, 60% of hydrocarbon pollution, 50% of nitrogen oxide pollution, and virtually all the lead pollution.

To meet this problem, we must establish vigorous standards for the emission of pollutants, so that engines will be clean even after 20,000 or 30,000 miles. We must supplement private industry research on clean engines with extensive public research. We cannot permit industry to hide behind the claim of "technological unfeasibility" whenever stricter standards are imposed.

In addition, the federal government should support state efforts to establish regular pollution checkups for all vehicles. Those which fail to pass the checkup should be repaired at manufacturers' expense. Manufacturers will thereby have a new incentive to build engines that remain pollution free. Also, Congress must enact new legislation to control other forms of dangerous pollution caused by automobiles. As one of the nation's outstanding environmentalists, Dr. Rene Dubos suggested, rubber from tires and asbestos from clutch and brake linings may be entering our atmosphere in dangerous amounts, and may constitute an even more serious threat than the emissions we are now combating. Finally, to control the endless proliferation of the automobile, the government must support the construction of new or expanded mass transit systems. Clean efficient mass transit will assist not only in controlling air pollution, but also in making our downtown cities far more pleasant to live in, work in, shop in and visit.

Fourth, we need new programs that emphasize regional development in America. We must establish a more effective method of coordinating the enormous number of Federal programs that already affect the environment. We need a National Institute of Regional Development to coordinate programs within the various regions of the nation, and to conduct research into regional problems.

For too long, our programs have tended to operate at one or the other of two extremes—the national level or the state and local level. Too often, we have ignored the regional level. In large part, the reason for our neglect lies deep in the historical, geographical, and political roots of the nation. Today, for the first time, we have begun to learn the efficiency of a regional approach to problems like pollution. Only by this approach can we use our limited resources in the most effective way to solve the problems of our whole environment.

Fifth, I urge the Administration, in this period of rapidly rising unemployment in the war against inflation, to make a special effort to develop manpower programs to train new types of workers in service to the environment. Too often, the victims of the war against inflation—the poor, the black, the semi-skilled—are the ones least able to help themselves in our economic crisis. By channeling their energies to the new social cause of protecting and promoting the environment, we can give them new hope and a new incentive in our society.

Sixth, I urge you, and our magnificent university community throughout the nation, to continue and increase your special role in the effort to save the environment. Your boundless energy and vitality are the major sources of inspiration for those of us in public office who shape the programs to meet the problems you define. You must take the lead in training students and citizens in the multiple disciplines necessary for a proper solution of the problems of our environment, and you must continue to probe into all the sources of our growing concern.

There are some, I know, who criticize our new-found concern over the environment. They charge that students and other Americans are turning their backs on other major issues confronting the United States, and are engaging in an "ecological cop-out." I do not share this view but I do not dismiss it either. For the danger of the "cop-out" is there, the signs are all around, enthusiasm for a cause is the quicksilver of life—so hard to keep in one place for the whole duration of an effort. And you—we—are being judged on whether we are committed to just any effort that warms the blood and brings some action, or whether when we press an issue on a moral basis we mean it and hold to it.

Two things happened in Washington this week you may have missed—the Moratorium Committee closed its doors for lack of funds and interest, the Earth Day Organization announced plans to incorporate itself into a permanent entity.

During World War II the question was often asked "Don't you know there's a war on?" There is a war on, and that war is going to keep on, and on, until pressure is again brought upon a government in power to end the violence, and end it now. What difference will it make that 150,000 soldiers may be home in a year to the 5,000 to 8,000 young people who will die—who must die because we are not ready to accept the political realities that final settlement to Vietnam will mean. What in the world does the idea of Vietnamization mean to the 150,000 South Vietnamese civilian women, children and old men who will be casualties between now and next April 22nd.

If war is harmful to children and other living things, let us put it on the agenda of Earth Day where it belongs. It belongs first, it stands alone. You must not have war as an issue to those who view it as a statement of profit and loss—happy to announce a low casualty figure or an increase in the killing capability of some non-American army.

Also pending before us remains the question of the equality and dignity of all men

in this rich segment of earth. The Justice Department of the United States of America has on two occasions now intervened for those who would stand in a school house door. A Governor has for all practical purposes now defied the Federal Courts, and will be accommodated by Federal Agencies, school buses have been tipped and burnt, axe handles distributed in the Nations' Capital Building—because the word is out by implication and reference that this country will go no farther on the question of uniting the races.

On this Earth Day, we should note that the countryside is littered with broken dreams and promises. And absent your effort, absent your concern, we will pay a terrible price for this violation of human rights.

And what of the poor? Not the black poor, not the white poor—just the poor. Is poverty such a hackneyed phrase that the mention of it seems square or out of place? What a sad memory we have of Resurrection City squatting in the mud before the Lincoln Memorial in 1968—no organization, no logistics, no fine scaled planning, not half the effort or skill that went into Earth Day. But the alleys and empty flats of our city are not only filthy, but filled with the human debris of drug addiction. Children roam fat-bellied on rural roads. The poor are the waste products of our society—where do they belong on an agenda for an Earth Day?

I think that protest is becoming far too comfortable, like everything else in America. We are masters of doing things so well—doing things by the numbers—that we can protest anything now using the same old procedures, getting the same old satisfactions, writing on the same old cardboards with detachable handles.

If you want to bring an end to war—then work to elect men who agree with you and mount that political campaign this fall that we know was successful before.

If you are still insistent on racial equality, then go where you are needed—to register blacks, to assist with their arguments in court, to offer your services to their cause.

If you care about poverty, go live it. Teach the children, work with the addict, help them in their community programs.

In short, do what your intelligence, your skills, your privileged status has allowed you to do—exercise your imagination to save or lift your fellow man from the dirt of the earth. But act in a way meaningful to someone other than yourself.

That, in all its simplicity, should be the message of an Earth Day—and the control of physical pollution may well be child's play thereafter.

THE CRITICAL NEEDS OF THE YOUNG DISABLED ADULT IN THE URBAN ENVIRONMENT

Mr. GOODELL. Mr. President, more than 40 million people in the United States suffer from some form of mental or physical disability. Over 6 percent, or 2½ million, of these handicapped persons reside in my own State of New York.

Unfortunately, barriers still exist which isolate many of the handicapped from the mainstream of American life. These barriers must be broken down so that the handicapped will in fact be full participants in our society.

New York State Assemblyman Martin Ginsberg, of Plainview, a disabled person himself, has become a leader among the handicapped people in our State. On February 28, 1970, Assemblyman Ginsberg addressed the Eighth Annual Conference on Urban Affairs at the Brooklyn Center of Long Island University on "The Critical Needs of the Young Disabled Adult in the Urban Environment." I ask unanimous consent that this address be printed in the RECORD.

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

THE CRITICAL NEEDS OF THE YOUNG DISABLED ADULT IN THE URBAN ENVIRONMENT

(By Martin Ginsberg)

There are times when it is discounted, times when it is not believed, and times when it is forgotten, but nevertheless it is a fact which has been patiently restated on countless occasions and one which should be enjoying wide acceptance. Physical prowess will never replace intellectual capacity. Yet, the young disabled adult in our urban environment is compelled to exercise this very ability in which he is deficient, fostering upon him an almost insurmountable burden.

In the last decade, it was adult intellect, idealism, and devoted dedication that put American footprints on the moon. Tomorrow's America will observe today's young adults as they leave mankind's footprints throughout this galaxy. This is a challenge which no generation before would have dared to utter to the next, but one which today stays perched on the tip of my generation's tongue. This is not all we ask of our offspring.

As President Nixon has said in the past: "If we are able to reach out beyond the sky to grasp the dust of the moon—then we must also be able to reach out beneath the sky to grasp the hands of our people."

And so, we seek a cure for cancer, and an end to the abuse and pollution of our natural resources. Still we ask for more—we ask that the next generation of Americans take on the struggle that the late John F. Kennedy proposed in his 1960 Inaugural Address:

"A struggle against the common enemies of man: tyranny, poverty, disease, and war itself."

All these solutions, reasonings, and accomplishments certainly can not flower from one mind. If people are to dream of these successes, then the trying challenges of tomorrow must be met by an intellectual, intelligent, and thoroughly educated group of responsible adults. American cities and American suburban environments alike, will need a concerted effort of all of their populations, that is the physically able, and the physically disabled as well. In the attempt to improve and advance a society to its potential capacity, the effective utilization of all of its faculties is expedient. It would be sheer stupidity for any nation to discount the importance and worth of any of its resources, especially its most valuable—its people. At the same time, it is sheer injustice and degradation for Americans to disregard the capabilities and worth of the physically disabled.

Certainly the Empire State does not expect or suppose that it can ignore the potentiality and the rights of more than thirteen percent of its population. Should we as citizens and legislators, cruelly and unwisely, assume that New York State's two and one-half million mentally and physically handicapped can make no greater contribution to society other than to stay out of its way?

I say no! I pray no! Let us educate *all* of our young adults so that they will reap a plentiful harvest for themselves and for their homeland. As Thomas Jefferson once said:

"If a nation expects to be ignorant and free . . . it expects what never was and what never will be."

Let us provide the same quality of education to the able as well as the disabled, to those who live in the urban environment as well as the rural, so that they will be prepared, so that together they can strive for a better community, a better future, and a better life.

The critical needs of the young disabled adult whether he reside in the city or the suburbs are very closely related and in many instances identical. The key to their needs is education.

Currently, do our schools and colleges make the necessary provisions for the handicapped? Do they provide facilities of such nature that they can be utilized by the physically disabled? Do they provide such essentials as street level or ramped entrances, elevators, doors that can be easily opened, wide corridors and doorways, hand railings, and special desks to accommodate the physically handicapped? Too few of them do, in an age when *all* of them could. Do they provide the disabled student with lowered telephones, water fountains, and fire alarms? Do the colleges provide specially modified dormitory space? Are their rest rooms modified to accommodate the physically disabled? Are audible warning signals accompanied by simultaneous visual signals for the benefit of those with hearing impairments, and visual signals accompanied by simultaneous audible signals for the benefit of the blind.[1] The sad facts are that only about half of all public and private school systems in this country provide education for the physically handicapped and unfortunately, only a handful of colleges including Long Island University's Brooklyn Center are fully accessible to the physically disabled student.[2]

The physically disabled young adult wants to be, and must be integrated into the educational system, and into society. To do this, perhaps the greatest single obstacle we must eliminate is the architectural barrier.

This obstacle has been the physical design of the public and private buildings and facilities that the handicapped are called upon to use in their daily lives.[3] An important step was taken during the Johnson Administration when the "Architectural Barriers" bill was signed into law. This law which had the unanimous support of both houses of Congress, provides that all buildings financed in whole or in part with Federal funds must be so designed and constructed as to be accessible to the physically disabled.[4] This Congressional legislation is not enough. We need legislation that will guarantee the disabled American the same freedoms and rights as the abled American.

The young disabled adult is also in critical need of employment. For a number of reasons many employers are very reluctant to hire a disabled person. In general, there seems to be a great psychological stigma which pervades and transcends any assets the handicapped individual may have. Too many times physical disability is wrongly associated with mental incompetence. The employer does not hire the handicapped because he seems to believe that the consumer, or the public, associates physical disability with his business, resulting in bad public relations. This total rejection compounds all of the problems a handicapped person must face in regard to employment. This obstacle was the one I found most difficult to overcome.

In 1952, I was graduated with honors from St. John's University Law School, fourth in my class. It took me more than three months to find a job. I wonder how long it would have taken me if I were able to walk like everyone else?

Many employers sense a feeling of guilt or pity for the handicapped. They feel contrite about asking the disabled to perform. Other employers feel that the disabled individual cannot function properly. They wonder if the physical disability plays on the totality of the individual's competence. Then, of course, there is the ignorant businessman who fears

Footnotes at end of article.

that he will pay higher workmen's compensation premiums if he hires the handicapped. Still, other employers worry, thinking that their insurance rates will sky-rocket. There exists a segment of businessmen that prefers making an income tax deductible contribution to the disabled, rather than to hire them. Then there are those employers who are willing to hire the handicapped but they honestly cannot. They cannot accommodate the disabled because of their unintentional, yet present architectural barriers.

What is to be done? What resources can be taken to underscore and insure these individuals of their American right to free enterprise? I am proposing legislation, in our State Assembly which would allow employers to claim tax credit for whatever modifications they make to accommodate the physically disabled. This is similar to the law which authorizes the awarding of tax credit for building modernization.

However, there is no contemporary governmental system in existence that can legislate against injust thought. We pray to God that no government will ever have the power to regulate our thoughts—good or bad. Instead of the legislation of unconstitutional restraining regulations, I appeal to employers for a voluntary consideration—a serious consideration of the handicapped's equality regarding free enterprise.

Rather than regulate thought, we can at least legislate legal equality and hope it will influence thought. I have also introduced a "Bill of Rights" for the Handicapped, which will amend the current New York State Bill of Rights to read: ". . . regardless of race, creed, color, age, sex, national origin, or physical disability." I feel that this bill articulates and provides the necessary framework for more of this much needed legislation in the future.

The critical needs of the young disabled adult do not terminate with education, employment, and the elimination of architectural barriers. Before the handicapped individual can hope to receive a good education, and before he can hope to find gainful employment he must find a way to make use of our mass transportation system.

Many of the handicapped are barred from classrooms and employment for the simple reason that commuting is too often a physical impossibility. I feel that our government has failed them. Mass transportation has virtually disenfranchised them. Some fellow countrymen turn their heads, pretending not to understand the urgently necessary modifications. Train station platforms must be made parallel to the cars and to car entrances. Trains, buses, and planes should make changes regarding seating for the handicapped. Certain specially designed sections should have seats that fold up or that are removable in order to provide room for those in wheelchairs. Trains and buses would have to maintain steady speeds and accelerate and decelerate gradually.

With all the scientific and technological advancements and know-how of our highly industrialized and mechanized modern society, is it not possible that in the rear of one out of every ten or twelve buses there be installed a hydraulic lift to make education and employment accessible to the handicapped? Is this giving our physically disabled young adults too much? Would they be asking for too much if they asked for a separate entrance to subways and the installation of an elevator? The public transportation system is financed with public funds and should be for the use of all the people—not just the able. Today, it costs the average handicapped individual at least six hundred dollars more than the non-handicapped in his annual commutations. I have introduced legislation pending on the floor of the State Assembly which would permit the disabled individual to claim a minimum deduction of his State Income Tax, of six hundred dollars, for his extra transportation expenses.

The disabled young adult, as any young adult is in critical need of tension-releasing and mind-pleasing recreation. It is remarkably easy for a young disabled adult to develop a physiological hang-up, or an inferiority complex, if he is barred from relating to other human beings in his society. We must open the doors in order to inspire a healthy relationship between society and the handicapped, and advantageous to both. We must build ramps on public beaches and at public pools which will extend directly into the water. The human body needs no wheelchair or braces to float. Public parks, theaters, museums and all public and private buildings should follow suit. Take away the barriers and we give the handicapped a refreshingly different view of life—and interesting departure from the drudgery of limited capacities. It is a terrible shame that many of the physically disabled cannot even enjoy such cultural places as Lincoln Center. The situation does not have to be this way; it is very easy to change, and, therefore, it must be changed.

In the final analysis there are two alternatives, one of which we will adopt and adhere to. The first alternative is to ignore the handicapped citizens and disengage them from society, continuing to turn them out and segregate them from our lives, and simply imagine that they are non-existent.

The other proposal is to make an effort to bring these handicapped people into the mainstream of society, so that they may realize their maximum potential as human beings and thereby make a maximum contribution to their society.

I have already made my choice—the people must now make theirs. Together we must wait to see the scales of justice balanced.

FOOTNOTES

[1] *U.S. Congressional Record*, 87th Congress, Second Session, February 6, 1962.

[2] *Youth Committee Facts*, The President's Committee on Employment of the Handicapped, June 1969.

[3] *New United States Buildings To Be Specially Designed to Accommodate the Handicapped*, The President's Committee on Employment of the Handicapped.

[4] *Ibid.*

WAR PRISONERS IN VIETNAM

Mr. ALLEN. Mr. President, the American Legion, Department of Alabama, and the Veterans of Foreign Wars, Department of Alabama, are doing a magnificent job in directing public attention in Alabama to the pressing need to mobilize public opinion behind a concerted national effort on behalf of our war prisoners in Vietnam.

The Alabama Department of the American Legion started out to gather a quarter of a million signatures on cards designated, "Concerned Citizens for Prisoners of War." As of today the department confidently expects to double that goal and come up with one-half million signature cards.

The Alabama Department of Veterans of Foreign Wars has asked its individual membership and its Posts to write letters to leaders of foreign nations requesting that they bring their influence to bear on the North Vietnamese and the Vietcong to honor the spirit of the Geneva Convention and end abuse of war prisoners. The national VFW is working closely with those who are sponsoring the day of tribute to prisoners of war on May 1.

These objectives and accomplishments compliment the American Legion and VFW leadership in Alabama and eloquently attest to the patriotic spirit of Alabamians and their feeling of compassion and deep concern for war prisoners and for their loved ones back home.

Mr. President, the near universal appeal of these splendid projects is reflected in the type of organizations they have enlisted in their support. For example, the Legion has received the backing of the Honorable Albert P. Brewer, Governor of Alabama, in two proclamations and the backing of the Alabama League of Municipalities. In addition, these projects have received the endorsement of many Alabama newspapers, and church and civic leaders.

Mr. President, because of the great need for these projects and in view of their tremendous success and because of the great credit it reflects on these fine organizations and the people of Alabama, I ask unanimous consent that the texts of illustrative, descriptive, and promotional materials and endorsements be printed in the RECORD, to the end that they may help serve to the greater cause of helping to relieve the intolerable situation of our men held as prisoners of war.

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

CONCERNED CITIZENS FOR PRISONERS OF WAR

Many thousands of Americans are expressing their concern and mobilizing world public opinion to urge the North Vietnamese and the Viet Cong to honor the spirit of the Geneva Convention and end abuse of war prisoners. Your concern and your assistance are important.

To help in this unselfish effort to assure basic codes of human decency for the treatment of prisoners of war, join with a quarter of a million Alabamians in an effort to obtain information and proper treatment of American prisoners of war.

SUGGESTED PROCLAMATION TO BE USED BY THE MAYORS OF EACH CITY—PLEASE SEE THAT THIS IS USED IN YOUR LOCAL HOMETOWN NEWSPAPER

Whereas, all Patriotic Alabamians are grateful for the contributions and the sacrifices made by our men fighting for freedom in Vietnam; and

Whereas, some 1400 Americans are missing in action and are presumed to be held prisoners of war, and

Whereas, the North Vietnamese Leaders refuse to release any information about these American Prisoners of War so that loved ones will know of their condition, and

Whereas, this violates all honorable traditions and customs regarding the rights of Prisoners of War, causing loved ones unnecessary agony and grief,

Now therefore be it resolved, that the period of April 1–25 be designated as 25 Days for Concerned Alabama Citizens for Prisoners of War to make known their protest at this inhumane treatment of American Prisoners of War and that every Alabamian be urged to sign a card protesting the treatment of American men held as prisoners of war.

ALABAMA BANKERS ASSOCIATION,
Montgomery, Ala.

Memo to: Chief Executive Officers.
From: Howard J. Morris, Jr.
Date: March 27, 1970.
Subject: Concerned Citizens for Prisoners of War.

AlaBA is pleased to cooperate with the American Legion in the drive to free Amer-

ican prisoners of the North Vietnamese and the Viet Cong. The effort is described in the enclosed materials. AlaBA's own Bob Wilder of Dadeville is heading the effort, and we applaud his public spirited interest. He of course has a more than passing knowledge of the subject, since he himself was a prisoner of war in Germany during World War II.

In a few days a set of posters and the cards will arrive at your bank and at your branches, if you have them. We hope that you will display the posters prominently in your lobbies, and that you will distribute the cards throughout the bank for easy access to the public. A word of encouragement from your employees who meet the public could produce hundreds of signatures from within your own bank lobby. Hold the cards at a central point within the bank until a member of your local American Legion post comes in to pick tem up.

If you have any questions, you may direct them to Lt. Col. Lawson Lynn at the Alabama War Memorial, P.O. Box 1069, Montgomery, Alabama 36102, or to the AlaBA office.

This is an opportunity for a real patriotic service, and we are certain that you will be pleased to help.

ALABAMA LEAGUE OF MUNICIPALITIES,
Montgomery, Ala., March 25, 1970.

Re Concerned Citizens for Prisoners of War. Your assistance requested.

DEAR MAYOR: The Alabama League of Municipalities is lending its support to a drive of the American Legion to secure the signatures of 250,000 Alabamians expressing concern for American Prisoners of War.

Enclosed you will find explanatory materials, including a suggested news release for issuance April 1 or shortly thereafter. Governor Brewer is to issue a proclamation declaring the period April 1–25 as days for Concerned Citizens for Prisoners of War.

We hope that you will give your wholehearted support to your local American Legion Post with this program.

With thanks and best wishes.

Sincerely,

JOHN F. WATKINS,
Executive Director.

[From the Birmingham (Ala.) News, Apr. 2, 1970]

POW'S REMEMBERED

The American Legion is conducting a drive which deserves the support of every Alabamian—indeed, all Americans.

Legionnaires here are seeking 250,000 signatures of Alabamians as part of a nationwide crusade to protest to Hanoi the mistreatment of GI prisoners of war.

The signatures will be on cards bearing a message which, in addition to protesting mistreatment, asks that families be provided the names of Americans held prisoners of war in Vietnam; that correspondence be allowed between families and prisoners; and that the prisoner of war facilities be opened for inspection in accordance with the Geneva Convention.

Widespread support of this effort is needed both to inform North Vietnam of the outrage of our people and as a sign that Americans everywhere share the grief of those who endure the agony of not knowing whether their loved ones are alive or dead.

Wives and other relatives of servicemen presumed captured by North Vietnam have valiantly persisted in attempts to learn the fate of their loved ones. Most efforts have run up against a stone wall.

In some cases, Hanoi has added insult to injury by attempting to fabricate a propaganda coup out of the sufferings of the next-of-kin: Using communication with GIs as a bribe, North Vietnamese diplomats have cooly informed them to direct their inquiries through American peacenik groups which Hanoi recognizes.

Despite the constant frustration of their attempts, the wives and mothers of servicemen continue to seek the names of those held prisoner.

It must be a lonely, enervating experience, particularly since the United States government is powerless to aid them in their mission.

No one knows what effect the Legion's campaign will have on Hanoi. But it will reflect solid support for those who suffer—both at home and in the prisons of North Vietnam.

And, hopefully, it will revive the issue for the rest of the nations of the world—those nations who are so quick to condemn our country and so slow to show concern against Hanoi's injustice to our captive servicemen.

PROCLAMATION BY THE GOVERNOR, STATE OF ALABAMA

Whereas, the Alabama Department of the American Legion, in cooperation with church leaders and civic organizations throughout the State of Alabama, is sponsoring a program which gives Alabamians an opportunity to voice their displeasure over the treatment American prisoners of war are receiving in North Viet Nam; and

Whereas, the program, which has already received widespread support, is designed to assure the families of these Americans that we, in Alabama, share their concern over the safety and well-being of the ones they hold so dear to their hearts; and

Whereas, united support of this effort is needed both to inform North Viet Nam of the outrage of our people as a sign that Americans everywhere share the grief of those who endure the agony of not knowing whether their loved ones are dead or alive; and

Now, therefore, I, Albert P. Brewer, Governor of the State of Alabama, do hereby designate Sunday, April 26, 1970, as Prayer Day in Alabama for those American prisoners being held in North Viet Nam, and call upon the citizens of this great State to say a prayer for these Americans, and to voice their personal thoughts about the treatment they are receiving by contacting the Alabama American Legion.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed by the Secretary of State at the Capitol in the City of Montgomery on this the 8th day of April, 1970.

ALBERT P. BREWER,
Governor.

Attest:

MABEL S. AMOS,
Secretary of State.

PROCLAMATION BY THE GOVERNOR, STATE OF ALABAMA

Whereas, all Patriotic Alabamians are grateful for the contributions and the sacrifices made by our men fighting for freedom in Vietnam; and

Whereas, some 1400 Americans are missing in action and are presumed to be held as prisoners of war; and

Whereas, the North Vietnamese Leaders refuse to release any information about these American Prisoners of War so that loved ones will know of their condition; and

Whereas, this violates all honorable traditions and customs regarding the rights of prisoners of war, causing loved ones unnecessary agony and grief; and

Whereas, the Alabama American Legion is coordinating a drive to obtain signatures from citizens of Alabama expressing their concern over the treatment of American Prisoners of War:

Now, therefore, I, Albert P. Brewer, Governor of the State of Alabama, do hereby designate and proclaim the period of April 1–April 25, 1970, as Twenty-Five Days for Concerned Alabama Citizens for Prisoners of War to make known their protest at this inhumane treatment of American Prisoners of War and that every Alabamian be urged to sign a card protesting the treatment of American men held as prisoners of war.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed by the Secretary of State at the Capitol in the City of Montgomery on this the 30th day of March, 1970.

ALBERT P. BREWER,
Governor.

Attest:

MABEL S. AMOS,
Secretary of State.

CONCERNED CITIZENS FOR PRISONERS OF WAR

The American Legion is spearheading and organizing a drive which deserves the support of every Alabamian—indeed, all Americans.

The American Legion, with the help of many organizations throughout the state, is seeking 250,000 signatures of Alabamians as part of a nationwide crusade to protest to Hanoi the mistreatment of GI prisoners of war.

The signatures will be on cards bearing a message which, in addition to protesting mistreatment, asks that families be provided the names of Americans being held as prisoners of war in Vietnam; that correspondence be allowed between families and prisoners and that the prisoner of war facilities be opened for inspection in accordance with the Geneva Conference.

Governor Albert P. Brewer has proclaimed April 1–25, 1970 as Twenty-Five Days for Concerned Alabama Citizens for Prisoners of War, to make known the protest of Alabama citizens at the inhumane treatment of American prisoners of war and the failure of Hanoi to notify the families and loved ones of these prisoners whether their loved ones who have been designated as missing in action are alive or dead.

Widespread support of this effort is needed both to inform North Vietnam of the outrage of our people and as a sign that Americans everywhere share the grief of those who endure the agony of not knowing whether their loved ones are alive or dead.

Wives and other relatives of servicemen presumed captured by North Vietnam have valiantly persisted in attempts to learn the fate of their loved ones. Most efforts have run up against a stone wall.

In some cases, Hanoi has added insult to injury by attempting to fabricate a propaganda coup out of the sufferings of the next-of-kin: Using communications with GIs as a bribe, North Vietnamese diplomats have cooly informed them to direct their inquiries through American peacenik groups which Hanoi recognizes.

Despite the constant frustration of their attempts, the wives and mothers of servicemen continue to seek the names of those held as prisoners.

It must be a lonely, enervating experience, particularly since the United States government is powerless to aid them in their mission.

No one knows what effect the Legion's campaign will have on Hanoi. But it will reflect solid support for those who suffer—both at home and in the prisons of North Vietnam.

And, hopefully, it will revive the issue for the rest of the nations of the world—those nations who are so quick to condemn our country and so slow to show concern against Hanoi's injustice to our captive servicemen.

Organizations joining with the American Legion in the Program Concerned Citizens for Prisoners of War, in an effort to obtain the 250,000 signatures, are the Alabama Bankers Association, the Alabama League of Municipalities, the Alabama Press Association, the Alabama Broadcasters Association, the Alabama Jaycees, the Alabama Farm Bureau, the Alabama National Guard, the

Alabama Rural Electric Association, local Chambers of Commerce and the wives and mothers of prisoners of war. Churches and other organizations throughout the state are being asked to join in.

The signature cards ask the following:

We, as Alabama citizens, urge that the following be done:

1. Notify the United States, and allow the families to know, the names of all Americans now being held as prisoners of the Vietnam war.

2. Assure us that all prisoners of war are being treated humanely.

3. Allow inspection of prisoner of war facilities to insure proper medical care and treatment in accordance with the Geneva Conference.

4. Allow correspondence between prisoners of war and their families.

The signature and home town are filled in at the bottom of the card.

Present in the Governor's office during the ceremony when Governor Brewer signed the proclamation which proclaimed April 1–25 as Twenty Five Days for Concerned Alabama Citizens for Prisoners of War were Mrs. Michael K. McCuistion, whose husband, Captain Michael K. McCuistion has been missing since May 8, 1967; Mrs. Victor J. Apodaca, whose husband, Captain Victor J. Apodaca has been missing since June, 1967; Mrs. M. K. Deichelmann, whose son, Captain Samuel M. Deichelmann has been missing since September 8, 1968; Mrs. Charles E. Cappelli, whose husband Major Charles E. Cappelli has been missing since November 17, 1967; Mrs. James T. Ruffin, whose husband, Lt. James T. Ruffin, has been missing since February 18, 1966 and the State Commander of the American Legion, Charles P. Hayes.

The Program will climax with the visit of the National Commander of the American Legion, J. Milton Patrick, who will visit in Alabama on April 24 and 25. Commander Patrick will speak in Huntsville at the Huntsville-Madison County Jetport at 2 P.M. on Friday, April 24 and at Birmingham at General Gorgas Post # 1 at 7:30 P.M. and on Saturday, April 25 he will speak at noon in Mobile at the Admiral Semmes Hotel and in Montgomery at the Midtown Holiday Inn at 7:30 P.M. All citizens are invited to attend one or all of the points where the National Commander will speak.

Signature cards for the Program Concerned Citizens for Prisoners of War may be obtained from any local bank, local American Legion Post or Auxiliary Unit or by contacting local Chambers of Commerce and local Alabama Jaycees.

[From the Alabama Legionnaire, April 20, 1970]

OTHER GROUPS JOIN LEGION IN VOICING SUPPORT OF EFFORT

The American Legion in Alabama is spearheading and organizing a drive which deserves the support of every Alabamian—indeed, all Americans.

The American Legion, with the help of many organizations throughout the state, is seeking 250,000 signatures of Alabamians as part of a nationwide crusade to protest to Hanoi the mistreatment of GI prisoners of war.

Governor Albert P. Brewer and many of the State's mayors have proclaimed April 1–25 as Twenty-Five Days for Concerned Alabama Citizens for prisoners of War, to make known the protest of Alabama citizens at the inhumane treatment of American prisoners of war and the failure of Hanoi to notify the families and loved ones of these prisoners whether their loved ones who have been designated as missing in action are alive or dead.

"Widespread support of this effort is needed both to inform North Vietnam of the outrage of our people and as a sign that Americans everywhere share the grief of those who endure the agony of not knowing whether their loved ones are alive or dead," according to Department Commander Charles P. Hayes.

"Wives and other relatives of servicemen presumed captured by North Vietnam have valiantly persisted in attempts to learn the fate of their loved ones," said Hayes. "Most efforts have run up against a stone wall."

In some cases, Hanoi has added insult to injury by attempting to fabricate a propaganda coup out of the sufferings of the next-of-kin: Using communications with GIs as a bribe, North Vietnamese diplomats have cooly informed them to direct their inquiries through American peacenik groups which Hanoi recognizes.

Despite the constant frustration of their attempts, the wives and mothers of servicemen continue to seek the names of those held as prisoners.

Hayes asserted that it must be a lonely, enervating experience, particularly since the United States government appears powerless to aid them in their mission.

"No one knows what effect the Legion's campaign will have on Hanoi," he continued, "but it will reflect solid support for those who suffer—both at home and in the prisons of North Vietnam.

Organizations joining with the American Legion in the Program Concerned Citizens for Prisoners of War, in an effort to obtain the 250,000 signatures, are the Alabama Bankers Association, the Alabama League of Municipalities, the Alabama Press Association, the Alabama Broadcasters Association, the Alabama Jaycees, the Alabama Farm Bureau, the Alabama National Guard, the Alabama Rural Electric Association, local Chambers of Commerce and the wives and mothers of prisoners of war. Churches and other organizations throughout the state are being asked to join in.

The signature cards ask the following:

We, as Alabama citizens, urge that the following be done:

1. Notify the United States, and allow the families to know, the names of all Americans now being held as prisoners of the Vietnam war.

2. Assure us that all prisoners of war are being treated humanely.

3. Allow inspection of prisoner of war facilities to insure proper medical care and treatment in accordance with the Geneva Conference.

4. Allow correspondence between prisoners of war and their families.

The Program will climax with the visit of the National Commander of the American Legion, J. Milton Patrick, on April 24 and 25. Commander Patrick will speak in Huntsville at the Huntsville-Madison County Jetport at 2 P.M. on Friday, April 24 and at Birmingham at General Gorgas Post No. 1 at 7:30 P.M. and on Saturday, April 25 he will speak at noon in Mobile at the Admiral Semmes Hotel and in Montgomery at the Midtown Holiday Inn at 7:30 P.M. All citizens are invited to attend one or all of the points where the National Commander will speak.

Signature cards for the Program Concerned Citizens for Prisoners of War may be obtained from any local bank, local American Legion Post or Auxiliary Unit or by contacting local Chambers of Commerce and Jaycees.

The following Legionnaires are serving on the Legion Committee which is spearheading the drive: Robert H. Wilder, Chairman; Lewis E. McCray, Vice-Chairman; Bill Jones, Vernard Thomas, Walter C. Head, Jr., Peter G. Prucnal, Andrew J. Cooper, Joseph Langan, Norman J. Walton, Lavern Tate, Bill J. Dukes.

MOLLIE ORSHANSKY: A REMARKABLE CIVIL SERVANT

Mr. PERCY. Mr. President, at one time or another all of us have referred to the "poverty level"—the income required to provide a family of a specified size with a minimum standard of living. Now, as the Senate begins to consider the Family Assistance Act, President Nixon's noteworthy proposal for a thorough overhaul of our totally inadequate welfare system, we will examine the needs of the poor in great detail. And the Federal poverty level figures will be among the major criteria we will use in assessing those needs.

The source of this vital information is a brilliant civil servant who is unknown to many Americans, Miss Mollie Orshansky. In an article in the Chicago Daily News, William J. Eaton, a perceptive reporter who recently won the Sidney Hillman Award and an honorable mention in the Raymond Clapper Awards competition, described the impact of Miss Orshansky's work. Mr. Eaton wrote:

Almost singlehandedly, she did the original research and advanced the concept of the "poverty line" for urban and rural families that has become an essential tool for two administrations.

As Mr. Eaton's article shows, Miss Orshansky brings a remarkable blend of compassion and ability to her studies of the poor 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:

THE COMPASSIONATE STATISTICIAN: MOLLIE ORSHANSKY, WHOSE POVERTY-LEVEL FIGURES ARE CITED BY PRESIDENTS AND CONGRESS, SEES THE POOR AS PEOPLE

(By William J. Eaton)

WASHINGTON.—Down a dimly lit hall, among stacks of computer print-outs and a paper-covered desk, sits a graying, middle-aged woman who might be the prototype of a federal civil servant—and in some ways she is.

This brilliant and sensitive lady—Miss Mollie Orshansky—has provided the statistical framework for the U.S. government and Congress in the coming debate over a federally guaranteed income for 25 million American families.

Almost singlehandedly, she did the original research and advanced the concept of the "poverty line" for urban and rural families that has become an essential tool for two administrations.

Thanks to her work, it is now almost universally accepted that a city-dwelling family of four requires at least $3,553 (in 1968 prices) to rise above the poverty level.

Miss Orshansky's efforts have been so painstaking—and possibly so cautious in stating the poverty line—that the most vehement critics of President Nixon's welfare reform program do not doubt the basic arithmetic on the money needed for food, clothing, shelter and other necessities.

The figures—adapted for individuals and families with up to nine children—also are employed by the Labor Department, the Office of Economic Opportunity, and other agencies to determine eligibility for manpower training and similar antipoverty programs.

Her pioneering work on the plight of the poor began long before the late John F. Kennedy or former President Lyndon B. Johnson even began pushing a "war on poverty" late in 1963.

Miss Orshansky's writings have been hailed for their statistical precision, but they also blaze with compassion for the underdog—a compassion that comes naturally to her.

Her father was one of the "working poor" when she and her five sisters and brothers grew up in a Bronx slum in the 1920s, she reports. Father Orshansky's earnings as a tinsmith, repairman and small grocery store owner never seemed to provide enough for his family.

"If I write about the poor, I don't need a good imagination—I have a good memory," she said in an interview.

But her scholastic ability and the drive to excel carried her through Hunter College high school, one of tne best in New York City, and she received a bachelor's degree in mathematics from Hunter with the Depression-era class of 1935. She was the first member of her family to win a college degree.

Eager to get a jo' Miss Orshansky became a junior clerk in the U.S. Children's Bureau at starting pay of $1,440 a year, then waited nearly two years for her first raise—to $1,800 a year as a statistics clerk.

In wartime Washington she was an assistant economist with the War Labor Board, at $2,600 a year, and then joined the human nutrition and home economics section of the Agriculture Department when the fighting stopped in 1945.

Her six years at Agriculture were invaluable training for her future development of the "poverty line," since she was involved with living standards and spending patterns of American farm families.

When she was transferred to the Social Security Administration in 1958, as a research analyst, Miss Orshansky decided to concentrate on the poverty among families with children instead of the elderly people who were her new agency's major constituents.

"Personally, I happen to like children better than people," she says, winking from behind green-framed eyeglasses.

Familiar with the sample diets for upper-, middle- and low-income families devised by the Department of Agriculture, Miss Orshansky decided to use them as the basis for her poverty yardstick.

"It happens that food is about the only aspect of family life that we have as an accepted standard of need," she explained.

The highest-cost diet featured such items as filet mignon and asparagus, aimed at the top one-third of the families. The middle-level diet included less expensive foods, such as porterhouse steak and string beans.

For the families in the lower one-third, the government nutrition experts provided meals featuring hamburgers and spinach. Then in the ultimate economy bracket, the diet included hot dogs and turnip greens, together with other cheap foods, that would cost from 75 cents to 80 cents a person per day.

The Agriculture Department figured that the meals would all be prepared and consumed at home—no snacks or restaurant dining was allowed in the calculations.

Mollie Orshansky decided to use the lowest-cost, economy diet as the basis for her calculations, feeling that no one could challenge such a "stingy" standard as a measure of poverty.

"At 80 cents a person a day, it doesn't give you much gracious living," she said. Using other government statistics, she discovered that American families generally spend one-third of their income on food.

Miss Orshansky then compared the income needed for a low-cost diet and other family expenses with the family earnings figures compiled by the Census Bureau.

The cost of processing the tabulations, she recalls, was $2,500, and the results showed that the median income of a mother with children was $2,300 a year.

"I got sick about the fact that what the government paid for one tabulation was more than what half of these families had to live on for an entire year," Miss Orshansky reported. "I determined I was going to get my $2,500 worth."

She did just that—and then some. Strongly supported by her superior, Mrs. Ida C. Merriam, the Bronx-born child of poverty combined precise calculations with passionate prose in an 11-page article printed in the July, 1963, Social Security Bulletin.

It was entitled bluntly: "Children of the Poor." The summary drafted by Miss Orshansky displayed a boldness and simplicity that government documents rarely show.

"There is a growing awareness that as the nation grows richer the dollar gap between average income and the income of our poorest citizens widens," she began. Then came the dramatic findings:

"By one crude index of poverty it can be shown that every fourth or fifth family with children under age 18 may have to choose between an adequate diet at minimum cost and some other necessity—they cannot afford both.

"All told, some 17 million to 23 million youngsters, or from fourth to a third of all our children, are growing up in the gray shadow of poverty."

She concluded that very few benefits from the Social Security program helped the worst-off group—the fatherless family whose mother tried to raise children and work at the same time. Husband-wife families with inadequate income, she said, were in the same category.

CHILDREN'S NEEDS

Foreshadowing the recommendation by President Nixon to help the "working poor" by federal income guarantees, Miss Orshansky simply stated her conclusions in mid-1963:

"There are people whose only legacy to their children is the same one of poverty and deprivation that they received from their own parents.

"For the common benefit of all we must assure the security and well-being of all our children—at the same time the nation's most precious and most perishable resource."

Her work soon was recognized in the President's Economic Report, sent to Congress in January, 1964. The Council of Economic Advisers, then under the direction of Walter W. Heller, referred to her study in a chapter on poverty. The report said the Social Security Administration had estimated that a family required an income of $3,000 a year to rise above the poverty level.

That figure was used time and again in the presidential election year and Lyndon B. Johnson promised to help the 27 million Americans Miss Orshansky had estimated were below this cut-off line.

STRESS MISDIRECTED

The author, however, was annoyed at this use of her statistics, partly because she felt the 1965 Economic Report incorrectly emphasized the prevalence of poverty among the aged rather than among families with small children.

She sent revised figures to the White House economists, who included them in the 1966 report to Congress. The newly created Office of Economic Opportunity, set up to run the war on poverty, also found the Orshansky tabulations of great importance in planning its strategy.

In a January, 1965, article, she estimated that 34.5 million Americans—including 15 million children under 18 years old—"lacked the wherewithal to live at anywhere near a tolerable level." A slightly more generous standard, of $3,165 for a family of four, she wrote, would expand the total to 50 million persons "who live within the bleak circle of poverty or at least hover around its edges."

She disclosed that in nearly 30 per cent of the families identified as poor, the breadwinner worked full-time, year-round but received wages so low that they kept the family below the poverty line.

In concluding that article, Miss Orshansky showed typical impatience, writing: "The poor have been counted many times. It remains now to count the ways by which to help them gain a new identity."

Using her figures, federal agencies began defining "poverty areas" and screening applications for OEO programs aimed at helping the worst-off Americans. Finally, last Aug. 29, the Bureau of the Budget made the poverty line an official statistic, much as the unemployment rate and the cost-of-living index. The bureau directed that the figure be revised periodically to take account of higher prices, too.

In the bureaucratic sense, Miss Mollie Orshansky, a lonely figure in Room 3513 of the North Building, Department of Health, Education and Welfare, had won a magnificent victory. Her work was enshrined in Circular No. a-46 and Transmittal Memo No. 9 of the Budget Bureau, circulated to all government agencies.

Typically, however, she was more concerned with people than with protocol on poverty. The Budget Bureau's action, she says, has some disadvantages in that it tends to freeze the poverty line despite changes in buying habits and changes in acceptable living standards.

For example, she thinks the current poverty level for a family of four is $3,768, adjusted for 1969 price increases.

"It means 25,400,000 people are poor—it's just too darn many," she says indignantly. "But I don't think the figure should be used to determine eligibility for antipoverty programs. That bothers me."

PLEA FOR FLEXIBILITY

Yet the Orshansky standards are being used in this way despite her concern that families may be just as needy if their income is a few hundred dollars above the official cutoff line.

Her figures also were applied when Congress, in the Tax Reform act of 1969, abolished income taxes for those families and individuals below the poverty level.

Yet she thinks it's difficult to be so precise about what is often a state of mind.

"To be poor is to feel deprived of those goods and services and pleasures which others around take for granted as a right," she said. While acknowledging limitations of the poverty index based on food costs, she adds a typical Orshansky-ism:

"If money alone will not solve the problems of poverty, it is still true that without it nothing else will avail much either. . . . In the final analysis, what more objective measure can there be?"

Since her landmark studies, Miss Orshansky has been honored by the federal government and by professional groups. She also is in demand as a speaker.

Bashful in public as she is voluble in private, she does not find it easy to make these appearances, preferring the privacy of her cubicle and finding her reward when a President quotes one of her paragraphs in a message to Congress.

As for her accomplishments, Miss Orshansky minimizes them and credits her superiors with giving her a free hand.

Yet she is the kind of statistician who has power over policy makers, partly because of her deep personal involvement in the numbers she uses.

"Many people think it's strange that an economist or statistician could care so much," says Mollie Orshansky. "It's surprising and sad that they feel that way."

EARTH DAY—1970

Mr. McINTYRE. Mr. President, last week, the attention of the entire country was focused on the crisis of the

American environment through Earth Day. Americans of all ages and races and political persuasions joined in to express their concern and to learn not only about our environmental problems, but about how we can begin to meet them.

Earth Day was remarkable in its breadth of support and for its reasonable approach of calm, yet deeply concerned public attention to the American environment. I made 14 speeches in 3 days in New Hampshire and I was struck by the interest, the enthusiasm, and the desire to personally do something. Earth Day can mark the beginning of a nationwide effort to set America on a course in this last third of the 20th century toward providing quality of life that has always been the promise and the purpose of this Nation.

In facing our environmental crisis, we cannot avoid dealing not only with pollution, but with the problems of our cities, our ghettos—of human health, of the livability of neighborhoods and housing, of jobs, and education.

As the Senator from Wisconsin (Mr. NELSON), founder of Earth Day, said in one of his Earth Day speeches:

> Ecology is a big science; a big concept. It is concerned with the total eco-system—not just with how we dispose of our tin cans, bottles and sewage.

Earth Day can mark a turning point toward a broad new agreement in this society about the job ahead of us in the coming years. It is a job of establishing new priorities, of restoring our countryside and cities to a livable environment, of adding a new dimension that emphasizes quality as well as quantity, of developing a new ethic founded on mutual respect for all people and all living things.

Earth Day is an excellent beginning. Now, we must get on with a nationwide effort in Congress and in every community, and in every institution in America to fulfill the promise of this Nation.

Two editorials, one about the Earth Day founded, and an article in the Milwaukee Journal do an excellent job of stating this great challenge. I ask unanimous consent that they be printed in the RECORD.

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

[From the Milwaukee Journal, Apr. 28, 1970]

THERE WENT NELSON

Tuesday: Atlantic City at 9 a.m. Boston at 2:15 p.m. Madison at 7:15. Milwaukee at 10.

Wednesday: Bloomington at 9:30 a.m. Denver at 2. Berkeley at 8:15. On to Los Angeles. Back to Washington.

A missile gone berserk? No, it's our Sen. Nelson, crisscrossing the country as he evangelizes for the environment. "We feel we're mission control," says his secretary.

If anyone knows about widespread pollution, Nelson should. This week, he has seen it.

EARTH DAY

Divided over problems of Vietnam, welfare and race relations, Americans have found a great area for unity in seeking to save their environment.

Politicians are aroused, industry is on the defensive, citizens are alarmed. The issue has bridged the generation gap that itself is cause for national concern. Indeed, historians may credit youth—surly, impatient, irreverent and long haired—with challenging the country about its environment as few events have since Pearl Harbor.

Students have embraced it with even more fervor than they did antiwar demonstrations. They have catapulted ecology, once a word for nature professors, out so everyone can see it—despite the polluted air. Their effort reaches a climax Wednesday, called "Earth Day," to be marked by a massive teach-in that will involve 2,000 colleges, 10,000 elementary and high schools and—most significantly—2,000 community groups of veteran and new environmentalists.

Such community response not only echoes the campus enthusiasm but is a gauge of the political potential of the "E" movement. The groups may tackle local pollution issues, but they are also building political muscle. They will be working for or against candidates and legislation bearing on their cause. This impact is expected in the 1970 congressional elections.

Suggested late last year by Wisconsin's Senator Nelson, the teach-in organization now shows signs of outliving its original mission. Environmental Action headquarters in Washington, D.C., has 19 full time staffers—all under 28—plus hundreds of volunteers from high school youths to housewives. Out of its offices have flowed tons of material and information on films, speakers and organizational planning. It has spent $125,000 this year and has flirted constantly with red ink, but it has refused donations from polluting industries and depended mostly on small, individual gifts.

Environmental Action soon will drop its tax exempt status so it can get politically active.

The campus commitment has produced angry or anxious questioners for many speakers—yet thousands will be out for teach-in appearances, including 20 US senators. It has seen quick revamping of curriculums to satisfy student demands for courses that relate man to his environment. It has created new favorites of youth, such as ecologist Barry Commoner, biologist Paul Ehrlich, who write "The Population Bomb," and Sen. Nelson.

It has brought so many ardent activists that there is even worry that some may engage in violence and destruction. Nothing could more effectively harm E-Day efforts and limit its positive impact.

The environmental movement has had so much meaning to the young because it involves their futures, the earth they will inherit. It also has spurred millions outside the campuses, people with a growing uneasiness that government and industry have become too big and are making decisions affecting the quality of life without public counsel.

Questions properly have been raised about national priorities and individual values. For its part in this, youth has earned America's gratitude. Youth also must provide many of the solutions.

[From the Milwaukee Journal, Apr. 19, 1970]

COST: HOW MUCH? WHO?

What will it cost to clean up America and keep it that way?

The answer is about as obscure as our knowledge of what ultimately might happen to man if he allows continued spoilage of the environment.

Those who guess don't speak in millions. They talk billions.

There have been attempts to put a price tag on the cleanup, probably because practical men who will do the work need a target to shoot for.

Barry Commoner, a Washington University scientist, said recently that the cost of controlling water pollution "has been calculated at $100 billion over the next 10 to 20 years."

And Time Magazine reported that "to save the U.S. from becoming a malodorous wasteland, experts agree, will cost nearly $100 billion in the next five years."

About $30 billion of that would be required to stem water pollution. The cost of cleaning up the air was set at $60 billion over five years, Time said.

Sen. Henry Jackson (D-Wash.) figured these costs for an "acceptable" cleanup to be accomplished in five years: water, $26-$29 billion yearly; air in metropolitan areas, $12-$15 billion yearly; solid waste disposal, $15 billion yearly.

NELSON QUOTED

Sen. Gaylord Nelson (D-Wis.), who has become a superstar in the environmental fight, said in The Progressive Magazine:

"It will take vast Federal expenditures just to begin an environmental cleanup program. At least $20 billion to $25 billion a year over present expenditures is essential.

"Even if you estimate the investment to be $275 billion by the year 2000, there is no reason to consider that a staggering sum when you remember it is equivalent to this country's defense expenditures for the next four years, not to mention the billions spent on space adventure."

Many scientists decline to put a price tag on the effort.

Lee A. DuBridge, President Nixon's science adviser, is one. Asked about it recently by U.S. News & World Report, he answered: "It is difficult to name a figure, but it will clearly be a vast sum. Many people do not realize this yet."

$2.5 BILLION BUDGETED

Nixon's 1970 budget included $2.5 billion for environmental protection.

Allen V. Kneese, director of the environmental quality program of Resources for the Future, Inc., Washington, is regarded by many environmentalists as the country's leading authority on pollution economics.

He told The Journal that it probably is impossible to predict the ultimate price.

"A lot of the estimates you see are really off the top of the head, extremely simple calculations," he said. "They are unclear as to what degree of cleanup we are talking about. Further, it also matters considerably how the job gets done."

If the ultimate goal of antipollution efforts is absolute cleanliness, he said, "then you're probably talking about an incalculable investment."

"But if you're talking some progress in the next few years—excluding urban matters like bad housing—then you're probably talking about an investment of $15 billion to $20 billion a year indefinitely," Kneese said.

"One of the problems we have in this country is the idea that you can fix anything with money," he continued. There is a certain amount of truth in that.

"More fundamental, however, is the question of how to change the system that is producing this—understanding the system and changing it."

Scientists and politicians talk about astronomical figures. But where does it mean for the individual? What does it mean in terms of his automobile, for instance?

Edward N. Cole, General Motors president, recently predicted that an essentially pollution free internal combustion vehicle would be developed by 1980.

The estimated cost to the consumer will be $200 to $300.

Take another example, electricity.

Some feel that coal burning power plants will become the greatest source of air pollution.

SULFUR GAS A PROBLEM

Fortune Magazine figures drawn from government and industry data indicate that power output will increase almost eight times in the next 40 years. Nuclear plants will account for much of this, but the industry's coal consumption will triple.

The tall smokestacks of the power industry toss tons of pollutants into the nation's skies each year.

The industry has been busy curbing the emission of solid particles. But as yet no method has been perfected to control sulfur dioxide gas.

According to Fortune, federal authorities have estimated that by the year 2000 the utilities will have to spend $450 million to $1.4 billion a year to control sulfur dioxide.

The industry's entire outlay so far to control air pollution has been only about $1 billion, Fortune said.

The suggestion is, of course, that electricity bills will increase substantially.

Commoner said the US Public Health Service estimated the overall cost of air pollution at $60 a person a year.

A reasonable assessment of the portion of this cost caused by power production from fossil fuels—coal and oil—is about $20, he said.

CONSUMER WILL PAY

According to Commoner, this means that "we must add to the cost of such power production, for each urban family of four, about $80 a year—an appreciable sum relative to the annual bill for electricity."

Who will pay to clean up power production?

"Whether it's done by taxes, penalties or electricity rates, John Q. Public will pay," said Sol Burstein, senior vice president of Wisconsin Electric.

Some people ask why industry, a major polluter, should not be forced to absorb antipollution costs instead of passing them on to the public.

Considering what pollution already costs the public in tax increases, health care costs, crop destruction, property depreciation, and hundreds of other ways, its cost is incalculable and the savings gleaned by controlling it would be enormous.

The cleanup also would generate a substantial amount of business for companies that manufacture antipollution equipment, build sewage treatment plants, carve out reservoirs and do research work.

Investors are beginning to realize this, as indicated by the rising value of antipollution stocks.

One big concern is that the technology introduced to clean up the mess may become a source of pollution itself.

NEW FACTOR

Until only a few years ago an economist asked to assess the costs of producing a product would add up raw material, labor, capital equipment, power and a handful of similar inputs.

Today he well may include social costs—the cost of cleaning water and air polluted in producing the product.

Now that society realizes the necessity of maintaining environmental quality and the enormous cleanup cost involved, it also realizes that the price of many products has been unrealistic.

Realism dictates that the cost of cleaning up after the product be included in its price.

The question, then, is how to tie cleanup costs to products.

Economists have been debating two methods. One is to dangle a carrot before industry by offering direct financial incentives, such as tax credits, for installing control devices.

This seems to be losing out to the "big stick" approach—forcing companies to clean up.

The argument is that cleanup cost would be merely another of many costs for a manager to overcome to make and market a successful product. This would bring to bear the managerial skill of US industry, resulting in the most economical approach to the problem.

PROXMIRE PROPOSED FEE

Last December Sen. William Proxmire (D-Wis.) and nine colleagues introduced a bill to do just this in the field of water pollution.

The bill calls for a federal "efficiency fee" of 10 cents a pound for industrial wastes dumped into the nation's water.

Proxmire estimated that such a fee would produce about $2 billion a year, much of which could be used to construct and operate municipal sewage plants.

Another way to view this "tax" is as an incentive to industry to overcome it and to recycle waste.

Kneese told The Journal that the ideal situation would be to couple the fee program with a regional approach to water pollution control to achieve economies.

This would mean serving large numbers of industrial municipal and individual polluters with the same piece of highly sophisticated equipment used at a large treatment plant.

It is precisely this approach that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) has proposed for the Fox River Valley. It advised abandoning sewage treatment facilities—industrial and municipal—in Pewaukee, Brookfield, Poplar Creek, Sussex and Waukesha and treating this sewage in a new plant down stream from Waukesha.

AMERICAN SECURITY COUNCIL'S REPORT ON THE SALT TALKS

Mr. THURMOND. Mr. President, last week I had the honor of placing in the RECORD a short article by the assistant editor of the Charleston News & Courier, Mr. Anthony Harrigan, pointing out some of the dangers to be had in dealing with the Russians at the SALT talks.

As I stated at that time, Mr. Harrigan is a distinguished international writer on military tactics and strategy and covered the Helsinki talks first hand as a journalist. Mr. Harrigan has now expanded his opinions in the current Washington Report of the American Security Council. The American Security Council is one of the leading organizations dedicated to our national security and has produced many informed studies on the international strategic balance and on the need for our ABM.

In the report Mr. Harrigan once more places great importance upon the sudden announcement of the Soviet Cosmos 248, which has the capacity for knocking down U.S. intelligence satellites. Thus the argument that we can depend upon electronic detection equipment to monitor Soviet activities no longer holds water.

Mr. President I ask unanimous consent that the Washington Report entitled "America's Stake At Vienna: The SALT Talks, MIRV and the ABM" be printed in the RECORD.

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

AMERICA'S STAKE AT VIENNA: THE SALT TALKS, MIRV AND THE ABM

In Vienna on April 16 the United States and the Soviet Union began the second round of the Strategic Arms Limitation Talks. The opening of these talks—a follow-up to discussions commenced at Helsinki last fall—is a fateful moment in the history of the free world's long effort to safeguard its freedom against Soviet aggression.

The instructions given to the U.S. delegates are secret, and properly so. But President Nixon is on record in his "United States Foreign Policy for the 1970's" as saying that American negotiators will deal with specific positions at Vienna, whereas the Helsinki round of talks were concerned with procedural matters and general issues. Thus it is timely for the American people to consider what is at stake in the SALT talks. And while the talks may result in new opportunities for peace, grave dangers are involved and should be clearly understood. If the U.S. delegates—and authorities at home—lack the toughness, hardheaded realism and endurance that the negotiations require, the United States could find itself cruelly exposed to Soviet nuclear blackmail or worse by the mid-1970's.

UNITED STATES AT DISADVANTAGE

The first thing the American people need to understand is that they are at a marked disadvantage in the Vienna negotiations and in dealing generally with the Soviet Union. Aggressors states such as the Soviet Union have a built-in advantage in that they know precisely what they want and resolutely proceed towards their goal of domination with no consideration for truth or international morality. The Soviets, for example, have a history of making "peace" pacts that they have no intention of honoring. The United States, on the other hand, scrupulously honors its international agreements. Realistic Americans know, therefore, that their country cannot put any stock in the word of the Soviet Union and cannot assume good faith on the part of the USSR. An agreement with the Soviets is no better than the means of verifying the degree of the Soviets' adherence to their own pledges.

The fundamental immorality of the Soviet Union poses extreme difficulty for U.S. negotiators. It also introduces great danger into the question of concessions. Yet there are many influential figures in U.S. public life who speak as though the U.S. and USSR were equal in terms of seriousness and honesty of intention and who urge concessions as evidence of American good faith in bargaining. Thus McGeorge Bundy, former White House adviser in the Kennedy and Johnson administrations, stresses what he calls the need for "balanced concessions" as a necessary part of the thinking of both the U.S. and Soviet delegations. Mr. Bundy's position is the opposite of realism, for he refers to American "strategic overstrength" and "superfluous nuclear weapons" at a time when Secretary of Defense Melvin Laird reports that the Soviets have more and bigger intercontinental rockets.

UNITED STATES AND SOVIET INTENTIONS

It is terribly important that responsible U.S. officials not engage in balancing of U.S. and Soviet intentions at Vienna. The Soviets undoubtedly were "serious and businesslike" in the Helsinki talks, as President Nixon said. But when haven't the Soviets been serious and businesslike in their efforts to gain domination over the Western countries? At all cost, the United States government, especially the negotiating team at Vienna, must avoid naiveté in viewing Soviet proposals and promises.

Insofar as Soviet intentions are concerned, the U.S. SALT delegates can view a record of duplicity regarding new weapons. Though they had an understanding with the United States not to develop weapons for space warfare, the Soviets secretly developed and tested (as is their custom with all new weaponry) a satellite destroyer known as Cosmos 248. Word of this did not reach the U.S. public until after the Helsinki talks, though the

space weapon was launched more than a year prior to the opening of negotiations.

COSMOS 248

The military potential of Cosmos 248 is enormous, for it has the capability of knocking down U.S. satellites essential for communications and intelligence. The danger is that the USSR may be able to blind America's electronic eyes whenever they choose. The U.S. Air Force envisioned a similar space weapon years ago, but the concept was shelved during the Kennedy administration.

Cosmos 248 should hold an important place in the thinking of America's SALT negotiators from the standpoint of Soviet intentions and capabilities. Moreover, the successful secret testing of Cosmos 248 should be an object lesson to the U.S. delegates, namely that no amount of American electronic detection equipment can alert this country to secret testing of a new Soviet weapon. In other words, the Soviets could sign an agreement banning further development of MIRV (multiple warhead missiles) and still conduct tests. They could do so in the way they secretly tested Cosmos 248, by holding the tests at a time when U.S. radars and other detection devices were focused on American and Soviet space shots. Coordination of secret military weapons tests with announced space flights is a convenient and effective way for the USSR to mask tests it wants to hide from United States.

EFFORTS TO HALT MIRV

The anti-preparedness bloc in the United States has concentrated on halting development and testing of multiple warhead weapons and on thwarting expansion of the Safeguard anti-ballistic missile system. Members of this bloc hope that the SALT talks will cause the U.S. to halt MIRV and ABM developments. For several months, there has been a barrage of articles and speeches by anti-preparedness figures, saying that a MIRV test ban should precede the Vienna meeting. The Soviet MIRV tests in the Pacific in late March underscored the incredible folly of the argument for a pre-Vienna unilateral test halt by the United States.

The anti-MIRV lobby bases its case on the statement that the United States, using electronic means, could verify Soviet compliance with a ban on testing of multiple warhead missiles. This position is shattered by disclosure that the Soviets were able to mask their Cosmos 248 tests. If they could do that, they also could mask MIRV tests.

Fortunately, the U.S. Senate has realists who know the score. One of these, Sen. Henry M. Jackson (D-Wash.), is firmly committed to the position that the United States should complete testing of both MIRV and ABM systems. He said in late February that the U.S. must make sure that in case of a nuclear arms agreement with the Soviet Union at Vienna "we remain within lead-time reach of corrective measures," should the agreement be "abrogated." In other words, the U.S. must have its technology up to date in the event the Soviets cheat. This would only be elementary prudence, of course.

ABM AND THE SALT TALKS

Insofar as the Safeguard ABM system is concerned, the SALT talks must not be used as an excuse to abort this embryonic program. The Soviets are far ahead in this vital area of armaments. It would be unwise of Americans to dismiss as mere bragging the claim of Soviet Marshal Andrei Grechko that his nation possesses "weapons capable of reliably hitting enemy aircraft and missiles irrespective of height or speed of flight, at great distances from the defended targets." While members of the Senate Disarmament Subcommittee and others have sought to cancel America's limited ABM program, the Soviets have forged ahead in anti-missile defense, thereby increasing their overall military capabilities and buttressing their psychological assurance.

The Nixon administration's proposal for expansion of the Safeguard ABM system is extremely modest. All the administration recommends is construction of one additional Safeguard site to defend the Minuteman complex at Whiteman Air Force Base in Missouri, plus preliminary work on five other sites. No request is being made to activate the entire 12-station complex, which represents the real security need. Secretary of Defense Laird has said that the administration proposal is "the minimum we can and must do . . . to fulfill the President's national security objectives." Yet even this minimum effort is bitterly resisted. If this resistance is successful, the position of the U.S. delegates at the SALT talks will be seriously weakened. The stronger the U.S. is militarily the better chance the United States delegation stands in its discussions with the Soviets.

THE NEED FOR EXPANSION

The need for expansion of the Safeguard ABM also is illustrated by the build-up of Communist China's nuclear power. Robert D. Heinl Jr., internationally-recognized military analyst, recently reported on the construction of missile-launching facilities in Northwest China, saying: "Today, according to intelligence-satellite photographs, the Chinese are speeding work on these missile sites which seem to be configured for very large weapons."

The entire free world should be concerned about this Red Chinese build-up and welcome America's efforts to create an ABM defense. But this is not the case. Invincible ignorance of the need for ABM defense is the situation in some quarters. Thus President Pierre Elliott Trudeau of Canada made the astounding statement February 2 that the Canadian government is "rather unhappy" that the U.S. is facing China with anti-ballistic missiles rather than with an offer of diplomatic recognition. As though diplomatic recognition would halt Red China's drive for nuclear arms or provide a protective shield against ballistic missiles!

The Canadian position no doubt arises out of wishful thinking about the nature of the world. Thus some Europeans actually give serious consideration to the Warsaw Pact statement that it wants to discuss "renunciation of the use of threats of force in relation to European countries." The recent unhappy experience of the Czech people should be sufficient to show that such a Warsaw Pact statement is the ultimate in deceit. Yet some people on both sides of the Atlantic are so determined to believe in a Soviet change of heart that they will accept the most self-serving statements of the communist powers.

THE NEED FOR REALISM

Complete realism is rare in official circles anywhere in the West these days. The Nixon administration, for all its sound emphasis on strengthened ABM defense, is not without some confusion on basic points. The presidential report, entitled "U.S. Foreign Policy For the 1970's", while it includes many sound observations on the Soviet military threat, is disturbingly ambiguous on strategic programs. On the one hand, the report acknowledges that "sharp cutbacks" in U.S. strategic programs "would not permit us to satisfy our sufficiency and might provoke the opposite reaction." On the other hand, this statement is followed-up by the comment that "sharp increases might not have any significant political or military benefits." The report also asserts that sharp increases might cause Soviet political positions to "harden" so that "tensions would increase" and "the prospect for reaching agreements to limit strategic arms might be irreparably damaged."

This is the position taken by former Secretary of Defense Robert S. McNamara. Adherence to it is what caused America's loss of nuclear superiority. Indeed reluctance to push for "sharp increases" in strategic programs can only contribute to a widening margin of Soviet nuclear superiority. It is to be hoped that notions of this sort do not color the instructions given the U.S. delegation to the SALT talks. Unless America's negotiators believe in the political advantage of U.S. military strength, the Republic security interests may be compromised at Vienna.

SENATORS RANDOLPH AND MOSS URGE COMMEMORATIVE STAMP IN RECOGNITION OF OUR MINERAL HERITAGE—AWARENESS NEEDED FOR THIS NONRENEWABLE RESOURCE AND FOR ITS CONSERVATION

Mr. RANDOLPH. Mr. President, I have for several years expressed an interest in the issuance of a commemorative stamp in recognition of our vast mineral heritage.

Gem materials, for example, must have three principal qualities—beauty, durability, and rarity. Splendor in a gem depends on transparency, brilliance, luster, and color. Luster is a function of the transparency, refractivity, and crystal structure of a mineral; durability is determined by hardness and toughness; and rarity is a major factor in determining the value of a gem. Of the 1,500 mineral species, only about 100 have all the attributes required in gems.

It is interesting that at least one variety of gem stone occurs in each State, a symbol of which is the First Ladies' broach on display at the Smithsonian Institution and which contains gem stones from each State of the Union.

Mr. and Mrs. Milton Turner of Silver Spring, Md., recently brought a sample of beautiful quartz crystals and other gem and mineral collections to my office for viewing by Post Office Department officials. Mrs. Turner is chairman of "Our Mineral Heritage Stamp Committee." Following the meeting, I met with George King, acting director, Division of Philately; Paul Carlin, executive assistant to the Postmaster General; and Ray Stewart, congressional liaison officer, to discuss the issuance of a commemorative stamp. Other Members of the Senate and House are interested in the proposal; including Senator ROBERT C. BYRD and Representative HECHLER, of West Virginia.

Mr. President, on April 20 of this year, I wrote the Postmaster General, requesting that he give consideration to the issuing of such a stamp. The Senator from Utah (Mr. Moss) joined in the appeal. It is our feeling that if the stamp were to be issued, it would provide an inducement to travel within the United States. I would hope that it would also help to create an awareness of conservation and beautification.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD at the conclusion of my remarks.

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

APRIL 20, 1970.

Hon. WINTON M. BLOUNT,
Postmaster General,
Post Office Department,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: Several years ago I expressed my interest in the issuance of a commemorative stamp in recognition of our mineral heritage. I again bring this subject to the attention of the Citizens' Stamp Advisory Committee, which will meet this week to consider future stamp subjects.

I can think of no better symbol of our mineral wealth than the First Ladies' broach on display at the Smithsonian Institution, which contains gem stones from each State of our Union. A photograph of this unusual pin is enclosed.

Stamps have been issued stressing the conservation of wildlife, water and forests, and it is appropriate to provide one recognizing resources that are not renewable—our minerals—so important in West Virginia and in all States.

The release of a stamp calling attention to our mineral deposits would focus attention on widely diversified segments of our population which have become involved in our mineral heritage.

At present the National Geographic Society is engaged in a vital program to acquaint the youth of our Nation with our vast mineral wealth. Schools are using mineralogical exhibits for a wider area of teaching and a more interesting manner of presentation of the subject. I understand there is much excitement in this method, even among some young people who tend toward delinquency and, thus, by this subject may be able to channel their thoughts toward constructive exploration of rocks which are all about them. They have little or no concept of their content and revelations.

Our senior citizens, as well as our young people, are finding it increasingly interesting to pursue hobbies that lead to exploration of rock formations and the collection of gem stones. It has promoted the "family togetherness" theme since it can become a hobby in which family members of all ages can participate and, indeed, large numbers do now engage in this thrilling adventure.

Searching for the unusual formations is also an exciting type of physical recreation that brings individuals, families, and organizations into the great outdoors to enjoy a better understanding of the appeal and the beauty of nature. Such interest, in turn, can lead to studies or educational pursuits that develop into occupations for the future. Through many groups interested in a mineral heritage commemorative stamp, the publicity gained from it would be an inducement to travel and "See America First." We need to create an awareness of conservation and beautification.

Such a stamp should be released in connection with a Mineral Heritage Week event beginning on October 16 at the Smithsonian Institution's Gem and Mineral Hall, in this City, the seat of our Nation's Government. However, there are other events throughout the Country that could appropriately be used for the recognition of our vast mineral wealth.

With kind regards,

JENNINGS RANDOLPH.
FRANK E. MOSS.

THE LITHUANIAN LANGUAGE

Mr. PERCY. Mr. President, I am pleased to report that the University of Chicago on March 25, 1970, inaugurated a course of study in the Lithuanian language. On this important occasion, the Honorable Petras P. Dauzvardis, consul general of Lithuania in Chicago, recalled the linguistic heritage of the Lithuanian people.

I ask unanimous consent to have printed in the RECORD the short speech of Mr. Dauzvardis.

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

Kalbu Lietuvos vardu.

It is an honor and a pleasure for me, as Consul General of Lithuania, to participate in the inauguration of the Lithuanistics course at the University of Chicago—to witness a very significant event.

I congratulate and thank the University of Chicago, the Lithuanian Foundation, and all the others who were instrumental, for honoring Lithuania and the Lithuanian nation by including, in this great institution of learning the Lithuanian language in programs which have encompassed the languages of many other nations.

According to many outstanding authorities, the Lithuanian language merits recognition, and is very valuable in linguistics. The Lithuanian language, like Lithuania itself, is a very old and at the same time a very young—modern language.

Prof. Benjamin Dwight, in his book, *Modern Philosophy,* evaluates the Lithuanian language thusly:

"Lithuanian is a language of great value to the philologist. It is the most antique in its forms of all living languages of the world, and most akin in its substance and spirit to the primeval Sanskrit. It is at the same time so much like the Latin and Greek as to occupy the ear of the etymologist in the place of the interpreter, with its face fixed on Latin and its hand pointing backwards to the Sanskrit."

Elise Reclus, in his "Geographie Universelle," states:

"If the value of a nation in the total sum of humanity were to be measured by the beauty of its language, then Lithuania ought to have a high place among the nations of Europe."

Famous philosopher Immanuel Kant, in the preface to his Lithuanian Grammar, writes:

"She (Lithuania) must be preserved, for her tongue possesses the key which opens the enigmas not only of philosophy but also of history."

These linguistic qualities of the language of the Lithuanian nation tell much of the age and cohesiveness of the Lithuanian State.

It is evident by the foregoing facts that Lithuania is a mature State. She is as old as most of the other European nations, and possesses a striking history replete with dramatic vicissitudes. Her present situation is sad. Her people, however, are determined to survive. In the words of Shakespeare (King Henry VI): "For though usurpers sway the rule awhile, yet heavens are just, and time suppresseth wrongs."

Lai gyvuoja Lietuva ir lietuviu kalba, tiek Lietuvoje, tiek uzsienyje.

Lai buna lietuviu kalbos ivedimas Chicagos Universitete inspiracija kitiems universitetams ir visiems lietuviams, ypatingai lietuviams studentams ir profesionalams.

CRISIS OF SURVIVAL

Mr. HUGHES. Mr. President, the current issue of the Progressive magazine has been devoted entirely to a comprehensive examination of "The Crisis of Survival," a broad review of the problems facing the environment in which we live.

The New York Times national environmental correspondent, Gladwin Hill, has written a perceptive article in this special issue, exploring the ecology explosion on the Nation's college campuses.

What largely began as a spontaneous awakening at a small number of colleges last fall has now grown to a nationwide day of demonstration and concern on the campuses of more than a thousand colleges and universities and in thousands of elementary and secondary schools.

As outlined by Mr. Hill, the youth of America are approaching the crisis of survival with grim realism and constructive action. They are questioning many of the country's concepts which up to now have been treated as sacred cows. They realize that we cannot continue down the blind road toward greater affluence without sinking deeper into the dark pit of pollution.

I ask unanimous consent that Mr. Hill's article, "A Not So Silent Spring," be printed in the RECORD.

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

[From the Progressive magazine, April 1970]

A NOT SO SILENT SPRING

(By Gladwin Hill)

The weekend of the Vietnam protest march last November, 200 students from forty California colleges met at Stanford University for quite a different purpose. It was to form a federation of campus organizations concerned with environmental problems, from pollution to birth control.

The chairman of the meeting, a Stanford student named Glenn Lopez, half apologized for the digression from the cause at that moment preoccupying millions of other students across the country. The environmental weekend, he explained, had been scheduled and organized long before the Vietnam demonstration and could not be changed. Moreover, he added trenchantly: "Both activities are working toward the same goal: the survival of the human race."

There was no need for apologies. The Stanford meeting was a milestone in what may become the greatest movement ever to sweep the country: the environmental revolution.

The environmental revolution is a sudden, remarkable, spontaneous rebellion not of one group against another so much as of everybody against the physical conditions to which two centuries of promiscuous "progress" have brought us—a world where ugliness is endemic, where corporeal hazards are rife, and where the issue of actual human survival suddenly has become poignantly explicit. And it is young people who are the vanguard of that revolution.

Humans, like all animals, display a remarkable, if often lamentable, capacity for adjusting themselves to their surroundings. That is what the adult world has done. But we now have a whole generation of young people under thirty, 100 million strong, who have the insight and perception to look around and appraise conditions objectively. And they have pronounced them appalling. They have said: "Look—the emperor has no clothes on."

The instantaneous, inexorable urge for reform has been more than mere criticism. Everybody knows by now that for countless young people anywhere in the country this is the prime topic of concern. A week after the Stanford conference, it was young people who ran away with a stodgy environmental-problems conference of the U.S. Commission for UNESCO in San Francisco. Tired of the verbiage with which generations of adults have avoided a meaningful confrontation with conditions, they maneuvered the meeting into endorsing, "unofficially," demands on President Nixon to take forthright action

on prime problems of the day. A week later a youth bloc repeated the performance at a leaden conference in Los Angeles convoked by Governor Ronald Reagan as a pro forma bow to conservation but which ended up with a stirring summons to action, which subsequently has begun to materialize.

The youth crusade raises many questions. How substantial and enduring does it promise to be? Where does it stand in relation to that other high concern of young people, Vietnam, and our other murky overseas involvements? Is this another "generation backlash" or can young people find common cause with their sluggish elders in radically reshaping a polluted world?

The answers to these questions are emerging daily, and they are uniformly good. One only has to attend any sort of conservation or environmental meeting anywhere in the country to be reassured by young people's interest, perspicacity, and zeal. Blue jeans or gray flannels, they comport themselves maturely. Their sense of organization and effectiveness far surpasses that of the average fumbling, windy, all-adult gathering.

What are they doing? To begin with, they are organizing. There is scarcely a college campus today that does not have one or more "ecology action" groups. The University of Hawaii has a score, each organized around a particular cause. But organization is not made, as it is so often in the adult world, the end-all. Parliamentary and bureaucratic mechanisms, such as the ubiquitous Committee, are rejected instinctively in favor of action. There's a creek on the edge of town that's full of junk? Let's go out and clean it up *now*. The college trustees are contemplating a dubious land deal? Let's mimeograph some fliers and start picketing the administration building, *now*.

Systematic effort is more common than the impulsive. At Boston University, students are collaborating with state officials on water pollution problems. At the University of Texas, students are getting out an environmental newsletter to acquaint people with issues. At Santa Barbara, they are challenging the state's right to run a highway through an ecologically choice marshland. At Northwestern, they are agitating against Abbott Laboratories' chemical discharges into Lake Michigan.

Stephanie Mills, slender and black-haired, is a prominent example of youthful activism. She is the girl who, at the Mills College commencement in Oakland, California, last June, declaimed as valedictorian that the world was such a mess she didn't propose to bring any babies into it. Now, still only twenty-one, she is a paid campaigner for Planned Parenthood in Oakland. But she also has become a sort of Joan of Arc of environmental reform, an ambassador between youth and the adult world, turning down lucrative lecture dates to appear at conservation meetings all over the country to articulate the problems we face and youth's demands for action.

Students are precipitating deep changes in college curricula. The closed-shop compartmentalization of the traditional "disciplines"—such as biology, chemistry, physics, botany, and geology—is being altered in favor of an eclectic approach. "You can't look at turbidity in a stream intelligently," Washington University's Professor Barry Commoner explains, "without having some knowledge about the banks of the stream and the forest that's growing twenty-five yards away." A new ecological course at the University of Oregon entitled "Can Man Survive?" was expected to draw 500 enrollees. More than 2,000 registered, and the initial class on January 13 brought the biggest academic turnout in the university's history—6,000 students.

In the area of research, students are the secret arsenal of the environmental revolution. Cleaning up the country and the world is going to take a vast amount of legislation, litigation, and administration. The underpinning of all these activities is information, data, facts—which youth distinctly has the energy and imagination to corral.

Finally, there is the realm of political action, in which the adult world has been delinquent and passive. A declaration by the youth bloc at the UNESCO meeting in San Francisco sketched the scope of this: ". . . . sending lobbyists to local, state, and national capitals . . . . drawing up proposals to be offered to competing candidates . . . . supporting officials who have taken a strong stand for a healthy environment . . . . campaigning against candidates whose positions don't make ecological sense . . . . and if no candidate makes any ecological sense, running and supporting our own candidates."

The February, 1970 issue of *Fortune* was devoted entirely to environment. Its issue of a year before, devoted entirely to the concerns of youth, had not mentioned environment. The Santa Barbara oil well blowout of January 28, 1969 was the Hiroshima bomb of the environmental revolution for both old and young. Clinching this new preoccupation for young people was the tapering off of the Vietnam war as an object of practical "now" action. "After you'd demonstrated and torn up your draft card, if you had one, what was there really you could do?" one student remarked. Environment, dramatized by Santa Barbara, was a burning issue, here, omnipresent—with a 200-year backlog of pollution to clean up.

Lawrence Lipton, perhaps the original hippie, summarized recently in his column in the underground *Los Angeles Free Press*: "A poisoned earth isn't worth fighting for, win, lose, or draw. The number one theater of war is now the war for ecological survival." New Lefters regard Vietnam and environmental enormities as opposite sides of the same coin of Establishmentism. Youthful vexation with physical conditions ties in closely with contempt for the mores of big business, which is responsible for so much pollution.

Youth's new concern conceivably could slacken with the inevitably slow pace of reform. But astute observers doubt it. Brock Evans, the Sierra Club's Northwestern proconsul and himself definitely in the youth bracket, says: "There's so much to be done, so much that anyone, whatever campus he's on or whatever community he's in, can latch onto with real satisfaction, that I look to see this interest growing rather than diminishing, regardless of what happens with Vietnam."

Environmental discontent inherently involves rejection of much of the status quo—rejection of prevailing physical conditions, rejection of the economic mores and governmental mechanisms that allowed these conditions to come about, rejection of the shibboleth of bigness, rejection even of the hallowed "right" of endlessly reproducing the human species.

The status-quo world is not going to be able to take these assaults with equanimity. The Department of Justice, to name one status-quo monolith, doesn't like the idea of citizen groups coming into court with environmental dissatisfactions and challenging, for instance, the decisions of Federal administrative agencies.

In several pending cases the Department is trying to prop up the hoary business-oriented concept that a complainant has to show substantial economic damage (not just destruction of a beautiful mountain-top view) to have "standing" in court. Otherwise, Federal lawyers said in a recent case, every Tom, Dick, and Harry will be running to the courts with complaints. Some people think that might be a good idea. It undoubtedly will be up to today's young guard—the countless environmentally minded law students across the country—to push this modernization of the law to a successful consummation.

Generally, however, there seems to be less of a generation gap on the environmental front than anywhere else. The intrinsic power of the youth-sparked environmental revolution is its catholicism. Whatever your ideology, personality, or intellectual bent, the water is just as dirty, the air just as smoggy, the dangers of DDT-laden fish just as alarming.

On the campus the environmental cause is drawing out supporters who wouldn't have dreamed of attending a football rally. A conspicuous feature of every environmental gathering is the mixture of gray heads and young people. The atmosphere is one of community interest.

The old "conservation establishment"—organizations like the Sierra Club, the Izaak Walton League, the Audubon Society—was so small that it plainly is not something to worry about repudiating. Rather, the feeling now is like the evangelical "one big union" concept that once sparked the labor movement.

Collaboration between the youth bloc and the adult world on environmental issues is the rule rather than the exception. On many college campuses, progressive faculty members have been the prime movers in galvanizing the new interest. In some instances, teachers are quietly instigating undercover student investigations into local conditions as part of course work.

On youth's part there is a remarkable deference to the experience of age in tackling this new cosmos of challenges. At the Stanford conference, experts were invited from all over the country to sit in as counsellors of a dozen topic panels. One was California's resources director, Norman B. Livermore, Jr., half-suspect because of his career ties with exploitative industry. However, empathy between him and the students developed quickly. A fortnight later, when a hundred students invited belatedly to the Reagan environmental conference found themselves strapped for money for food, it was Livermore who quietly wrote out a personal check to cover their needs.

California Governor Reagan is organizing a student advisory panel on environment. So is Secretary of the Interior Walter J. Hickel. Some are skeptical of such gestures. The gestures had better be genuine. Political sham is one of the things youth is quick to spot and as quick to expose.

The old-line conservation organizations are reaching out for youth. The Sierra Club, although never a graybeard organization (since the day of its initial member, bearded John Muir), has established a new department for youth coordination—even though it was, in fact, Sierra Club chapters on a number of campuses that provided nuclei for the new movement.

Across the nation, the college environmental zealots seem more inclined to maintain the autonomous spontaneity of their own movements than to immerse themselves in the formalities of national organizations. But they will collaborate with "bird watchers," local civic groups, or with anybody who's going their way.

It's an encouraging and inspiring picture. At Santa Barbara's January observance of the first anniversary of the oil well blowout, a feature of the day was the promulgation of an "Environmental Bill of Rights" composed by a University of California professor, Roderick Nash. But he was upstaged, in the attention of observers, by his own eight-year-old daughter, a pig-tailed, out-going little girl whose own painstakingly scrawled declaration in some ways outshone her father's lofty verbiage.

"The world I want," she wrote, "is like a lot of the world I saw last summer. We drank cold water from clear streams. We rode through big rapids. . . . I like fields where trees and flowers grow and forests where birds sing and chipmunks chatter.

"I would like to live in a world full of people who love it as much as I do. I hope my children's world is like that too."

QUEEN ISABELLA DAY IS CELEBRATED IN NEW YORK

Mr. GOODELL. Mr. President, April 22, 1970, was proclaimed Queen Isabella Day in many communities throughout New York State. That day marked the 519th anniversary of the birth of the dynamic queen, who, through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension.

With the observance of this day we are reminded of Queen Isabella's confidence in the future, spirt of adventure with a purpose, and sacrifice in the cause of human progress. These are characteristics worthy of emulation on our 20th century era of exploration.

On behalf of the National Committee for a Queen Isabella Day, I ask unanimous consent that a proclamation issued by Alfred J. Libous, mayor of Binghamton, be printed in the RECORD.

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

PROCLAMATION

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, in her own time, Isabella was a queen noted for her clear intellect, energy, virtue and patriotism; 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, Alfred J. Libous, Mayor of the City of Binghamton, New York, do hereby proclaim April 22, 1970, as 'Queen Isabella Day" in the City of Binghamton, and urge that all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

Given under my hand and seal this 10th day of April, 1970.

ALFRED J. LIBOUS,
Mayor of the City of Binghamton, N.Y.

ADDITIONAL FOREST RESEARCH NEEDS

Mr. McINTYRE. Mr. President, I continue to be concerned about forest research in New England. Recently I entered in the RECORD a resolution drafted by the New England Governors' conference in support of additional forest research. I have received an additional resolution in which the Governors of New England list five important specific needs that must be met if funds are made available.

The New England region is economically dependent upon forest-resource-based industries and there is a demand for research in forest-resource production and use. I believe these are sound reasons for the construction of these laboratories.

Mr. President, I ask unanimous consent that the New England Governors' conference list of research projects be printed in the RECORD.

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

NEW ENGLAND GOVERNORS' CONFERENCE,
Boston, Mass., April 23, 1970.

To: The New England Congressional Delegation.

From: Governor Kenneth M. Curtis, Chairman, New England Governors' Conference.

Subject: Need for Expanded Forestry Research Funds in FY 1971 Agriculture Appropriations Bill.

Encl.: New England Governors' Conference February 26 Resolution.

The attached Resolution explains the importance of forestry research to our region.

If sufficient funds were available, some of the following forestry research projects of importance to New England could be undertaken:

(1) Expansion of ecology and timber management research now carried out by a temporary forestry research laboratory at Durham, New Hampshire.

(2) Establishment of a research unit in Environmental Forestry at the University of Massachusetts campus in Amherst.

(3) Expansion of marketing research on maple products conducted by the forestry research unit in Burlington, Vermont.

(4) An increase in the level of research work on the threat that the gypsy moth presents to New England forest resources to be conducted at the Forest Service Laboratory in Hamden, Connecticut.

(5) An expanded program of detailed research at the Northeastern Forest Experiment Station, Orono, Maine.

These projects would benefit the entire region, not just the states in which they are located. I hope that you can take appropriate action to insure the inclusion of additional funds so that these projects can be undertaken.

LABOR STRIKES

Mr. TOWER. Mr. President, I received the following telegram from a Texas manufacturing company on April 16:

We have today been advised by Youngstown Sheet and Tube Company, Youngstown, Ohio, that due to shooting and violence within many miles of their plant against drivers of privately owned trucks hauling steel they do recommend our picking up shipments even with police escort. If this cannot be resolved we will have to shut down this plant and our Burkburnett Texas plant within ten days.

Throughout April, incident after incident of violence by union strikers against nonstriking drivers were reported in Ohio and elsewhere. On April 28, a Michigan driver was shot and wounded in his truck along Ohio Route 300. The same day bullets punctured tires on two trucks in southwestern Ohio. Rocks were thrown at trucks in east central Ohio, and a driver was forced to stop his truck and unhitch his trailer in Cleveland. The effects of the Teamsters' wildcat strikes in Ohio, Chicago, St. Louis, and Los Angeles reverberated throughout the Nation with men being laid off in industries which depend upon the shipment of steel and other raw materials. Just yesterday, Governor Rhodes was forced to order the National Guard on standby alert because of this—in his words—"open warfare" on State highways.

Last month 91 demonstrators had to be arrested when they blocked an emergency entrance to a hospital in Pittsburgh. Later in the day a newspaper report said, "a fire of unknown origin broke out in the hospital."

In February two garbage workers in North Carolina were crushed to death when a truck, according to press reports, was accidentally driven over them.

There have been other eras of violence in labor relations. Now violence is again becoming frequent in strikes and other labor disputes. We are talking in terms of human lives. Apparently we are most often talking in terms of the lives of workers whose consciences lead them to continue work rather than to strike. I am not aware of very many incidents wherein strikers have been fired upon or their property set upon by arsonists. Almost daily, however, during the wildcat strikes by members of the Teamsters Union, the wire services pour forth one story after another of incidents of shooting, arson, vandalism, and threats to the families of workers who dare to continue their jobs.

I am reminded of the remarks of Neville Chamberlain who, on the eve of World War II, found it incredible that civilized and urbane Londoners should be acquainting themselves with the mechanics of gas masks and learning the whereabouts of air raid shelters.

I find it no less incredible that in democratic, constitutional America death and terror should now be making a reappearance on the labor scene and that American workers should be subjected to jungle violence in the proper pursuit of their occupations. We are supposedly a nation of free men, but there is no freedom where coercion exists and threat of physical violence annuls the freedom of individuals.

PRISONERS OF WAR AND MEN MISSING IN ACTION IN SOUTHEAST ASIA

Mr. JACKSON. Mr. President, from Washington State and from throughout the Nation today, wives, mothers, children, and other relatives of prisoners of war and men missing in action in Southeast Asia are converging on Washington, D.C.

They are people weighted with the heavy burden of uncertainty. They are rallying in the Nation's Capital City to draw attention to those Americans being held prisoner by the North Vietnamese or the Vietcong.

Only last week, Mrs. Marsha Welch of Port Angeles, Wash., wrote to me:

My husband, Major Robert J. Welch, has been missing over three years now. It's heartbreaking to know that all people held by the communists are so mistreated and that those dear ones are daily waiting for their freedom to return home. We don't want them to be forgotten.

Some have waited even longer. Mrs. Mary Jane Jensen, of Tacoma, Wash., has waited since May 15, 1966, when her husband, Maj. George William Jensen, was declared missing in action.

Mary Ann Pearson, of Marysville,

Wash., wife of Lt. Robert Pearson, has waited since June of 1967, when her husband's Phantom jet was in a midair collision with another plane over North Vietnam.

Some have only recently suffered this agony. Mrs. Linda Ferguson's husband, Lt. Douglas D. Ferguson, of Seattle, has been listed as missing in action in Laos since last December.

Mrs. Welch, Mrs. Jensen, Mrs. Pearson, and Mrs. Ferguson are some of those from my State coming to Washington, D.C.

It is appropriate that on May 1, Law Day U.S.A., special tribute be paid to the Americans being held prisoner. There is agreement that American prisoners have not been treated in accordance with the 1949 Geneva Conventions.

The Senator from Kansas (Mr. DOLE), who initiated this tribute, pointed out recently that the determination to declare support for these missing Americans and POW's within the context of Law Day emphasizes our belief in the rule of law, especially the law of nations, which is embodied in the 1949 Geneva Conventions on Prisoners of War.

MALNUTRITION AND ITS EFFECTS

Mr. PERCY. Mr. President, I have been a member of the Select Committee on Nutrition and Human Needs since its inception nearly 2½ years ago. During that time, I have heard much about the effect of malnutrition on children. Each time such testimony is presented I am once again dismayed, discouraged, and saddened.

It seems inconceivable that in this country with its economy approaching a gross national product of nearly a trillion dollars, we have people too poor to afford food; that these people have children suffering from disease and mental retardation because they are malnourished.

On April 20, 1970, the select committee held hearings on hunger and hunger related health problems in Chicago. At those hearings, Dr. Robert Mendelsohn, director of community pediatrics at the University of Illinois College of Medicine, discussed malnutrition in Illinois. His statement clearly indicated the causes, effects, and indicators of malnutrition. It is a forthright statement with a dire prediction of what could happen if we fail to meet this problem now.

I ask unanimous consent that Dr. Mendelsohn's testimony be printed in the RECORD.

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

TESTIMONY BY ROBERT S. MENDELSOHN, M.D.

Chairman McGovern, I am both happy and sad to appear before you today. Happy because of the additional opportunity to provide information about the hunger and malnutrition situation in our State of Illinois. Sad because it is still necessary to hold this kind of session, because in the 14 months since my first testimony so little has been accomplished.

However, I would like at the outset to congratulate you for holding these hearings and for making this opportunity possible.

I will begin my testimony by going back to February 28, 1969, when I was privileged to appear before the Legislative Advisory Committee on Public Assistance of the State of Illinois. The Chairman of that Committee is Senator John W. Carroll of Park Ridge.

At that time, I was the National Director of the Medical Consultation Service for Project Head Start. My testimony consisted primarily of reports of pediatricians who were serving as consultants to local Head Start projects in Illinois.

For those who have not had an opportunity to view that Testimony, and with the permission of the Chairman, I would like to take a few minutes to present excerpts from that testimony 14 months ago.

"I intend to, first, show some evidence that demonstrates that the Illinois situation is no exception to the national scene, and that malnutrition, hunger, starvation and deficiency diseases exist in all parts of this state.

"I also intend to propose measures that must be taken if we are to live with our own consciences."

My present position is Director of the Medical Consultation Service to Project Head Start for the American Academy of Pediatrics. In this position, I have the opportunity to read reports of our 665 pediatric consultants to Head Start projects throughout the country. Twenty-one of these consultants are assigned to projects in Illinois. Immediately after learning of my scheduled appearance before this Committee, I requested the aid of these consultants.

Their responses indicate that serious malnutrition exists in both the rural and urban areas of our great State of Illinois. Anemia is one of the indicators of under-nutrition, and our consultants report that laboratory tests in different localities demonstrate in incidence of 5% to 30% anemic children in the preschool age group served by Project Head Start. There are other signs and symptoms besides anemia, and I will briefly quote a few of our doctors' comments.

I would first like to emphasize that these statements emanate from scientifically trained, professionally capable physicians, some in academic circles, others in private practice. They were all especially selected by the American Academy of Pediatrics because of their outstanding expert knowledge in the field of child growth and development. Dr. Vernon DeYoung, a pediatrician on the staff of the Illinois State Pediatric Institute, reports about malnutrition in Joliet:

"When I made my site visit to the Joliet Head Start Project on January 8, 1969, one of the findings that had been unearthed by their screening tests was that almost every child had anemia (Hgb under 10 Gm.%). The Director and the Nurse of the Project (Mrs. Phyllis Theobald and Mrs. Jane Mirenic, R.N.) consulted with the nutritionist of the Will County Health Department. This unearthed a woeful lack of protein in the diet of these children.

"They then supplied the mothers of the children with proper diet lists, and the nutritionists and the nurse tried to assist the mothers in following these dietary lists. It was discovered that the food allotments would only pay for one-half to two-thirds of the usual necessary nutritional diet even when the mother was coached by a skilled nutritionist. The nutritionist found that to stave off hunger sensations she had to make the meals highly starchy, containing potatoes or bread, but little meat, fish, or dairy products.

"The Head Start school teacher complained that many of the children were listless, illtempered, and unable to concentrate on tasks until the noon luncheon was served. Some of the teachers found that they had to feed the children as early as possible. Otherwise, they could not function."

Dr. Werner Cryns, a pediatrician from Evanston reports about children in the ghettoes of Chicago. He states:

"In the series of 52 children seen in about 3 months, it is my clinical impression that malnutrition has played a significant role in at least 34. Malnutrition is seen here in the broadest sense, including poor nutritional status in mother, poor basic nutrition in the developing infants, and the nutritional deficiencies incidental to feeding problems of children with chronic brain syndrome. Here in situations where optimal feeding is indicated to promote general and central nervous system development, nutritional inputs are in fact drastically below minimal levels for 'normal' children."

Dr. Roger Meyer, Director of the Infant Welfare Society of Chicago, states:

"Infant Welfare Society staff now have an organized detection, reporting and treatment service, and find that supplemental food supplies are difficult to obtain. Recent discussion with those responsible for administration of the food programs reveals that unusual obstacles to food distribution are posed. Purchase of carload lots are required for obtaining much smaller amounts. Red tape places food out of reach of the most needy families."

Finally, Dr. Jack Metcoff, Chairman of the Department of Pediatrics at Michael Reese Hospital, and an international authority on the subject of nutrition, reports that many children hospitalized at Michael Reese suffer the effects of starvation and malnutrition. He informed me that his work over the past several years in Mexico on infants with severe protein malnutrition and other deficiency conditions has been very useful in dealing with the kind of children seen on his hospital wards. Dr. Metcoff reports that in the year 1967 eighteen cases of malnutrition were identified in children one year of age and under. I am sure that the Committee members are aware that this shocking figure represents only a fraction of the great number of unidentified cases. I, myself, can remember thin, starved, emaciated children on those wards at Michael Reese Hospital seen during my residency training almost twenty years ago.

I wish to underscore that these are not isolated cases restricted to a few doctors or to a few medical centers. On the contrary, this is a consistent pattern throughout our fair State of Illinois.

There are sections of that testimony. I have with me copies of the entire statement available upon your request.

Fourteen months have elapsed since that meeting. What has happened during that time?

We can list some positive accomplishments:

1. Hunger and malnutrition have become public issues and have received considerable publicity.

2. We have discovered that hunger and malnutrition exists in previously unsuspected locations. Only a few days ago a meeting was held at Chute Junior High School in Evanston.

At that meeting over 30 witnesses gave testimony before six State legislators and to an audience estimated at 500 people.

These witnesses, many of them poor and malnourished themselves, described in detail conditions of hunger and malnutrition existing in Evanston, Deerfield, Elk Grove Village and other neighboring suburbs.

3. We have recognized the widespread existence of malnutrition in aged folks throughout our society.

4. We have identified and publicized the unethical practices of a large segment of the American food industry.

5. We have fed small numbers of people who otherwise might have gone hungry through some extensions, inadequate though they may be, of food-stamp programs.

In regard to the latter, special commendation should be given to Representative Robert Mann, for his efforts and accomplishments.

EVALUATION OF FUTURE EFFORTS

I. Misleading indicators

There are several misleading indicators of whether hunger and malnutrition are being conquered. These include:

1. expansion of plans for food stamp programs.

2. increased appropriation for school lunch program.

3. increased funding of anti-poverty programs.

At one time I was innocent enough to believe these approaches provided the correct answers. Now, I have learned the lesson that the poor have known all along. That lesson, simply stated, is that any program can be sabotaged if its administrators want it to fail. This applies to all so-called solutions, from more food stamps to income maintenance plans.

In order to insure the failure of a program, the following techniques can be utilized (among others):

1. inadequate funding

2. discouragement of applications by red tape and administrative delays

3. treating recipients in an undignified, discriminatory, and inhuman fashion

4. using most of the money for administrative and professional personnel, thus insuring that the middle class, rather than the poor, will receive the greatest benefits.

II. True indicators

There are a number of true indicators of the effect of anti-hunger efforts. These depend on an appreciation of the physical and psychological effects of hunger and malnutrition. I will be able to tell that hunger is being eliminated in the following ways:

A. the number of premature babies at Cook County Hospital and other charity hospitals will decrease.

B. the infant mortality rate in the Chicago ghetto will approach that of Highland Park.

C. The height of Black and Spanish children at Cook County Hospital will be the same as the height of white children in Wilmette.

D. The head circumference of poor children will be the same as that of rich.

E. The incidence of serious infections (severe pneumonia, meningitis, diarrhea with dehydration) will be the same among rich and poor.

F. lead poisoning will disappear.

G. mental retardation will be as uncommon among poor Blacks and Puerto Ricans as it is among rich whites.

H. IQ and educational achievement will be just as high in public schools as it is in the Head Start centers.

I. old folks will not show the physical, biochemical, and psychological effects of malnutrition.

The above are the only meaningful indices of progress. They measure the results, not the input. Measuring the amount of money appropriated or the number of programs expanded is equivalent to judging the health of people by measuring the number of visits to the doctor.

PREDICTIONS OF THE FUTURE

Fourteen months ago, I was naive enough to think that simply informing the people would be sufficient to make them act. Now I know better. I know that the failure to act stems not from lack of information or lack of resources or lack of ability. Rather, it is the result of lack of motivation, of will, of desire, of ethical standards. It is a failure of our deeds to match our words.

Furthermore, there is a growing and accurate realization that the solution of the hunger problem is inevitably tied up with the solution to all other problems of the poor, slum housing, poor schools, joblessness, discrimination, exploitation and white racism. Our people have shown little willingness to face up to this situation.

We fail to understand the lesson of history, that countries and civilization survive not by force of arms or by moon-shots, but rather by how they treat their widows and orphans, their deprived, their elderly, their children, their physically handicapped, mentally retarded, emotionally disturbed.

I have seen little evidence of change in the 14 months as I observe the situation at Cook County Hospital, the University of Illinois, the State Mental Hospitals and the national and local statistics. Therefore, my predictions are:

1. Hunger and malnutrition will continue and increase.

2. Infant mortality rates, prematurity rates, growth figures, disease statistics, and number of deaths directly or indirectly from malnutrition will not change and may become worse.

3. Lead poisoning will continue to take its dreary toll.

4. The poor will continue to be the victims of our educational system.

5. There will be an image of more programs and greater spending, but the reality of deprivation will remain unchanged.

THE CHALLENGE

My deep pessimism is tempered only by my ethical and religious conviction that this is an orderly universe and that justice will ultimately prevail. My challenge to you and your colleagues is to diminish the pessimism that I and others suffer from by demonstrating that we need not depend solely on divine intervention. I challenge you to show us that human agencies. (The Senate, The Congress, the state legislature, City Hall) can promote and achieve justice for all people, effectively and promptly.

Thank you very much for your kind attention. I will be happy to respond to any questions you may wish to raise.

NEW YORK LAWYERS OPPOSE MEASURES TO DISCIPLINE JUDGES

Mr. ERVIN. Mr. President, the Committee on Federal Legislation of the New York County Lawyers' Association, the largest local bar association in the United States, issued a report last week which strongly opposes two bills before the Congress to remove Federal judges from office without impeachment and to require that they disclose their personal investments.

The first bill which the New York County Lawyers' Association opposes is S. 2109, a bill to require that Federal judges file reports of their personal financial holdings with the Comptroller General. Although this bill is important to me, it is about the second bill that I will speak today. The bill is S. 1506—the so-called Judicial Reform Act which is now before the Judiciary Subcommittee on Improvements in Judicial Machinery.

S. 1506 would create a Commission on Judicial Disabilities and Tenure for the Federal courts. This Commission, composed of Federal judges selected by the Chief Justice, would be empowered to investigate other judges and to remove them from office without action by the Congress. The constitutional provision of impeachment would simply be circumvented. In short, the bill seeks to remove constitutional power from the Congress by statute and vest it in another branch of the Government.

The New York County Lawyers' Association said that S. 1506:

Would pose a serious threat to the independence accorded the individual federal judge by his lifetime tenure. It would certainly lessen the attractiveness of the federal bench to our most pre-eminent lawyers . . . The main insurance for continuation of the individual judges' independence in his own courtroom is his lifetime tenure subject only to the impeachment provisions of the Constitution . . . It should be rejected because of its serious threat to the fair and independent administration of justice.

S. 1506 has been denounced as the hazing bill and the judicial hari kari bill by respected Federal judges who believe that its passage would destroy independence in the courts. Federal District Judge Walter E. Craig, a former president of the American Bar Association, vigorously opposed the bill at hearings on judicial independence which are now being held by the Judiciary Subcommittee on Separation of Powers.

Yet both the American Bar Association and the Department of Justice have endorsed the principle which underlies S. 1506: the principle that it would be expedient to overlook the Constitution and to purge Federal judges through a statutory commission.

I shall not undertake to discuss all of my objections to S. 1506 today, because if the bill ever reaches the floor, I intend to speak on it at length. However, I will say that I find the bill unconstitutional and administratively inept; and I believe that the Commission which it would create, even if it were constitutional, could easily deteriorate into a court of inquisition.

Mr. President, I ask unanimous consent that the complete text of the New York County Lawyers' Association statement be printed in the RECORD.

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

NEW YORK COUNTY LAWYERS' ASSOCIATION REPORT NO. F-1 ON S. 1506 AND S. 2109

Report of Committee on Federal Legislation on S. 1506 and S. 2109 relating to conduct and activities of the Federal Judiciary.

RECOMMENDATION: DISAPPROVAL

S. 2109 and Title IV of S. 1506 deal with disclosure of outside financial activities of Federal Judges. Title I of S. 1506 deals with misconduct for physical or mental disability on the part of Federal Judges. Except for a portion of Title II of S. 1506 providing for the involuntary retirement of a judge found to be mentally or physically disabled under Title I thereof, this report does not cover Titles II, III and V of S. 1506, which deal with retirement of judges, judicial survivor annuities and miscellaneous judicial matters, respectively.

1. Summary of disclosure provisions of S. 2109

S. 2109 would require each judge or justice of the United States and each officer and employee of the federal judiciary, who is compensated at a rate in excess of $15,000 annually, to file annually with the Comptroller General a report of his personal financial interests which would include:

(a) a copy of his federal income tax return for the preceding year;

(b) the name and address of each business or professional corporation or enterprise in which he was a principal or em-

ployee who was compensated during the preceding year;

(c) the identity of each interest in real or personal property having a value of $10,000 or more owned by him during the preceding year;

(d) the identity of each trust or other fiduciary relation in which he had a beneficial interest having a value of $10,000 or more during the preceding year;

(e) the identity of each liability of $5,000 or more owed by him during the preceding year.

Said report would be kept by the Comptroller General for not less than seven years and would be confidential, except that it would be made available to persons authorized by either the Committee on the Judiciary of the House of Representatives or the Committee on the Judiciary of the Senate for examination and audit under a resolution adopted by a recorded majority vote of either full Committee.

In addition to the above report, each judge or justice of the United States and any officer or employee of the Federal Judiciary compensated at a rate in excess of $15,000 per year, would be obliged to file annually with the Judicial Conference of the United States the following reports of his personal financial interests:

(a) the source and value of gifts in the aggregate amount or value of $50 or more from any single source received during the preceding year;

(b) the amount or value and source of each honorarium of $300 or more received during the preceding year;

(c) the amount or value and source of each fee or compensation received by him at any time during the preceding year from any party other than the United States for services of any kind.

This report to the Judicial Conference would be kept for not less than three years and would be available for public inspection and copying.

Failure to file any report set forth in S. 2109 or the filing of a fraudulent report would constitute a high misdemeanor and would be grounds for removal from office.

2. Summary of disclosure provisions of S. 1506

The disclosure provisions of Title IV of S. 1506 would require each judge and justice of the United States, pursuant to such rules as the Judicial Conference of the United States shall promulgate, to file a report annually with the chief judge of the court on which he serves (or the Chief Judge of the Circuit if the reporting judge is chief judge of a district court, or with the Chief Justice of the United States if the reporting judge is an Associate Justice of the Supreme Court or the chief judge of a circuit or the Court of Claims or a judge of the Court of Customs and Patent Appeals or Customs Court, or with the Judicial Conference of the United States if the reporting judge is the Chief Justice of the United States) showing:

(a) a report of his income for the preceding year and the source and respective amounts thereof;

(b) the name and address of each business or professional corporation or enterprise in which he was an officer, director, proprietor or employee during the preceding year;

(c) the identity of each liability of $5,000 or more owed by him during the preceding year;

(d) the source and value of gifts in the aggregate amount or value of $50 or more from any single source received during the preceding year;

(e) the name and address of each corporation or other entity, whether non-profit or organized for profit, in which he has an interest and the fair market value of such interest;

(f) the identity of each interest in real or personal property having a value of $10,000 or more which he owned during the preceding year;

(g) the amount or value or source of each honorarium of $300 or more received by him during the preceding year.

The Judicial Conference is given authorization to insure the confidentiality of the above reports provided, however:

(1) the reports would be made available to the Commission on Judicial Disabilities and Tenure provided for in Title I of S. 1506 whenever they are reasonably needed for use in an investigation into the conduct of a judge in accordance with the provisions of Title I; and

(2) the Committee on the Judiciary of the House of Representatives, my majority vote of the full Committee, may require that it be provided with any of the aforesaid reports where the same is reasonably needed for use in an investigation of allegations of misconduct which may lead to initiation of impeachment proceedings.

The intentional failure to file the above reports or the filing of a false report would constitute conduct inconsistent with the good behavior requirement of Article III of the Constitution and would be grounds for removal from office under the provisions of Title I of S. 1506.

Title I of S. 1506 would create a Commission on Judicial Disabilities and Tenure composed of five judges of the United States assigned to said Commission by the Chief Justice of the United States, who would also designate one of the members as the Chairman of the Commission. No judge who is a member of the Judicial Conference of the United States could be assigned to the Commission.

The Commission would be authorized, upon the formal or informal complaint or report of any person, to undertake an investigation of the official conduct of any judge of the United States to determine whether the conduct of such judge is and has been consistent with the good behavior requirement of Article III of the Constitution. "Willful misconduct in office or willful and persistent failure to perform his official duties" would constitute conduct inconsistent with the good behavior requirement of Article III and would be cause for removal.

After initial investigation, the Commission could dismiss the complaint as frivolous, unwarranted, or insufficient in law or in fact. If the investigation gave the Commission cause to believe that the conduct of the judge is or has been inconsistent with the good behavior requirement of Article III, the Commission must order a hearing concerning the conduct of the judge.

If the Commission determines upon concurrence of at least four members thereof that the conduct of the judge has been or is inconsistent with the good behavior requirement of Article III of the Constitution, it shall report to the Judicial Conference of the United States recommending removal from office.

Failure to reach the four member concurrence shall be deemed a determination that the conduct of the judge has not been inconsistent with such good behavior requirements.

Upon receipt by the Judicial Conference of any such recommendation that a judge should be removed from office, the Conference or one of its Committees shall review the record and determination on the law and facts and, in its discretion, receive additional evidence, hear oral arguments or require the filing of briefs. If the Judicial Conference accepts the recommendation of the Commission, the judge aggrieved by its determination may seek review thereof by writ of certiorari in the Supreme Court.

Upon affirmation by the Supreme Court of the Conference's determination to certify a judge for removal, or upon expiration of a stay or failure to seek review of that certification in the Supreme Court, the Judicial Conference shall forthwith certify to the President its determination that the conduct of the judge has been inconsistent with the good behavior requirement of Article III of the Constitution and such judge shall be removed from office.

3. Commission proposed by S. 1506

Title I of S. 1506 also empowers the proposed Commission on Judicial Disabilities and Tenure, upon formal or informal report of any person, to investigate, hear and determine the physical or mental condition of any judge of the United States which may seriously interfere with the performance by him of one or more of the "critical duties" of his office.

As distinguished from the "willful misconduct" provisions, this portion of the bill does not provide for certification to and redetermination by the Judicial Conference nor for review by certiorari in the Supreme Court. Under a proposed amendment to Section 372 of Title 28, United States Code, contained in Title II of S. 1506, upon certification by the Commission to the President of a determination by it under Title I of S. 1506 that a judge is unable to discharge efficiently one or more of the critical duties of his office by reason of permanent mental or physical disability, such judge shall be retired involuntarily.

4. "Conflicts of Interest" provisions of S. 2109 and S. 1506

S. 2109 and Title IV of S. 1506 also contain practically identical sections entitled "conflicts of interest". They provide that the participation of a federal judge in the adjudication of any official matter in which he, or other specified parties with whom he has a family or financial relationship, has "a substantial financial interest" (S. 1506) or "has not an insubstantial financial interest" (S. 2109), is inconsistent with the good behavior requirements of Article III of the Constitution and shall be grounds for removal from office. This provision would not apply if prior to his participation in any such matter, the judge makes full disclosure of the financial interest involved to the Chief Judge or Chief Justice of his particular Court and receives a written determination from such Chief Judge or Chief Justice that interest is not of such a nature as would affect the integrity of any ruling by the judge.

COMMENTS

Creation of the Commission on Judicial Disabilities and Tenure with the attendant procedure for investigation, hearing and determination of misconduct and physical and mental disability under S. 1506 would result in the most profound change in the status of the Federal Judiciary since the founding of the Republic. The rare instances in the history of the Federal Judiciary where individual judges have been guilty of willful misconduct in office or have remained on the bench after becoming physically or mentally disabled would hardly be sufficient in the opinion of this Committee to justify the imposition of any such drastic and comprehensive regulatory scheme as that envisioned by this proposal.

The Presidential appointive system has resulted in a Federal Judiciary composed in the vast majority of lawyers of unquestioned ability and industriousness and unimpeachable integrity. The resultant pre-eminent reputation of the Federal Judiciary in the legal profession has in turn continuously attracted leading members of the bar to accept life-time service on the bench, often at great financial sacrifice to themselves and their families.

The proposed regulatory scheme would pose a serious threat to the independence accorded the individual federal judge by his life-time tenure. It would certainly lessen the attrac-

tiveness of the federal bench to our most pre-eminent lawyers.

Public respect for the rule of law in this country is to a large extent due to the independent role of Federal Judges in insuring fair and impartial administration of justice to all members of society. Recent examples have been the numerous cases in the South where federal district and circuit court judges withstood the almost unanimous condemnation of their own communities, and in many instances of their own former brethren at the bar, to enforce Constitutional guarantees of due process and equal protection of the laws. The main insurance for continuation of the individual judge's independence in his own courtroom is his lifetime tenure subject only to the impeachment provisions of the Constitution.

The present proposal would drastically reduce the independent status of the individual federal judge by subjecting him to investigation, questioning and dismissal on broad and undefined grounds. Assuming, *arguendo*, that the proposal is constitutional, it should be rejected because of its serious threat to the fair and independent administration of justice.

The disclosure and conflict of interest provisions of the present bills should be considered in the context of current efforts of the Federal Judiciary to regulate its own outside activities.

The requirements of the present bills for annual disclosure of income and assets are substantially the same and seem to be in accord with the regulations contemplated by the resolutions of the Judicial Conference.

The only substantial objection this Committee would have to the items of disclosure required by the present bills, is to the provision of S. 2109 requiring judges to file copies of their federal income tax returns. The many details and schedules required by the Internal Revenue Service often necessitate disclosure of completely private matters unsuited for general publication and irrelevant to the question of conflict of interest. As all necessary financial disclosure concerning the latter subject seems to be covered by the other particular requirements, we see no need for filing the actual returns.

We disagree with the provisions of S. 1506 and S. 2109 insofar as they require confidentiality as to the financial information disclosed.

S. 2109 only requires public disclosure as to fees, compensation, gifts and honorariums, the information supplied to the Judicial Conference under said bill. The financial interests reported to the Comptroller General are to be kept confidential except as to persons authorized by the Committee on the Judiciary of either the House of Representatives or the Senate. Under S. 1506, the Judicial Conference is authorized to insure the confidentiality of the financial reports, except that they would be made available to the Commission on Judicial Disabilities and Tenure, and the Committee on the Judiciary of the House of Representatives when they are reasonably needed for an investigation of allegations of misconduct which may lead to impeachment proceedings.

There should be no objection to reasonable financial disclosure requirements on the part of the Federal Judiciary. If any disclosure of assets and income is required, it should be made public. Limitation of disclosure to other members of the Judiciary, in the form of the Judicial Council, to the executive, in the form of the Comptroller General, or to the legislature, in the form of the Committees on the judiciary, would demean the individual reporting judge and the public at large. The Canons of Judicial Ethics adopted by the American Bar Association require the avoidance not only of actual conflicts of interest, but of conduct which would justify the impression or appearance of such conflict. (Canons 4, 13, 24 and 26). Because of this concept, we are confident that the vast majority of federal judges lean over backwards to avoid any possibility of conflict of interest. Disclosure would enhance public confidence in the federal judiciary by the mere fact that the public would be assured that nothing was being hidden from it concerning possible conflicting interests of the bench in any particular case.

In view of the broad financial disclosure requirements of the present bills as well as those of the resolutions of the Judicial Conference, and in light of the aforesaid Canons of Judicial Ethics, we see no need for the specific provisions of the present bills entitled "conflict of interest" (supra, p. 5).

We respectfully disagree with the American Bar Association's support of the pending legislation since in our judgment this legislation might undermine the independence of the judiciary.

REPEAL OF THE GULF OF TONKIN RESOLUTION AND MIDDLE EAST CRISIS RESOLUTION

Mr. MATHIAS. Mr. President, more than 4 months have passed since I introduced on December 8—with the cosponsorship of Majority Leader MIKE MANSFIELD—a comprehensive foreign policy resolution (S.J. Res. 166), designed in part as a legislative embodiment of the principle earlier asserted in the Senate's national commitments resolution (S. Res. 85). This earlier resolution defined a national commitment as the use of American troops in a foreign country, or the contingent promise of such use. The Senate stipulated that such a national commitment requires "affirmative action by the executive and legislative branches of the U.S. Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

The resolution introduced by Senator MANSFIELD and myself was a joint resolution designed ultimately to enlist both the legislative and executive branches in a practical and contemporary application of Senate Resolution 85. Our proposal both would repeal four joint resolutions which implicitly violate the national commitments principle, and would simultaneously give the President new authority to prosecute a policy of withdrawal and negotiation in Southeast Asia. If the resolution is passed by both Houses and signed by the President, it will establish the validity and efficacy of the Senate's national commitments enactment. For our resolution would bring the executive and legislative branches together in a mutual application of the relevant constitutional principle: that the Congress and the President share war powers and that neither can act alone to engage American troops abroad.

The reception accorded our resolution has been highly gratifying. Largely because of the educational leadership of the Foreign Relations Committee under Senator FULBRIGHT—but in part also because of the leadership of thinkers and writers in private life, and, of course, because of the constitutional anxieties raised by the ambiguously authorized conflict in Southeast Asia—our proposal attracted immediate and knowledgable attention. I was especially grateful for the close examination given the resolution by the State Department and for Under Secretary Elliot Richardson's informed and far-reaching testimony on it.

The administration has indicated that it will not oppose our initiative. As a result there is a good prospect that the two branches of Government can amicably negotiate any problems caused by this reassertion of Congress. After years of erosion of the congressional role, the executive and legislature can together work out new modes of managing our national commitments under the new conditions of the 1970's and the perennial prescriptions of the Constitution.

In the Foreign Relations Committee the resolution has undergone some changes. Senator FULBRIGHT has reformulated and improved section III to make more clear and specific the congressional grant of authority to the President to conduct military operations in the context of a program of negotiations and withdrawal. And it was decided in committee that the Tonkin Gulf and Middle East resolutions should be repealed alone by concurrent resolution, as their language originally stipulated, rather than by a joint resolution also repealing the Formosa and Cuban resolutions, as was envisaged in the initial version of our proposal. I agree with this change on the basis of the legislative technicalities presented. It conforms more closely with the legislative history of the various resolutions and facilitates disposal of the Tonkin Gulf and Middle Eastern resolutions as links in the necessary chain of action.

Both these enactments have already been on the books far too long; if indeed in the language they use, they should ever have been on the books at all. Both of them violate the principle now embodied in the national commitments resolution. Rather than authorizing the President to undertake specific military actions under specified contingencies and within a stipulated time period, these resolutions "support" the President's determination to act essentially at his own discretion, under his own authority, and without termination dates. Thus these resolutions implicitly deny their own necessity; and indeed the State Department has on occasion asserted that the President could have acted as he did without them either in Lebanon or in Vietnam.

Nonetheless, President Johnson's Under Secretary of State Nicholas Katzenbach, testified before Congress that the Tonkin Gulf resolution was the "functional equivalent of a declaration of war"; and I myself—and, of course, many others—have seen President Johnson himself flaunt the document as full authority for his Southeast Asian policies. There is some dispute among members of the Eisenhower administration on the late President's attitude toward the necessity of the Mideast resolution to support his actions in the Lebanon crisis. But it is clear from his public statements that President Eisenhower in essence accepted the principle of the national commitments enactment. At that time, ironically, the leading advocates of an optional Congress in military enagements came not from the Executive but from Congress itself.

In any case, both these resolutions are anachronistic today, in relation both to prevailing constitutional interpretation and the state of the world. The Middle East resolution, for instance, states U.S. willingness to intervene in that region "against armed aggression from any Communist controlled country." Yet this stipulation is nearly irrelevant today.

Our commitment to Israel does not derive from the fact that Egypt—a country that has virtually exterminated its domestic Communists—receives military assistance from the Soviet Union. As I have said before, we are resolved to defend Israel because the principles on which this country was founded and for which our sons have shed so much blood, would be traduced by inaction in the face of a major threat to this valiant democratic State. Similarly, our support for Lebanon, evinced most dramatically at the time of this resolution but still strong today, is based on positive affinities of ideology rather than on a false assumption that the other Arab States are part of an international Communist movement. These relationships, moreover, partake of a general American support, under the United Nations and other auspices, for the integrity of all States in the region.

Beyond American legal and ideological conviction, our desire for peace and stability in the region derives from its importance as a producer of oil. In this regard the already significant and now increasing Soviet petroleum investments and purchases in the area to some extent give the Soviet Union a similar interest in maintaining peace and stability. The resolution of 1957 thus embodies an essentially false interpretation of the trends and threats in the Middle East. It should be repealed; and if necessary a new resolution or other appropriate enactment should be considered.

I do not need to reiterate here the brief but embroiled legislative history of the Tonkin Gulf resolution. Suffice it to say that later investigation by the Foreign Relations Committee has cast grave doubt on the stated premises of the enactment. The U.S. destroyers said to have been "lawfully present in international waters" turned out to have been engaged in provocative military activities within the 12-mile limit; and the "deliberate and repeated attacks" on these vessels left hardly a scratch. If the late Erle Stanley Gardner were to have written a detective story on these incidents, he might well have called it "The Case of the Cuckolded Congress."

A more important consideration today is the fact that the resolution was interpreted as authorizing an overwhelming and substantially ineffectual extension of the Vietnam war into the North through bombing of an intensity exceeding even that directed against Germany during World War II. As long as this resolution remains on the books it might be interpreted as authorizing a resumption of such attacks.

Also important from the point of view of the Senate is the resolution's irrelevancies. In keeping it on the books, we maintain an emblem of our own irrelevancy at a time when we are ostensibly moving to fulfill our responsibilities in the realm of military and foreign affairs.

So I believe that this resolution also should be repealed; and I support its repeal through concurrent resolution because that is the legislatively prescribed way. In moving to repeal these enactments by concurrent resolution, however, it should not be imagined that we reduce the need to act on the other sections of the comprehensive resolution introduced by Senator MANSFIELD and myself. I believe, in fact, that repeal of the Tonkin Gulf resolution will make action on the rest of our proposals even more urgent. We should not replace the Tonkin Gulf resolution with a void.

We meet today, of course, on the brink of a major Presidential statement on Cambodia which will deeply affect the conditions under which any further legislative action is undertaken, and I do not prejudge what the President will say.

Just as I believe that Congress should have been more deeply involved in the decisions of engagement in Southeast Asia, so I believe Congress should participate in the historic process of disengagement.

Because this further part of the resolution is to be a joint enactment, to be signed by the President, it would bring the legisative and the executive together again under the Constitution, with the Congress playing its specific role in matters of war and peace. And it would bring the two branches together again on the road to peace. Let us act quickly now on this repealer to take the first steps of this redemptive journey.

CONGRESSIONAL REPRESENTATION FOR DISTRICT OF COLUMBIA

Mr. HART. Mr. President, the Marquette Mining Journal, in an editorial published April 14, calls attention to the petition drive by the League of Women Voters, nationwide, to help secure congressional representation for residents of the District of Columbia.

The editorial is excellent, and the cause it supports is just. I ask unanimous consent that it be printed in the RECORD.

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

[From the Mining Journal, Apr. 14, 1970]

CITIZENS WITHOUT VOICES

Two hundred years ago citizens of the New World's colonies protested against "taxation without representation." The protest was followed by the American revolution, a struggle fought to give the colonists their freedom from British oppression and an end to taxation without representation. Yet today 800,000 citizens of the United States still bear the burden of taxation without representation.

They are residents of the District of Columbia, who pay income taxes, as well as other federal taxes and local taxes, but have no representation in Congress. Foreigners who first learn of this state of affairs upon visiting the United States must be struck by the irony of citizens of the nation's capital being denied the right to participate in the affairs of their government.

Citizens of Washington, D.C., are governed by Congress but no one in Congress represents them. No one in Congress speaks for them or votes for them. For them, the principle of "one man, one vote" is sheer mockery. And the lofty words from the Declaration of Independence—"governments are instituted among men, deriving their just powers from the consent of the governed"—simply do not apply to Washingtonians.

The League of Women Voters, which is conducting a nationwide petition drive in hopes of having the U.S. Constitution amended to grant residents of the District the congressional voice that is rightfully theirs, made the following comments in connection with their drive:

"Most of us have had occasion to turn to our congressmen for assistance. When a family needs a son called home on emergency military leave, they can get help from their congressman. When a citizen needs information or action on matters such as social security or veterans' benefits, he can write his congressman. When Americans want to act on an issue like conservation, they enlist the aid of their congressman. When businessmen need help attracting industry to their community, they call on their congressman. When a citizens' group seeks help with a highway project or slum clearance or school programs, they ask their congressmen for help.

"The voteless District of Columbia citizen, lacking representation in Congress, has no place to go and no elected representative to plead his case.

"The vote has always been one of the cornerstones of our political system. Women fought for and finally won the vote in 1920. The struggle for full enjoyment of the franchise by Negroes in part of 100 years of our history. American soldiers are fighting in Vietnam for the principle that the South Vietnamese people should have a representative, duly elected government. But there is no representative government for the citizens of Washington, D.C."

There is no justification whatsoever for denying one large bloc of our citizens the right to vote simply because they happen to live in a particular part of this nation. The League of Women Voters in performing a noble service in working to right this wrong.

Residents of Marquette County will be able to give them a hand because the Marquette County chapter of the league is participating in the nationwide petition drive. The drive will be conducted during the week beginning tomorrow. Women who are members of the Marquette County chapter will solicit petition signatures throughout the county.

Persons who sign the petitions need not be registered voters. Even older teen-agers can help since signatures will be accepted from anyone 16 years of age or older. You can play a part in wiping out taxation without representation by signing one of the league's petitions.

JOURNALISTIC RESPONSIBILITY

Mr. TOWER. Mr. President, in my Report to Texans of November 22–23, 1969, I cited "a need for some sort of voluntary journalistic code which would insure the highest possible degree of responsibility among individual journalists as they carry out their public trust."

I am not a journalist, and I would not presume to recommend any form of regulatory system for use by the journalism community.

But I was gratified to see in the "Guest Opinion" column of the April issue of the Quill, the official publication of Sigma Delta Chi professional journalism society, evidence that at least some Members within the journalism community see the need for some sort of a voluntary code

to insure responsibility within the profession. The article I refer to was written by Walter W. Seifert, an associate professor at Ohio State University.

Mr. President, I ask unanimous consent to have printed in the RECORD, Professor Seifert's column, to be followed by my Report to Texans of November 22–23.

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

WANTED: PROFESSIONAL STANDARDS

(By Walter W. Seifert)

The people of America long ago demanded and got professional standards for doctors, lawyers and teachers. Today they are questioning the credentials of journalists.

Vice President Spiro Agnew has blasted "the liberal press" for lack of objectivity and balance. Dr. Walter Memminger has suggested newsmen be licensed. Rep. Fletcher Thompson of Georgia thinks those who cover the White House and Congress should be forced to disclose their financial holdings.

TIME magazine said (2/16/70) "Ever since Vice President Agnew criticized liberal TV commentators and newspapers, U.S. journalists have been on the defensive." Wallace Allen, managing editor of the Minneapolis *Tribune*, noted, "Public criticism of newspapers is the shrillest and most widespread I have seen in 18 years."

Mel Koch of Columbus, Ohio, in a recent SDX QUILL letter, thinks Agnew's warning may be a blessing. Koch said, "We should thank Vice President Agnew for giving us a real opportunity for self-inspection before it becomes necessary for others to put us in our place."

To which this writer says "Amen!"

The public knows that a medical doctor has taken extensive specialized training, passed rigid examinations, and agreed to a specific code of professional ethics.

His license may be revoked.

An attorney has taken specialized study, passed examinations, and accepted ethical rules.

He may be disbarred.

But what of the journalist—a person who may influence the daily thoughts of millions?

He cannot be removed from practice because he has passed no accepted tests and is bound by no accepted standards. If he is fired from one job, he may immediately begin another. He bears no cachet of competence conferred by his peers or superiors.

Today, America is demanding that people who feed the public mind be as qualified as those who operate upon the public body.

This brings immediate protest from those who consider newsmen a special creation, exempt from all laws of personal responsibility and practice that the public imposes on other professionals.

No one who knows the nature of news and the First Amendment of the U.S. Constitution can advocate state or federal licensing of journalists. Yet, as Koch's letter implies, the time may well have come for Sigma Delta Chi to establish voluntary standards for those inside the news profession. The possibility exists that this might benefit all concerned.

One of the best programs is the national accreditation program of the Public Relations Society of America, which has 7,000 members in 65 chapters now.

Those who believe that "something is better than nothing" are invited to consider these facts:

1. In 1964 PRSA formally adopted a voluntary accreditation plan. Its stated purpose was to help raise professional standards and the practice of public relations; to stimulate members to broaden their knowledge and improve their performance through study, observation and reflection.

2. Candidates for PRSA accreditation must have a college degree or its equivalent, defined as ten years of experience. They must have been in fulltime PR practice at least five years.

3. They must be well-recommended by their employers, former employers and colleagues.

4. They must pass a comprehensive six-hour written examination and a three-hour oral exam.

5. They must accept (like all PRSA members) an extensive "Code of Professional Standards." If found guilty of violation, they can be expelled from the Society.

Accreditation cannot solve *all* the problems of any profession, but at least it is a *start*.

Certified public accountants, certified life underwriters, PR people and even barbers have standards.

Why not journalism?

RESPONSIBILITY IN THE NEWS

The Vice President of the United States recently initiated a serious discussion in our nation concerning responsibility and freedom within our news media, particularly the television media.

I know that many Texans have been concerned about this for some time, because I have received letters from many of you expressing that concern. The Vice President's address has now served to bring the issue squarely before us on a nationwide basis, and it has sparked a dialogue between representatives of the various news media, public officials and the people.

This dialogue will be significant even if it serves only as a reminder to each individual news reporter and broadcast commentator of the burden of responsibility he has shouldered as a journalist.

The journalist holds a unique position in the American democratic system. His daily efforts to report to the voting public the activities of government constitutes the most vital link between elected officials and those who do the electing. Perpetuation of that link on a free and unbiased basis is essential to the health and well being of our democracy. Without it, voters would have less opportunity to elect the most qualified candidates for office; and without it, public officials could freely engage in activities of their own special interest without regard for the public interest.

We hear much about ethics in public office these days. But this is because there is a larger body of professional journalists looking more carefully into the day-to-day activities of public officials at all levels of government. I believe it is safe to say that were it not for this continual scrutiny and this continual concern over ethics, there would be a great deal more unethical practices actually being carried on by public officials.

So that the professional journalist can continue his much needed work which actually serves to protect our democratic system, he must enjoy a high degree of freedom from governmental control. This is why I am strongly opposed to legislative sanctions on the journalism community.

In addition, any such sanctions would raise a legitimate question as to whether it might constitute an abridgement of the Constitutional guarantee of freedom of speech upon which our understanding of freedom of the press is based.

But with this immunity against governmental control, must come to the journalism community a severe responsibility. Our democratic system has given the journalism profession a public trust fully as important as that given to public officials, but void of the built-in safeguard of re-election.

The mechanics of network television broadcasting has served to magnify the need for responsibility in news reporting which has always existed in the other communications media. Network television reaches a larger audience than any previous media could attain. This means that the decisions involved with the gathering of information and the presentation of that information are concentrated in a smaller number of professional journalists compared with this larger number of people receiving the information.

The mechanics of network television dictates that the majority of these journalists be employed in New York City and Washington, D.C., and it is therefore understandable that these men may take on general philosophical beliefs which are shared by the majority of people living in these two cities.

I am convinced however that the majority views of those who live in New York City and Washington are not necessarily the majority views of Americans. A solid indication of this is the 1968 presidential election. And during the past year, there have been countless public opinion surveys which support this basic truth.

In my opinion, these facts of mechanics and logistics only serve to point up the need for increased responsibility on the part of the newsmen involved. It is widely understood that newsmen are supposed to strive for objectivity in their reporting. At the same time, the newsmen are in the business of finding out the facts and therefore, because they are close to the facts, are often capable of rendering judgments and valuable opinions.

But good journalism practice dictates that these opinions be carefully and clearly labeled for what they are and that there be no opportunity for a reader, a listener or a viewer to confuse journalistic opinion with objective news reports. I believe it is the responsibility of the journalism community to take such voluntary action as may be necessary among its own members to insure such confusion does not take place.

I am not a journalist and would not presume to recommend any form of regulatory system for use by the journalism community. I do believe there is a need for some sort of voluntary journalistic code which would insure the highest possible degree of responsibility among individual journalists as they carry out their public trust.

ANNIVERSARY OF THE DEATH OF ERNIE PYLE

Mr. BAYH. Mr. President, it was 25 years ago, April 18 that America lost a great friend, Ernie Pyle. I am certain that anyone who fought in World War II or who had friends or relatives who served overseas will remember Ernie as one of the closest links with the GI's in the front.

Ernie was an exceptional journalist. In a world war where the foot soldier often appeared distinguishable from his buddy only by the number on his dog tag, Ernie Pyle gave him an identity, an individuality, through his weekly columns in almost 700 American newspapers. His words illuminated for all the families who had servicemen overseas the agonies of war and the personal sacrifices of the ordinary soldier.

Ernie chose not to report the war from the safe standpoint, as many other reporters did, but he chose, instead, to march, sleep, and risk death with the GI buddies. Eventually, he gave his life in that effort.

The United States owes a great debt to Ernie Pyle, and I am certain there are countless persons who would like to see this great man honored. In February of this year, I wrote to the Hall of Fame

asking that Ernie Pyle be considered as a nominee to the Hall of Fame at New York University. I believe he deserves a permanent place of honor. This one man enlightened so many Americans and kept up the morale of thousands of soldiers as no statesman or leader could have done.

In his typically unobtrusive fashion, Ernie moved among the men until he was one of them. He described the country, the natives, the conditions under which the foot soldier existed, and with great compassion and understanding articulated the thoughts and fears of the nameless GI thousands of miles from home. Rather than exploit the successes of the famous heroes, Ernie wrote of the courage and valor of those lumberjacks and farmers—now displaced soldiers—with whom he had spent so much time in their hometowns.

For almost 5 years, Ernie covered the war in his special way, endearing himself to the GI's and to every American who was touched by the war. Then on April 18, 1945, Ernie was killed by a sniper's bullet on the Pacific island of Ie Shima. It was less than 5 months before the end of the war.

Ernie Pyle unquestionably represented the highest ideals of journalism. He deserves a lasting place among all great patriots of the past who have given so much of themselves to their country in its most crucial times.

THE FOOD STAMP PROGRAM IN COOK COUNTY

Mr. PERCY. Mr. President, this month marks the fifth anniversary of the food stamp program in Illinois. For many people, participation in this program is all that assures them of food on their table. I am particularly pleased with the progress of this program in Cook County over the past 5 years.

Cook County has operated a food stamp program since April 1965. Participation in the program steadily increased from 50,000 in the first month of operations in 1965 to over 120,000. Particularly sharp increases in participation have been achieved in March 1970, the first month the recently authorized program liberalizations were placed into effect in Cook County. These liberalizations were possible when Federal food stamp funding was increased in late November 1969.

In March 206,000 people participated in the Cook County stamp program, a 64.8-percent increase over the 125,000 that participated in February. The value of the bonus coupons issued to participants in March was over three times the amount issued the previous month—$1,975,000 compared to $647,000 in February. I understand that preliminary reports for the first half of April show that stamp issuances are running at least 15 percent over the amounts issued in the first half of March.

Mr. President, these are not just statistics. These figures actually mean that fewer people are going hungry in Chicago; that the food stamp program is really beginning to help the poor in an effective manner. I hope that with the continued funding and revision of this program more and more of our poor will find relief from hunger and malnutrition. Many problems still exist but real progress can be reported in this one area.

THE DRUG PROBLEM

Mr. HART. Mr. President, the drug problem facing our Nation is acute. It touches every segment of our society, knowing no barriers of race or of economic well-being. It is a matter of great concern to all Americans.

A variety of approaches and philosophies are being tried to help our drug users. As of now, unfortunately, no one approach or philosophy provides the comprehensive kind of thorough, long-lasting treatment we are seeking.

However, a bill introduced by the junior Senator from Iowa (Mr. HUGHES)—the Federal Drug Abuse and Drug Dependence Prevention Treatment, and Rehabilitation Act of 1970—of which I am a sponsor, would attempt to alleviate this situation by bringing our collective knowledge together and then applying it to the benefit of the drug-user and society.

Along these same lines is an article in the May 1970 edition of Psychology Today. It is by Jerome Jaffe, who has written about his experiences in 1967, when he was chief consultant to the Illinois Narcotic Advisory Council. After surveying the thinking and techniques behind the most popular forms of drug treatment used today, Mr. Jaffe shows what was done in Illinois. For Senators who would like an overview of what is being done in this important area of our society, I recommend Mr. Jaffe's article entitled "Whatever Turns You Off," 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:

WHATEVER TURNS YOU OFF

(By Jerome Jaffe)

Treatment should help compulsive narcotics users become law-abiding, productive non-drug-dependent and emotionally stable members of society. On the ideal set of goals there is almost universal agreement. Beyond it there is bitter discord. And the bitterest differences center on what behaviors we can accept short of the ideal.

Many who have worked in this field for years continue to believe that most drug users given adequate supervision after a period of drug free living will eventually give up the use of all illicit drugs if only to avoid an involuntary return to an institution. Others equally expert now believe that there is no one reason for starting to use narcotics, no characteristic user personality, no single pattern of use and no single inevitable outcome. In short, all narcotics users are not the same; therefore, there is no single treatment to which every user should be expected to respond. Further, they believe that it is unrealistic to expect every narcotics user to reach all of the goals in our ideal set, and that total abstinence from all drugs is not the most important treatment goal for all users.

This concept of drug-user heterogeneity is still not fully accepted. There are some who continue to feel that compulsive narcotics use can be viewed as a single problem. Indeed, there are some who minimize the differences among individuals who use different kinds of drugs—overlooking distinctions between the pharmacological and physiological effects of the narcotics (morphine, heroine, codeine, methadone, and those of other drugs such as the central nervous system (CNS) stimulants (amphetamines, cocaine), the CNS general depressants (barbiturates, alcohol and other sedatives), and the psychedelic-hallucinogen group (LSD, mescaline, marijuana).

LAW

The treatment approaches that generating most of the controversy are concerned with compulsive narcotics users. It is possible to classify any drug as a "narcotic" under the law, as the Harrison Act of 1914 did with all substances found in opium, even though many of them have no subjective effects. But in pharmacology the term "narcotic" is now used only for those substances with actions similar to those of morphine.

The narcotic analgesics affect the central and autonomic nervous systems. They can be injected, inhaled or taken orally. Injected intravenously they produce a "rush" or "thrill" sensation in the abdomen that many users say is like an orgasm. While no rush is felt when the drugs are taken orally, they still produce marked relaxation and indifference to pain and distress.

When a narcotic drug is used several times a day the user becomes tolerant to and physically dependent on the drug. Precisely what is responsible for this decreasing effect that we call tolerance is still unknown. But apparently some cells and body systems become tolerant rapidly and others slowly. For example, long after a morphine user becomes almost totally tolerant to the psychological effects of the drug, it may still cause him to be constipated and his pupils to be constricted. A person tolerant to one narcotic will be almost equally tolerant to all other narcotics (cross-tolerance). But there is little cross-tolerance between classes of drugs. Someone quite tolerant to narcotics can still become drunk on alcohol or barbiturates or euphoric and stimulated by amphetamines.

WITHDRAWAL

The user becomes physically dependent when the drug causes his physiology to change so that he must take the drug to prevent unpleasant withdrawal symptoms. The pattern of withdrawal symptoms is much the same for all drugs in a given class so that the picture of morphine withdrawal is indistinguishable from that of heroin withdrawal. Because of a considerable cross-dependence between drugs in the same category, one can stop heroin-withdrawal symptoms by taking morphine, methadone or even large doses of codeine.

USE

Physical dependence and "addiction" are not synonymous. Drugs other than narcotics can cause physical dependence, and not all withdrawal syndromes are associated with drug-craving. "Addiction" usually means that getting and taking the drug pervades the user's entire life. There are several situations in which a physically dependent person is not an addict in this sense. For example, a baby born to a woman who has used narcotics throughout her pregnancy will be physically dependent on the drug and will have to be treated for withdrawal symptoms. But it is absurd to think of the child as an addict. Not everyone who explores the effects of narcotics immediately becomes a regular user. Some use them only occassionally; others may use them intermittently over many months and then progress to regular constant use. Thus there is no sharp line that divides the user from the compulsive user—addiction is only an extreme on a behavioral continuum.

Yet once the craving or "hunger" for narcotics develops, it can preempt all other values and interests. And somehow it seems that the hunger is not ended merely by withdrawing the drug, but seems to persist long after the measurable signs of withdrawal are gone.

ENGLAND

Logic suggests that any chemical that stops the craving should be considered for use in treatment. Of course the narcotics themselves can satisfy this need. In his book *Drug Addiction*, Lawrence Kolb lists the accomplishments of eight renowned Englishmen, all opiate addicts, six of whom lived past 70. It seems evident therefore that under some conditions narcotics use does not lead to social or physical deterioration. But Kolb's Englishmen took their drugs orally—they were stabilized. In England the stabilized addict is now a rarity. Although British physicians are still permitted to prescribe narcotics—including heroin—for narcotics addicts, most users inject narcotics intravenously. Because of the short-acting, up-and-down effects of heroin taken this way, the user remains preoccupied with the drug. In order to permit normal social function, medical therapy should eliminate narcotic hunger and simultaneously discourage the use of intravenous narcotics.

SYNTHETIC

Methadone maintenance is a treatment pioneered by Vincent Dole and Marie Nyswander of New York's Rockefeller University. Methadone is a synthetic narcotic, in use for more than 20 years, that has most of the analgesic and respiratory-depressant effects of other narcotics. It is apparently more effective when it is taken orally than such narcotics as morphine are. When it is given repeatedly methadone has a cumulative effect, so that its capacity to prevent withdrawal symptoms lasts longer than that of heroin or morphine. Methadone's withdrawal syndrome is considerably milder than heroin's or morphine's, though it may last 12 to 15 days rather than heroin's four to six days.

For more than a decade we have known that small doses of methadone would prevent withdrawal symptoms in physically dependent narcotics users. Dole and Nyswander found that a dose of methadone several times the size necessary to prevent withdrawal symptoms not only relieves the persistent drug hunger that often plagues the former user after withdrawal but it also produces a marked tolerance to opiatelike drugs, including methadone itself. Thus the patient treated with high doses of methadone is so tolerant that he experiences no rush from narcotics and few, if any, of the effects of the methadone. More than 1,000 former heroin users are being treated in the Methadone Maintenance Program in New York. Two-thirds of them are now either working or attending school. Both heroin use and antisocial activity have decreased dramatically. Methadone-treatment programs in other cities are achieving similar results in terms of reduced crime rates and increased productivity levels.

NEEDLES

There are a number of important differences between the use of oral methadone in a rehabilitative program and the British practice of prescribing narcotics for addicts. In England once an addict has his narcotic prescription filled he is free to use the drug in any way and with whatever frequency and dosage he chooses. The young heroin user almost always chooses to take it intravenously—for the rush or thrill. In spite of the availability of more hygienic alternatives the English heroin addict uses shared, unsterile needles. And the probability of disease or death is higher for him than it is for his non-narcotic-using peers. The user who makes a practice of taking heroin intravenously is most of the time either high or on the way down and thinking about getting high again. Productivity obviously declines in this situation.

SHARING

A more perplexing problem is the young user who insists on sharing his drug-using experiences with friends—by sharing his heroin. The number of young heroin users in England rapidly increased from a handful in 1954 to more than a thousand in 1968. This is the doctors' dilemma: if they prescribe all of the heroin the young addict claims he needs there will be excess supplies that will eventually create new users. If they prescribe less, they open the door to a profit-oriented black market. In an effort to stem the increase of new users changes have been made in British regulations to restrict heroin prescription to a few physicians with more specialized training.

In contrast to these problems of prescribing heroin, methadone is given only for oral use—and frequency and dosage are determined by the doctor. Because a single dose of methadone last for 24 hours or longer, staff members can watch the patient take each daily dose and thereby prevent sale of the drug to new addicts. More important there is no sudden, drug-induced high, to be followed within a few hours by withdrawal symptoms. After a few weeks the effects of methadone are barely felt. In short the differences between the psychologiaclly and physiologically disruptive effects of heroin taken intravenously and methadone taken orally may be functionally more important than the fact that they are both narcotics.

CYCLAZOCINE

An equally recent and entirely different approach to treatment is the use of narcotic antagonists—drugs chemically and structurally so like narcotics that they can apparently occupy the place in the nervous system where narcotics act. Yet the antagonists have little or no narcotic effects. By occupying these places they prevent or reverse narcotic action. For years the antagonists were used only in the treatment of narcotic overdose and in the Nalline test to check for recent narcotics use. A few years ago William Martin and his co-workers at the Addiction Research Center in Lexington, Kentucky observed that cyclazocine, a long-acting, oral antagonist, could prevent patients from feeling the effects of a standard dose of morphine. As long as the patients took cyclazocine regularly morphine did not produce physical dependence, even where it was given several times a day for several weeks.

SIDE-EFFECTS

Cyclazocine is not considered a narcotic. Users do not desire it as they do opiates. Given to a person who is physically dependent on narcotics, cyclazocine will bring on withdrawal symptoms rather than prevent them as methadone does. Among its limitations are side-effects that some patients find unpleasant. Martin and his co-workers found that naloxone, a new antagonist, is almost free of such unpleasant side effects. But other studies have shown that its duration may be too short and its cost too high for it to be useful now.

Antagonists may provide a means to "unlearn" drug-using behavior. Some researchers believe that in addition to personality problems that might predispose a person to start using narcotics, the compulsive user gradually acquires a complex set of conditioned responses that tends to perpetuate drug use. Each use of the drug, each reduction in tension (whether caused by anxiety, depression or anger), reinforces the preceding behavior, producing a progressively stronger desire to take the drug again. With repeated regular use, physical dependence develops. Then each drug use relieves a new tension—the withdrawal syndrome.

UP OR DOWN

Recent animal research, however, indicates that drug use may be reinforced even if the drugs produce euphoria instead of reducing tension. Animals will inject themselves with amphetamines and cocaine. They will also inject themselves with narcotics under tension-free conditions. Theoretically it makes little difference whether the addict seeks euphoria or relief of tension. The best way to reverse the conditioning process would be to have him use narcotics in his old haunts—but get no effect. This lack of effect will be the case if the addict takes narcotic antagonists on a regular basis. While many researchers do not feel that the addiction process involves conditioning, the use of antagonists makes it possible to find out.

Narcotic antagonists also have additional value. Since they prevent a patient who uses narcotics occasionally from becoming physically dependent, they can make it possible for him to continue work or participate in a rehabilitation program. Also the likelihood of a fatal overdose is reduced if not eliminated.

LIMITS

A drug that prevents narcotic action obviously cannot stop a person from associating with other drug users, halt his antisocial behavior or give him vocational skills or hope for a better life. To be effective it must be part of a broad program of social rehabilitation. The number of patients now receiving antagonists is still too small to permit a prediction of how useful the treatment will be.

The major advantage of the antagonists is that they are not narcotics. They have virtually no abuse potential and can be given to the patient for self-dosing. While stopping the antagonists may cause some reactions, these are far less serious than opiate-withdrawal symptoms. After the patient has been doing well for some time, cyclazocine can be stopped to see if improvement is maintained. This is harder with methadone because of the withdrawal symptoms that occur when it is stopped.

Far different from either methadone or cyclazocine are programs for compulsory institutional treatment in a drug-free environment (hospital or prison), followed by close supervision in the community.

These programs have been criticized for trying simultaneously to rehabilitate users and protect the public from their antisocial behavior—sometimes incompatible goals. They have also been attacked for being ineffective and insufficiently concerned with the users' civil rights.

John C. Kramer and co-workers reported that one year after release from the 14-month long institutional phase of California's civil-commitment program, only one patient in three was still drug-free and in the community. The results of a supervisory program in Maryland are similar to those obtained in California. At the end of a year there were virtually no continuous abstainers among released prisoners who were required to abstain from narcotics and to submit daily urine samples for chemical analysis as a condition of parole from the Maryland prison system. More than 80 per cent had returned to prison.

There may be some narcotics users who will benefit from civil-commitment or close-supervision programs. But it remains to be determined how these programs will mesh with other voluntary programs, and whether their use will be restricted to those addicts mostly likely to benefit from them.

COMMUNITY

Another distinct approach involves the establishment of complex social systems that are ran almost entirely by ex-addicts. Such organizations as Synanon (California), Daytop Village, Phoenix Houses, Odyssey House (New York), and Gateway House (Chicago) contrast sharply with the civil-commitment institutions. Rather than being involuntarily confined, residents in these communities are free to leave at any time. In fact they must at all times demonstrate willingness to conform to community rules and spirit in order to remain.

Many former compulsive drug users are able to remain drug-free and function pro-

ductively while they are in such communities but how they do after leaving is not certain. Some critics feel that the approach falls short of returning ex-users to their homes sound of mind and body. But even if this is so, providing a voluntary, specialized community in which addicts can live a useful life is still a worthy enterprise.

Of the different approaches this one appears best suited at present to produce a drug-free, productive person who does not need continued medical care or psychological treatment.

CAUSES

Perhaps the diversity of approaches can be traced back to fundamental differences of opinion about the causes of compulsive narcotics use. At one extreme are those who believe that the persistent craving for narcotics may be a result of a metabolic or physiological change caused by repeated narcotics use—a change that persists for many months after the drug is withdrawn. At the other extreme are those who believe that narcotics are used for purely hedonistic purposes, by basically delinquent persons who are either completely unconcerned with what society expects or who are too immature to weigh the possible long-term consequences. In between the extremes are those who believe that narcotics are used by the emotionally disturbed to treat their own psychological difficulties or by the economically deprived to escape the reality of their limited opportunities or by those who, having repeatedly experimented with drugs, have conditioned themselves to respond to certain situations with drug-taking behavior.

All of these views have some validity with respect to some drug users and all of these factors may play some role in narcotic addiction. Future studies may help create rational treatment by showing that one factor is more significant than another for some specific types of addicts. At that point the treatment indicated would be the one best suited to correct the significant factor. It does not seem likely that such studies will come quickly. Compulsive drug use is a chronic problem rather than an acute one. To provide meaningful information, research projects must follow the user over several years, and short-term results are usually of little significance. Presently every approach that offers some chance of reaching at least one socially acceptable goal is in use and several are the subject of careful, critical, controlled evaluations.

BLIND ALLEYS

However, serious problems arise when a number of different agencies offer different treatments based on radically different philosophical premises. Sometimes the user becomes locked into a system that may not be appropriate for him. If a user does not show satisfactory progress toward the goals of that treatment program, he will be discharged from voluntary prorgams or more closely confined or supervised in the involuntary programs. An agency rarely admits that its approach may not be suited to a user's needs at that point in his life. At best the voluntary programs permit their failures to drop out and find their own way into other treatments if they can. Other programs often have long waiting lists and the user may not be treated for months. At worst, he is imprisoned—legally—in an inappropriate program for months or years.

The problem of moving from one type of treatment to another could be solved by a multi-modality program with a central entrance, from which users could move into a number of philosophically and operationally distinct treatments. Assignments to different systems could be based on individual preferences, on the dictates of a research design, or—if it becomes available—a rational judgment based on knowledge of what kinds of individuals do best in which programs. Once the user enters a particular program his or her progress would be followed. When the program or the patient feels that satisfactory progress is not being made he would be reassigned to another program. The problem of starting and coordinating a number of different programs is obviously more difficult than establishing and evaluating any single approach. Yet it seems as if only such a coordinated effort would be able to identify which specific treatments were best suited to reach particular goals for various types of addicts.

OPTIONS

In 1967, as the chief consultant to the Illinois Narcotic Advisory Council, I suggested that such a multi-modal program be developed to treat Illinois' estimated 6,000 compulsive narcotics users. Even though there was no assurance that a multi-approach program would function better than a number of different, independent and philosophically diverse agencies, or that it could be made to function at all, the Council authorized the attempt.

The system—a cooperative project of the State of Illinois Department of Mental Health and the University of Chicago Department of Psychiatry—took in its first patient in January 1968. By July 1969 it was fully operating and included six treatment centers in different locations, linked by weekly staff meetings and central entrance and evaluation procedures. The total program, now serving more than 700 persons, offers methadone maintenance, therapeutic communities, hospitalization and halfway-house facilities, group therapy and the use of narcotic antagonists.

Each approach is run by persons who believe in it. Carl Charnett, former facility director of Daytop Village, for example now directs Gateway Houses, the therapeutic community component, and Edward Washington, the former chief social worker of the New York methadone maintenance program, directed the first outpatient methadone unit.

ONE ROOF

While at first no one geographical center attempted all approaches, that was obviously a logical next step. Such a program is now being operated successfully in the former staff building on the grounds of the Tinley Park Mental Health Center. Total abstinence, methadone maintenance and narcotic antagonists are all being used within a therapeutic community directed by ex-addicts. Because of its multi-modal approach the Tinley Park unit provides an ideal training experience.

Although it now appears that a multi-approach program can work in a single structure it is still too soon to gauge the effectiveness of the individual parts, or the efficiency of the total multi-approach concept. But it is already unequivocally clear that where vested interests have not developed and treatment of narcotics users has not become politicized, people with widely different philosophies can not only talk together but actively cooperate.

OREGONIANS COMMENT ON MEDICARE COSTS AND THE MEDICAL PROFESSION

Mr. HATFIELD. Mr. President, currently our medicare program is under legislative review, and will receive even more attention in the months ahead.

In some quarters, much of the blame has been leveled at practicing physicians. Naturally, this has disturbed many segments of the medical community. In Oregon, the medical profession has adhered to high standards and will continue to do so in the future.

The president of the Oregon Medical Association, Dr. Noel B. Rawls, expressed his sentiments on this issue in plain language. In addition, the associate executive director of the Multnomah County Medical Society, Mr. J. David Lortie, wrote me on the same matter. I also heard from Prof. John A. Benson, Jr. of the University of Oregon Medical School. The Physicians' Medical Center of McMinnville, Oreg., also contacted me with thoughts on this issue.

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

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

MULTNOMAH COUNTY MEDICAL SOCIETY,
Portland, Oreg., Mar. 25, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: I had the pleasure yesterday of speaking on the telephone with one of your assistants, Mr. John Oberdorf. He informed me you have been receiving a number of inquiries or complaints about high doctors' fees, particularly as they relate to the Medicare and Medicaid programs in Oregon. Mr. Oberdorf and I spoke about this problem at some length and I felt it might be useful to you if I were to briefly discuss some of the issues involved in this matter.

First, there is no denying doctors' fees have increased and will continue to increase. These increases in fees generally coincide with the physician's increased cost of doing business. That is, salaries of his office personnel have increased significantly over the past few years. Also, rent, utilities, office machinery, office supplies and medical supplies have also increased, primarily due to the general inflation spiral. Then too, the cost of the physicians' malpractice insurance jumps each year so that in Oregon today some physicians are paying nearly $1,200 a year for basic malpractice coverage and it is anticipated this will soon increase. Finally, a major factor in boosting the cost of doing business for a physician has been the frequent need to hire additional personnel because of the ever increasing paperwork burden, particularly the filling out of insurance forms. I will not say Medicare is directly responsible for this but certainly has been a significant factor. Much time and effort is being spent by physicians' office personnel in helping the over 65-year-olds understand the workings of the Medicare program, time that prior to the Medicare program was not required.

If you have received complaints about doctor's fees in relation to Oregon's Medicaid program I suspect the complaints have come from physicians, not patients. In actual fact Oregon's Medicaid program is nothing more than a gimmick used by the state to secure federal monies to pay for medical costs which the state previously paid. That is, the federal government supports the state government and its welfare department in paying physicians' fees at the same significantly sub-standard rate as before Oregon adopted a Medicaid program.

Under Medicaid, which covers only the categorical areas of aid to the blind, aid to the disabled, aid to dependent children and aid to the aged, physicians are paid $4.75 for an individual office visit. This is just about enough in a general practitioner's office to cover his overhead. In an internist's office or other specialist's office it won't even cover overhead. The rest of the welfare (Medicaid) fee schedule is equally unrealistic. To be specific, welfare pays a physician $51.00 to remove tonsils and adenoids while the usual and customary fee in Portland is $110. Welfare pays $118.25 for an appendectomy while the usual and customary fee is $250.00. Physicians who treat welfare patients must accept these fees and cannot bill

the patient any balance between what welfare pays under its Title 19 Medicaid program and what the physician's usual charge may be. Thus, if a physician sees very many welfare patients (and in Multnomah County there are more than 30,000 on ADC alone) he must raise his usual fees to compensate for the loss he suffers in caring for welfare patients.

Frankly, Medicare is an entirely different situation. I suspect patients are indeed complaining that their doctor is overcharging them. While in certain isolated instances this may be true, as a general rule doctors in Portland at least are not overcharging their patients under Medicare even though it appears that way.

It is important to remember that when Mr. Wilbur Cohen, former Secretary of Health, Education and Welfare refused to raise the premium on the Part B, Title 18 insurance, he also issued an order freezing the reimbursement to physicians on the basis of what physicians were charging as of December 31, 1968. That freeze still exists. Thus, here in Oregon, Aetna, the fiscal intermediary for Medicare, is paying doctors' 1970 bills at the December 31, 1968 rate. Thus, if a doctor charged $5.00 for an office visit in 1968 and today he has increased his fee to $7.00, Medicare pays only 80 per cent of $5.00, or $4.00. The patient then is responsible not only for the 20 per cent of the 1968 usual and customary fee of $5.00 upon which Medicare bases it payment, but is also responsible for the $2.00 increase in the doctor's fee between 1968 and 1970. Thus, the patient who is told that Medicare pays 80 per cent of the doctor's usual and customary fee can only conclude that he has been overcharged.

In plain fact, the doctor is generally not overcharging for his services in 1970 but the government is underpaying and is really violating its own contractual obligation to pay 80 per cent of usual, customary and reasonable fees. However, the Medicare law, apparently specifically forbids the fiscal intermediaries from explaining this situation to their clients, the patients. Thus the doctor gets blamed and must spend his valuable time or the time of his employees in explaining this ridiculous situation to the patient who is indeed the victim in this case.

This is a complicated situation and I hope my discussion makes some sense. There are other factors within Medicare that are perhaps worthy of discussion as problems but do not directly relate to the patients' complaints about overcharging.

Now I do want you to know the Multnomah County Medical Society is very concerned about this entire situation. We have available to any patient who writes us a Grievance Committee which will review in detail any and all complaints it receives. Be assured this is not a whitewash committee. It is a committee dedicated to resolving the complaints of aggrieved patients and if a physician is wrong the committee does not hesitate to say so and take necessary action.

Also, we have available a Health Insurance Review Committee which monthly reviews numerous complaints from insurance companies, physicians and patients about fees charged or paid. This Committee's prime function is to investigate fees charged and to determine what a reasonable fee would be in the Portland area. Again, this Committee is most diligent in its pursuit of any wrongdoing.

Thus the mechanisms exist here locally for all persons to get a fair and honest hearing about any complaint they may have against their physicians. It is because of the effectiveness of these two peer review committees that I can assure you the Multnomah County Medical Society is most involved in insuring that its individual physician members are honestly meeting their ethical and legal obligations to their patients.

Cordially,

J. DAVID LORTIE,
Associate Executive Director.

OREGON MEDICAL ASSOCIATION,
Portland, Oreg., March 20, 1970.

Senator MARK O. HATFIELD,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: It appears to members of this association that some members of the Congress and select Congressional Committee staff are determined to place the blame for the soaring costs of Medicare and Medicaid squarely, and may I add unjustly, on the American Medical profession. What is even more disconcerting is their parallel attempts to assassinate the character of the nation's doctors.

The highly publicized and shockingly misleading staff report of the Senate Finance Committee is an excellent example. You may be assured my profession is not riddled with fraudulent practitioners who gouge the elderly, the infirm, and the government, as this report would lead the nation to believe. Rather, medicine is constituted of dedicated, highly skilled and conscientious professionals, many of whom predicted Medicare and Medicaid would soon far surpass the casual estimates made by the sponsors and supporters of the original legislation.

I wish to add that my associates in Oregon, and across the country abhor the few abusers of federal medical programs or, for that matter, private patients. We have, are, and will continue to seek and discipline doctors who overcharge and over-utilize. If such individuals are guilty of fraudulent conduct, we will use every means available to us to see that justice is effected. This is not an empty pledge, but a basic working precept of the ethics of our profession.

We very frankly resent this and other covert attempts to shake the faith of our legislators and the American public in the integrity of medical doctors. Further, we trust you will do everything possible to see that this sort of malicious demagoguery is stopped and that the record is set aright. Your interest and cooperation will be most appreciated.

Sincerely,

NOEL B. RAWLS, M.D.,
President.

UNIVERSITY OF OREGON MEDICAL SCHOOL,
Portland, Oreg., March 12, 1970.

Senator MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: I was somewhat disturbed to learn of a report to the Committee on Finance on February 3, 1970 concerning "Medicare and Medicaid—Problems, Issues and Alternatives". Chapter 6 of the Report concerns payments to supervisory physicians in teaching hospitals and is of obvious interest. It concludes with a staff recommendation as follows:

"The staff is aware that the involvement of teaching physicians in direct patient care varies with respect to a given patient from none to extensive. We also recognize that charges were normally not made nor payment anticipated, by teaching physicians for institutional patients prior to medicare. The staff concludes that there is no justification under the present medicare statute for reimbursement of supervisory physicians services to an institutional patient in a teaching setting and that there is no legal obligation on the part of the patient to pay him for those services. For those reasons, we recommend that this type of reimbursement be terminated until such time as Congress clearly and specifically expresses an intention to reimburse for these services and specifies the criteria under which they will be reimbursed."

The statement suggests that Medicare provoked professional charges by teaching physicians for institutional patients. At this and other institutions patients able to pay, especially those with third-party insurance coverage for professional fees, were billed for professional services rendered. This practice continues here for those covered by insurance either under Medicare or private coverage. The returns from such charges are an important resource in maintaining competitive faculty salaries and even in providing faculty positions. This practice began long before Medicare.

I have also enclosed a resolution by the American Board of Internal Medicine, a certifying, examining, non-profit board which helps set standards of excellence for internists. This resolution has been sent to Mr. Thomas M. Tierney, Director, Bureau of Health Insurance, Social Security Administration, and he has responded. I thought this additional perspective might be useful to you as Senator Long's hearings continue explorations of the matter.

With warm regards.

Most respectfully,

JOHN A. BENSON, Jr., M.D.,
Professor of Medicine, Head, Division of Gastroenterology.

AMERICAN BOARD OF INTERNAL MEDICINE,
Philadelphia, Pa., January 6, 1970.

Mr. THOMAS M. TIERNEY,
Director, Bureau of Health Insurance, Social Security Administration, Baltimore, Md.

DEAR MR. TIERNEY: The American Board of Internal Medicine, for several months, has been considering the effects of the administration of Medicare and Medicaid on the educational and training programs in internal medicine. At a recent meeting of the Board on December 2, 1969, the following resolution was adopted and I was requested, as Chairman, to forward it to you for your consideration. Copies of the resolution are also being sent to the Association of American Medical Colleges and to the individual chairmen of departments of medicine of our medical schools. The resolution is as follows:

"The American Board of Internal Medicine has as its primary responsibility, the determination of qualifications of physicians for certification in internal medicine and its subspecialties. Inherent in this mandate are the assessment of training programs and efforts toward their continuing improvement. The Board's activities are thereby sensitive to any influences, direct or indirect, which bear upon training methods and their effective application.

"Sharing of responsibility in patient care is a fundamental requirement for an effective training program. The indirect undermining of this necessary objective by disallowance of payments for services of supervising physicians in a teaching setting can result only in declining quality of training and thereby a lower rather than an ever-better level of care. The manner in which Titles XVIII and XIX are being implemented in many parts of the country influences adversely the quality of both medical care and education.

"We respectfully request that representatives of the Social Security Administration and other related agencies expand and intensify interchange with their counterparts in postgraduate medical education in seeking the best adaptation of relevant legislation to our common goals."

We do hope that you will give this statement your serious consideration, and we should be pleased to discuss it further with you should you wish.

Sincerely yours,

J. D. MYERS, M.D.

McMINNVILLE, OREG.,
March 14, 1970.

Senator MARK O. HATFIELD,
Senator Office Building,
Washington, D.C.:

The Physicians Medical Center, McMinnville, Oregon, requests that you exert your influence to put in proper focus the role of the physican in the implementation of the Medicare program and to determine whether or not there is a deliberate attempt to disparage physicians on the national level by continuous attacks on their integrity and dedication. The publicity resulting from the release of the report of the Senate Finance Committee on Medicare is the most recent case in point. We resent being singled out as being responsible for the financial faults of Medicare. We resent the implication that fraud by physicians is rife in the Medicare program when in fact evidence of fraud by physicians is demonstrably small and insignificant in relation to the cost of the overall program. The evidence is that the great majority of physicians do not overcharge, are not abusing the program and are dedicated to making Medicare work. We are discouraged. We dislike being scapegoats. We look to our statesmen in Congress to set the record straight, to let it be known that they have faith in the medical profession and that the vast majority of physicians are honest and dedicated to providing high quality medical care to all persons.

W. T. ROSS, M.D.,
Physicians Medical Center.

ACADEMIC FREEDOM IS LOST THROUGH STUDENT-FACULTY DESTRUCTION

Mr. RANDOLPH. Mr. President, events of recent days on several college campuses have crystallized, I think, the problem of what is commonly termed "student dissent." It is more nearly destruction.

It has demonstrated that a dedicated hard core of irrational radicals can bring great universities to their knees. And they can do it with the acquiescence, and often the support, of faculty members. Thinking students who can be led sheeplike into massive demonstrations against an ill-defined establishment are abandoning all pretense of education.

Those who join in the shouting down of invited speakers, as in the case of Gen. Maxwell Taylor at Monmouth College and Secretary Walter Hickel at Princeton University show that they hold no interest in others' ideas and seek only to impose their own ill-formed beliefs.

At one of our great tax-supported institutions, Penn State University, the president's house was stoned and fires set because of refusal to grant amnesty to those arrested in a previous demonstration.

The issue at Yale University, as we understand it, is to halt the educational process—a joint agreement of faculty and students—for discussions of a pending murder trial because some students have prejudged the outcome without hearing the evidence.

If these situations defy reason, they at least demand a reasonable response. Or must our strife-torn colleges and universities await equally repressive action by alumni and parents and taxpayers who pay the bills?

Do our universities have a responsibility to demand rational behavor as a condition of attendance? The university occupies a unique position in our society, but it must teach its inhabitants that they are governed by the same laws of conduct and the same rules of civic responsibility as the rest of our citizenry. The denial of the rights of the majority of serious students by shutting down classes is the most outrageous oppression of all. The moves to silence the presentation of opposite views is an obscene violation of the fundamental freedoms. To stamp out a man's words, as one editorial writer so accurately observed, is no different from burning a man's books.

Dr. Eric A. Walker, president of the Pennsylvania State University, declared on February 6 of this year:

If one truth emerges from the handling of these troubled campuses, it is that college presidents were not firm enough in their dealing with hard-core militants when those militants began to use force.

Almost 3 months later there are, no doubt, hundreds of other heads of institutions of learning who now realize the truth of these words.

Mr. President, I ask unanimous consent that editorial comments on the subject be printed in the RECORD.

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

[From the New York Times, Apr. 27, 1970]

STAMPING OUT FREEDOM

General Maxwell D. Taylor knows as much about America's involvement in Vietnam as anyone in the world. He was President Kennedy's chairman of the Joint Chiefs of Staff, President Johnson's Ambassador to South Vietnam, still serves as President Nixon's chairman of the Foreign Intelligence Advisory Board.

This is the general—a personal repository of history—who was booed off the platform at Monmouth College after accepting an invitation to speak before the Student Union. The spectacle of students, led by a so-called professor on the college faculty, preventing General Taylor from giving his talk is more than vulgar; it is the kind of fascist-minded repression that kills the meaning of education. General Taylor and Monmouth College might have learned something from each other; now the chance to listen—and learn—is dead. Stamping on a man's words is no different from burning a man's books.

[From the Philadelphia Evening Bulletin, Apr. 24, 1970]

PENN STATE'S ALTERNATIVES

With commendable patience, Dr. Eric A. Walker, president of Pennsylvania State University, has tried to make the distinction between peaceable student dissent and the fires and rock-throwing now disrupting his campus.

Over the last couple of years, this distinction has been accepted in academic circles as the proper point of departure for a college administrator trying to soothe tempers and arbitrate honest differences.

And, in an atmosphere supposedly dedicated to reason, it would seem a quite proper one. But the some 200 to 250 hardcore campus militants at Penn State are not susceptible to logic and persuasion. To such militants, both are signs of weakness to be exploited.

Thus, the alternatives to which Dr. Walker has resorted—calling State Police and obtaining injunctions—are not only logical ones; they are the only ones. And, to the taxpayers who support Penn State, they are eminently satisfactory ones.

Those professedly offended by the "police presence" on the Penn State campus ought to ponder one thing. The campus bullies are not dismayed; they are indeed gratified.

The police presence radicalizes emotional segments of the student body and faculty, rallying them to militant demands they would otherwise reject.

What could be more meaningless, for instance, or more calculated to inflame emotions, than calling for an end to "oppression" of student dissent in these circumstances?

What could be more arrogant than demanding amnesty for the demonstrators who stoned Dr. Walker's house and set fires around the campus?

There is one last alternative at Dr. Walker's disposal which has already been endorsed by the Penn State board of trustees. It is expulsion of militants who defy the law. It is not only an effective and proper alternative at Penn State, but also at other institutions plagued by violent and uncompromising dissent, most recently the University of Pennsylvania, witness a rash of fires and window-breakings.

The range of choices available to colleges and universities in these circumstances has steadily dwindled. And if now it narrows to expulsion, it is not because of any insensitivity or vindictiveness on the part of administrators, it is simply because the university must rid itself of forces which would destroy it.

[From the Washington Post, Apr. 26, 1970]

THE RULE OF UNREASON

Those who supposed complacently a year ago, when there was so much murkiness and confusion at Cambridge and so much seeming *lux et veritas* in New Haven, that the difference between Yale and Harvard was a difference between men and boys must now revise their judgment. Yalies, too, are capable of frenzy, especially in the springtime. They, too, can go berserk, run amok and revert to adolescence. They need no longer take a back seat to the sons of Harvard in irrationality.

You will have to pay pretty close attention if you are going to follow the intricacies of what is currently going on at Yale. In New Haven, a Connecticut community supposed to be more or less independent of the university, a trial is being conducted in order to determine whether some Black Panthers, including Bobby Seale, the national chairman of the Black Panther Party, were responsible for the murder of an allegedly apostate Panther named Alex Rackley.

As to the merits of the charge against the defendants in this trial, we are as free from opinion as any qualified juror. Among the youths of Yale, however, a very strong conviction appears to have developed that the court is corrupt, the trial political and the verdict foreordained. To demonstrate their disapproval of the whole proceeding, about 80 per cent of the Yale student body staged a strike against—the university. This is to say that they boycotted classes and lectures, picketed the entrances of buildings on the campus and generally disported themselves like young men on a holiday or at some sort of charivari.

The faculty at Yale—now follow this carefully—apparently determined to prove that there is no such thing as a generation gap and that the old can be just as immature as the young, met in solemn conclave on Thursday and unresoluted an endorsement of the student strike. "Faculty members," the faculty said, "should be free to suspend their classes; they should take a tolerant position in regard to assignments and papers handed in late, and they should make as much time as possible available for the discussion of immediate and pressing issues."

Now, let's recapitulate and see if we all understand the situation. In order to prevent

any improper or undue pressure upon the course of justice and to protect the court from any tinge of political bias, the student body and faculty at Yale have agreed that there shall be no education at Yale until the trial of Bobby Seale is decided the way they think it ought to be decided. Frankly, we haven't heard of anything quite the equal of this since the Ku Klux Klan quit burning crosses in front of courthouses in Alabama.

[From the Washington Evening Star, Apr. 27, 1970]

IRRATIONALITY AT YALE

An unfortunate thing happened to Yale at a faculty meeting the other night. The professors went far toward acquiescing in the paralysis of a great university.

And what is the ostensible reason for the first such crisis at Yale since that institution opened in 1701? It's the effort of Connecticut authorities to try several men charged with a sordid slaying. The case would be unremarkable except that one of the defendants is the national chairman of the Black Panthers, Bobby Seale. The other defendants also are Panthers, as was the victim.

One expects many of 1970's undergraduates to get their judgment so out of whack that—with demagogic manipulation—they can't distinguish between a cause and a noncause. Or between political persecution and an attempt by society to solve a murder.

On behalf of the boycotting students, one can plead their inexperience, and their vulnerability to "radicalizing" elements among them. But what excuse can be given for the faculty members who have agreed to "suspension of the normal academic functions"? Yale is supposed to stop educating while the great issue of the murder trial is discussed.

The trouble is, there's no issue at this point except the guilt or innocence of each of the defendants still under indictment. And that is for the jurors to decide on the basis of the evidence that will be forthcoming in open court.

In the meantime, serious Yale students would do well to get their professors back in class. Exams have a way of sneaking up on an unwary scholar in the spring.

HUNGER IN CHICAGO

Mr. PERCY. Mr. President, in the past few months, I have made statements about the extent of hunger in the city of Chicago. On April 20, the Select Committee on Nutrition and Human Needs held hearings in Chicago to ascertain the current situation.

The testimony we received painted a picture of a city riddled with redtape and too burdened financially to seek out and feed its nearly 600,000 hungry poor. It was a picture of malnourished children too hungry to learn; of the elderly too proud to ask for food; of a city unwilling or unable to respond to their needs; and of a Federal Government which must revamp its food and welfare programs.

The Chicago Tribune is currently publishing a series of articles written by Patricia Krizmis and Angela Parker, with photographs by Ovie Carter, exploring hunger in Chicago. These are provocative articles which critically examine what it is like to be hungry and why no solutions to the hunger problem have yet been found.

I commend the Chicago Tribune and its reporters for making the public aware of this problem. I ask unanimous consent that some of the articles be printed in the RECORD.

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

A SAD STORY OF HUNGER AND HOW CHILDREN OF CHICAGO'S POOR SUFFER

(By Patricia Krizmis and Angela Parker)

There is a game in Chicago called hunger. It is played by politicians, organization leaders, government officials, private agencies, and the poor.

Many of the losers—infants, children, and the elderly—never really play the game. But they are the victims, caught in a vicious circle from which there seems no escape.

IT DOES EXIST

The existence of hunger has been acknowledged at all levels of government. There is talk of the shame of it; the shocking thought that any person in this country should go hungry. Solutions have been suggested. National studies are under way. Hunger and its companion, malnutrition, have become political issues tossed back and forth as all try to fix responsibility.

"The city has taken leadership," said Deton J. Brooks Jr., commissioner of Chicago's department of human resources and Mayor Daley's overseer of hunger problems and feeding programs.

"The city has not swept the problem under the rug," Brooks said. "There is no political profit in hunger. But the city is limited in what it can do. This is a national problem with the state sharing responsibility."

WHO IS RESPONSIBLE

Sen. Percy (R., Ill.) tossed the responsibility right back to the city. Babies and the elderly are starving in Chicago, he said, and the city could remedy the situation if only it would ask for surplus foods from the federal government.

In Springfield, Gov. Ogilvie and Harold O. Swank, state public aid director, have urged that the federal government be financially responsible for welfare.

The Rev. Jesse Jackson, national director of Operation Breadbasket, contended that no one, whether at the city, state, or federal level, is doing enough.

Small private agencies, which have assumed the lion's share of work in feeding people, say they can't solve the problem.

In the meantime, many in Chicago go to bed with empty stomachs while taxpayers dole out more and more of their pay checks to combat a situation they really don't understand.

A MATTER OF DEFINITION

Part of the confusion arises from conflicting definitions of hunger and malnutrition. They are not the same.

Hunger, as defined by some doctors, is insufficient quantity of food. Malnutrition, a medical problem, is inadequate intake of essential nutrients. Malnutrition is not limited to the poor.

Brooks defined hunger as "a state of not having adequate nutritional purchasing power for yourself and your family."

But in Chicago, a feast-and-famine variety of hunger exists which is not defined in medical books or dictionaries: No one is hungry all the time.

"MY STOMACH HURTS"

To Regina, 9, hunger is pain. "My stomach hurts, so I drink a lot of water and go to bed 'cause I don't feel so good. Sometimes my little brother (age 4) cries when there's no food. Then he goes to sleep."

Regina doesn't cry when she must go to bed with that hurt feeling in her stomach. Unlike her brother, she has come to understand that sometime almost every month, she will be hungry for the simple reason that there is no food in the slum apartment that is her home.

Sometimes, Regina explained, her mother's welfare check is late. Sometimes, it is stolen. Sometimes, someone breaks in and steals all the food.

These are the reasons she gives. But are they the only ones?

Many of the reasons cited by Regina are merely excuses given her by her mother, said school-community representatives. They visit her home whenever Regina falls asleep in class, vomits water, or sits listless because she did not have a breakfast, or a dinner the night before.

JUST NOT ENOUGH

To Mrs. Helen Brooks, hunger provokes fear and a determination to see that her children never will have to experience the pounding headaches and stomach cramps she has known.

The $96 a week her husband brings home from his job as a gasoline station attendant doesn't always stretch far enough to provide enough food for their nine children and the two grandchildren who live with them. The children eat first, and then the adults. At times, Mrs. Brooks goes without food.

The only form of outside aid the family receives is bread, provided once a week by a private charitable agency, and at times, canned food. Four of her children receive a free hot lunch at school.

William Hartley sits in his $56 a month hotel room in Uptown and proudly tells how his family never went hungry during the depression of the 1930's. In those days, he walked thru the city and suburbs, repairing doorbells and doing odd jobs for wealthy families.

But he doesn't want to talk about hunger today.

At 86, he can't get out to repair doorbells, so he lives on a monthly social security check of $56 and the $25 his sons take turns sending him every month.

"My boys are good boys," Hartley said. "I don't want to cause them any trouble. I can manage—my friends help me."

His friends are the Little Brothers of the Poor, a charitable agency serving senior citizens. They bring him food every week and spend a little time with a lonely man.

Without them, would he survive?

Meanwhile, the numbers game goes on. No one really knows how many Chicagoans suffer from feast-and-famine hunger. And no real effort has yet been made in Chicago to find out.

The Rev. Mr. Jackson claims there are 600,000 hungry people in Chicago. But he cannot produce faces to go with the figures.

Brooks has said there are 675,000 "potentially hungry people" in the city. He said they include families of four or more with an income under $6,799.

SORROWFUL REMINDERS

But the city has come up with a temporary answer to hunger—city-wide soup lines—sorrowful reminders of depression days.

Brooks admits that people standing in lines to be fed a meal in centers thruout the city does not represent a solution.

The program is "a step to feed people and to determine the size and scope of the problem," Brooks said.

The city will feed all who come in, he pledged. In addition, the department of public aid supplies emergency food vouchers at an average weekly cost of $14,000. At least 100 private agencies, organizations, groups, and churches feed hungry people. In addition, there are federal and state programs to feed people. Food stamps are available. Nutrition classes are conducted.

Then why are there hungry people in the city of Chicago?

HUNGER NO. 1 ENEMY OF ELDERLY

(By Patricia Krizmis and Angela Parker)

The forgotten citizens of Chicago—the elderly—face the desperation of hunger. Here

is their story in the third in a series of articles designed to find the truth in the charges, countercharges, and denials of hunger in Chicago.

They don't live, they only exist, barely surviving.

They are the Chicagoans caught up in the limbo of old age, unable to work and too proud to ask for help.

Hilda Evans, 71, will tell you how much she enjoys pancakes, bread, and cereal. She sat in her two-room apartment in North Clark street stirring a mixture of water and flour.

"This will be delicious when I'm finished," the thin woman said. "I've learned to make little things do. I really don't need much."

Her budget doesn't allow her much.

LIVES ON $137 A MONTH

Her monthly budget consists of a $56 social security check and $81.27 old age assistance from the department of public aid. After she pays $80 a month rent, she has $57.27 left to live on.

Mrs. Evans doesn't eat meat often.

But that night, she would have a good dinner—meat, vegetables, the works. And there would be flowers to brighten her drab little kitchen.

The Little Brothers of the Poor, a private charitable agency serving senior citizens, had made sure of that.

A few years ago when, Mrs. Evans insists, she was managing on a $47 monthly social security check, the Little Brothers brought her groceries. They convinced her to seek aid from the county. That really isn't enough; so the Little Brothers come back every week with groceries and flowers.

RELIEF'S NO FUN

"It's no fun being on relief," Albert Redmond, 70, said. He worked in a small steel company which went bankrupt, so he lost his pension. Two years ago, he tried to work again as a steel grinder, but his health wouldn't take it.

So he and his wife, Jennie, went on aid and receive $166.80 a month. After their rent and utilities are paid, they have about $75 left.

"When we get money, we buy meat," Redmond said. "We try to shop around, but transportation costs money.

"You get tired of neck bones, soup, and beans, and at the end of the month, you get awful sick of bread and water, and maybe beans."

Last year, one of his welfare checks was lost. The department of public aid gave him $15 to last two weeks. It didn't. So Redmond went to Marillac House, a west side settlement operated by the Daughters of Charity, and received help.

"The nuns have been good to us," Redmond said. "But if I couldn't get help, I'd get food for my wife—somehow I'd get it. At least, we got each other."

CRIPPLED AND ALONE

But Wiliam C. Miller, 69, has no one.

He survives on the eggs and soups he cooks on the hot plate down the hall from the room he rents for $60 a month and on "whatever the Little Brothers are kind enough to bring me."

The soft-spoken man, a Northwestern university graduate, once was a free lance accountant. But his past, and the problems it might have involved, are not shared even with the Little Brothers.

Now, he lives on a $156 monthly social security check and must walk on canes and crutches because he has ulcers on his ankles and a hip that didn't heal correctly after it was broken.

Icy pavements keep Miller in during the winter months, so the Little Brothers do his grocery shopping for him and supplement it with the food they bring.

Many of the city's elderly who are alone often have to rely on private agencies to shop for their groceries and bring them food.

WHAT ABOUT THE OTHERS?

But what worries the private agencies most are the senior citizens they don't know about.

Like Mr. Gasse, a frail man of 75, who doesn't want to talk about himself or how hungry he may be.

He was found wandering in an alley outside a center where senior citizens are served a meal.

His name was Mr. Gasse, he said. He hadn't eaten for two days, and he was hungry. Someone had stolen his money. But any other information—where he lived and how he lived—was "personal."

He was eating now, but what would happen tomorrow?

AID TO HUNGRY IS BIG BUSINESS

(By Patricia Krimis and Angela Parker)

Millions of tax dollars are allocated to fight poverty and feed the hungry. Officials administer funds, operate programs, and give solutions, but private agencies actually feed most of the hungry. This story, the fourth in a series about hunger, covers this problem.

Their jobs exist because there is poverty, with its companions of hunger, inadequate housing, crime, ignorance, and hopelessness.

And right now, hunger is their business.

They are the officials like Mrs. Murrell Syler, who administers nearly 55 million dollars in government funds as executive director of the Chicago Committee on Urban Opportunity. She is paid $22,000 a year to fight poverty from her office at 33 W. Grand av.

TELLS HER GOALS

Hunger to her is "any absence of food," and Mrs. Syler believes:

"Most people on public aid or near the subsistence level [the federal government has set $3,550 as a necessary income level] have the right to be hungry. They cannot take care of their basic needs and food.

"I feel everyone is entitled to have essentials for living. Food, clothing, shelter, and in today's world a telephone and a television set are a few of the necessities that persons should not be deprived of."

NO STUDIES CONDUCTED

CCUO has not conducted a scientific study to determine how many hungry people there are in this city and why because "we just don't have those kind of funds," Mrs. Syler said.

Last summer, CCUO received a $325,000 grant from the federal office of economic opportunity to conduct an emergency feeding program in 14 urban progress centers. In 38 days, 9,803 families representing some 42,000 individuals received food. The cost of the program was $132,913.

The unused funds were returned to OEO and the program was given to the Cook county department of public aid.

CCUO never will run another emergency feeding program that another agency should be doing, Mrs. Syler said.

However, CCUO will participate in Mayor Daley's new feeding program which will begin within the next few weeks. The organization has applied for a $525,000 federal OEO grant so that persons may be fed a meal daily in nine urban progress centers and three outposts. The program also will get $500,000 authorized by the city council.

"We hope to find out what people's needs are," Mrs. Syler said. "Every family should eat, and eat together—this builds up family ties. Our program to help eliminate hunger is not the most desirable, but it's better than nothing."

Deton J. Brooks, Jr., commissioner of the city's department of human resources and overseer of the city's feeding program, said Chicago is making every effort to feed the hungry.

NOT SOLVING PROBLEM

However, he said, "The fact that you feed people is not solving the basic problem. The ultimate solution is a guaranteed income sufficient to meet the minimum requirement necessary to sustain a family."

Brooks said it is not known how many people will be fed in the city's program, but "every effort will be made so the feeding centers do not degenerate into poor man's kitchens."

Dennis Doyle, midwest regional director of food and nutrition service for the federal department of agriculture, said more can be done in Chicago to feed the hungry.

"Resources are available from the federal government," he said. Though many programs are conducted in the city, "we know these programs are not benefitting all who need assistance," he said.

STATE SETS STANDARDS

His department must work from the standards set up by the state, he said. If more money is needed for rent and other necessary items so aid recipients will not have to use their food budget, than more money should be given, he said.

But, said David Daniel, director of the Cook county department of public aid, "we have only a given amount, and we can't stretch it. We know they're only minimal grants. We're not defending the inadequacies. We just don't have the resources.

Hunger also has become a business to organization leaders who thrive on public attention to get a problem recognized.

The Rev. Jesse Jackson, national director of Operations Breadbasket, who recently returned from California were he was recuperating from fatigue, lost a battle with the city council for 36.4 million dollars to feed the 600,000 people he says are hungry and to set up a city department to abolish hunger.

Breadbasket officials called Mayor Daley's feeding program "merely a token." They said private agencies, like Breadbasket which feeds 5,000 persons a week, are the only ones making an effort to solve the problem.

The small private agencies actually do the major share of feeding in this city. And their people, like Roland Quinn of the Salvation Army's Harbor Lights center or Brother Michael Salmon of the Little Brothers of the Poor, make no fanfare about their efforts.

USE SIMPLE METHOD

The go about their work using the only solution available to them—hand-to-mouth feeding. And they admit they cannot solve the hunger problem.

"When we give out a bag of food," said James R. Grisham, executive director of the Chicago Southern Center, "we are treating the symptom of hunger. But what about tomorrow? The same problem comes back."

The Rev. Peter J. Powell, a Roman Catholic archidocesan priest who directs St. Augustine Center for American Indians, said he has gone to all levels of government for help.

"We finally gave up and serve our people the best we can with the help of private donations."

KNOW THE NEEDS

Private agencies do not have to conduct programs to determine what the needs are and why people are hungry. They know.

"We know the needs," said Sister Julia of Marillac House, a west-side settlement operated by the Daughters of Charity.

"When people are hungry, they have to be fed today—right now—so they come to private agencies which receive donations from private citizens. They can't wait till Monday or next week."

Most government officials will pat private agencies like Marillac on the head and say they are doing an excellent job.

"Praise does not feed an infant," said Sister Julia. Marillac attempted to participate in a federal nutrition program for infants,

pregnant women, and nursing mothers, but was refused because it was only an experimental project.

So Sister Julia started her own program. With limited funds, it can only serve 100 infants right now.

"But we were told to come back later," Sister Julia said. "We can't always wait till later. What about now?"

HUNGER'S "SOLUTIONS" COMPLICATE PROBLEM

(By Patricia Krizmis and Angela Parker)

Many solutions have been offered to combat Chicago's hunger problem. What are the pitfalls in those solutions? Here is another article in a series.

There is no simple solution to hunger.

Much lip service has been given the problem, but little or no progress has resulted.

It has become fashionable to discuss hunger. Hunger hearings are in vogue. Public officials, like Deton J. Brooks, Jr., commissioner of the city's department of human resources and overseer of hunger programs, extol their programs, tell of the need for more money, and offer solutions.

STILL MORE SOLUTIONS

The Rev. Jesse Jackson, national director of Operation Breadbasket, offers a panel of people who claim to be hungry. With him, they lament the plight of the poor, criticize programs, ask for money, and offer their solutions.

Solutions often sound good on paper. Nonetheless, no effective way has been developed to combat hunger now.

The solution suggested by most of those involved in the problems of hunger is a minimum guaranteed income, but those who suggest it disagree on how much that should be.

President Nixon has suggested a minimum of $1,600 annually, supplemented by state contributions, for a family of four.

David Daniel, director of the Cook county department of public aid, said the President's proposal wouldn't help welfare recipients in Illinois, because they already receive more than that.

He suggested that Nixon take money from the space program and use it to end the war in Viet Nam, and then transfer the funds saved to the country's welfare system. But, he said, a national minimum income is desirable.

RECOMMENDED $5,500

A task force of the White House Conference on Food, Nutrition, and Health recommended that the remedy for hunger and malnutrition is a minimum guaranteed income of $5,500 annually for a family of four. The recommendation has been echoed by many organizations and groups. However, the administration rejected the $5,500 figure because it would mean a program costing 70 to 80 billion dollars a year.

"The President's proposal is good in theory," said Brooks. "But clarification is needed. In Chicago, this base income must be high enough so that a family will be able to buy enough food to maintain high levels of health and nutrition."

A family of four in Chicago needs an annual income of $6,799 and should spend $1,848 of it on food, said Brooks, quoting bureau of labor statistics figures. However, a family of four receiving aid in Chicago—for example, a mother and three children, ages 13, 10, and 6—receive an annual food budget of $1,190.28. By using food stamps, their food buying power can be increased to $1,674.28.

But would a guaranteed income guarantee an end to hunger?

HOW TO SHOP

"Not without education," said Dr. Jack Zackler, assistant city health commissioner. "People should be taught how to shop, what foods to buy, and what to eat."

But he, like most public officials, frowns on mandatory nutrition classes for families receiving any type of aid.

"I do not like the word mandatory," he said. He does admit voluntary nutrition classes conducted by the board of health and other public or private agencies are not well attended.

"Just having the money to buy food is not enough and is not a permanent solution," said George M. Briggs, executive editor of the Journal of Nutrition Education.

He repeated the slogan of international food agencies:

"Give a man a fish, and you feed him for a day; teach a man to fish and you feed him for a life-time."

However, approaches used in Chicago to fight hunger do little to teach those helped how to select and prepare food and how to use their money.

SERVES FREE MEALS

The city's short-term solution to hunger is to serve free meals daily in 12 centers—soup line style.

The Chicago Committee on Urban Opportunity will participate in the program.

It will spend $660,000 on food, equipment, and salaries to feed only 3,623 persons daily for 240 days, or eight months. By then the CCUO money will have run out and more will be needed.

Does a soup line offer any solutions?

"It's better than nothing," said Mrs. Murrell Syler, executive director of CCUO. "We hope to deal with the total crisis. I'm very familiar with poverty."

A person's name and address will be the only information requested. Mrs. Syler said, "but if it gets to the point where people are using the program, we may change that system. If we find someone coming in continually, we will visit the home and find out what is the cause. Then we will refer the person to other agencies."

Many of those referred probably will go to 70 E. 21st st. to get grocery vouchers from the emergency food program conducted by the county department of public aid. But then it may take them some time and money to use the vouchers to solve their hunger problems.

LATE IN REDEMPTIONS

A TRIBUNE reporter had to travel to 10 grocery stores in an eight-mile area before a merchant would accept one of the vouchers. The department of public aid has been late in redeeming the vouchers because of the increased use of the program since August, said John S. Jackson, program director. As a result, many merchants refuse to accept the vouchers.

Sen. George McGovern [D., S.D.], chairman of the special Senate committee on nutrition which conducted hunger hearings in Chicago Monday, considers food stamps an essential weapon in fighting hunger.

In Cook county, 208,290 persons used food stamps in March, an increase of 83,348 over February.

Dennis Doyle, midwest regional director of food and nutrition service for the United States department of agriculture, attributes the increase changes in the food stamp program effective March 1st. More low income families became eligible and those who participate now have received more buying power for the food money they spend.

City officials estimate there are 675,000 potentially hungry people in Chicago whose income is in the poverty level. The majority of these people reject the food stamp program. Why?

Welfare recipients complain the program forces them to use 60 to 65 per cent of their food budget to purchase food stamps that can only be exchanged for food. Stamps cannot be redeemed for such household items as soap or toothpaste.

"The program would be defeated if participants could use the stamps for other items," said Doyle. "They must buy food and that is the purpose of the program."

Doyle admits that food stamps aren't always effective in solving feeding problems. Especially for the elderly person, who may not be able to shop during winter months. In many areas, the only stores that will deliver groceries will not accept food stamps.

If a food stamps recipient does not use the stamps three times within a six-month period, he is taken off the program and must re-apply.

"THE BEST NOW"

"There are problems with food stamps," Doyle said, "but if more persons used them we could iron out the difficulties. It may not be the best solution to hunger, but it is the best we've got right now."

Participants are not taught how to use the stamps.

Edward F. Gaidzik, director of the bureau lunchrooms for the Chicago board of education, offers free lunches as a solution to hunger suffered by school children. His program now feeds 122,000 children free lunches daily.

"But I would like to see education on nutrition given to all pupils at all levels of income. A few years ago, we tore out the home economics laboratories to put in science labs. We had a better understanding of nutrition then.

"America will pay the penalty."

And how much will it cost!

CONFLICT OF INTEREST BY FORMER MANPOWER OFFICIALS IN PRIVATE INDUSTRY

Mr. WILLIAMS of Delaware. Mr. President, Secretary of Labor Shultz has just issued a regulation covering the possible conflict of interest by former Manpower Administration officials who are now in private industry.

These regulations are designed to eliminate the problem of any possible conflict of interest relating to the manpower program.

I commend the Secretary for taking this step and urge that the Administrators of other agencies take notice and consider similar action.

I ask unanimous consent that these regulations as released under date of April 23, 1970, be printed in the RECORD.

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

SHULTZ BARS FORMER LABOR DEPT. OFFICIALS FROM MANPOWER CONTRACT WORK

Secretary of Labor George P. Shultz issued regulations today covering possible conflict of interest by former Manpower Administration officials who are now in private industry and involved in manpower training contracts and grants for the Labor Department.

Under the new regulations, effective today, contractors and grantees must sign a warranty that no one retained or hired by them has performed or will perform representational activities before the Department of Labor if such individual in the last two years was employed at a GS–14 grade or higher in the Office of the Assistant Secretary for Manpower, the Manpower Administration, or any subdivision.

The regulations cover all contracts and grants under authority of the Manpower Development and Training Act, the Economic Opportunity Act, and Title IV of the Social Security Act, and all amendments. They affect all contracts or grants entered into as the result of negotiations begun after today.

Representational activities are described as any appearance, conversation, or other di-

rect contact in relation to the contract or grant between the former employee and any employee of the Department of Labor. They include telephone conversations and any correspondence.

The warranty will provide that if a violation occurs, the Department will have the right to annul the contract or grant.

Firms, organizations or persons found in violation may be barred from contract or grant awards for two years.

The regulations also provide a special procedure for review of manpower contracts or grants to any firm or organization which employs any former employee of the Manpower Administration in an executive capacity.

A special Labor Department review staff, in the office of the Assistant Secretary of Labor for Manpower, will consider, prior to award, whether there are any facts or circumstances which would indicate impropriety or conflict of interest.

The Manpower Administration has a budget of more than $2 billion for manpower training contracts, grants, and services during the current fiscal year.

RITA HAUSER OUTLINES THE NEED FOR RATIFICATION OF THE GENOCIDE CONVENTION: IT WOULD ACCORD WITH THE IDEALS OF HUMAN LIBERTY CONSISTENT TO THE AMERICAN TRADITION

Mr. PROXMIRE. Mr. President, the special Foreign Relations Subcommittee that is considering the Genocide Convention heard from many outstanding witnesses during its 2 days of hearings on this vital United Nations treaty.

Certainly, one of the most expert and knowledgeable Americans on this subject is our Ambassador to the United Nations Commission on Human Rights, Mrs. Rita Hauser. Mrs. Hauser has for many years been in the forefront of the battle to secure Senate ratification of the Genocide Convention. She eloquently and forcefully presented the argument for U.S. accession to this treaty to the special subcommittee, as she has to many other organizations.

In her excellent testimony, Mrs. Hauser stressed that the Genocide Convention is an "international commitment to decency and morality consistent with the American tradition." I wholeheartedly agree. The Genocide Convention embodies the great principles found in our Declaration of Independence, our Constitution, and the Universal Declaration of Human Rights—all vital documents that have had a tremendous effect on our moral conduct.

I ask unanimous consent that a portion of Mrs. Hauser's testimony before the special Foreign Relations Subcommittee on the Genocide Convention be printed in the RECORD.

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

IV. RATIFICATION OF THE CONVENTION WOULD ACCORD WITH THE IDEALS OF HUMAN LIBERTY CONSISTENT WITH AND IN FURTHERANCE OF THE AMERICAN TRADITION

Under Article I of the Convention, the Contracting Parties confirm that: "genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

This undertaking is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Commandments through the Magna Carta, the French Declaration of the Rights of Man and the Citizen, the United States Bill of Rights, and the United Nations Charter, the Convention is a statement which advances individual rights and human dignity. The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate whole groups of people during World War II, and of determination that such an effort shall not be undertaken ever again.

The great documents of human rights have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American and French Revolutions, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents growing out of the rebirth after World War II, among them the Convention against Genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal or could be made illegal dates from the twentieth century, and with one or two exceptions, from the end of the Second World War. The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the effort of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars. Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are steps in the direction of preservation or restoration of peace.

The Genocide Convention recognizes that both states and individuals must be deterred in order to minimize the risk of genocide. Accordingly, states are made to answer in international organs—for example, the United Nations Security Council or the United Nations General Assembly, for actions taken by their governments that might constitute genocide, or actions taken in their territory—even without official government sanction—such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. All those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given document, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

The Genocide Convention is now twenty years old, but it is a living and important document. Our friends are confused, our enemies delighted, at continued United States hesitation about the Convention. Adhering to the Convention now would be a real step in the advancement of America's national interest.

THE ARAB REFUGEE

Mr. HATFIELD. Mr. President, this year is the 22d of homelessness and hopelessness for the Palestinian refugees in the Middle East. The refugees now number approximately 2½ million, 1½ million living in refugee camps on a subsistence basis. A man who has dealt with these forsaken people and understands their problems is Harry E. Martens, who, in 1969, received the Lane Bryant International Volunteers Award. The February 21, 1970, issue of "A.M., the Elkhart Truth" contains an article about Mr. Martens and the problems of the refugees in the Middle East. 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:

THE ARAB REFUGEE

To most people in this country the Middle East problem is a nagging recurrence of ominous headlines in newspapers and current affairs magazines. "Zero Hour for the Middle East," "Countdown in the Holy Land," "6-Day Battle Mere Prelude to Major War." "The Refugee is Key Problem in Middle East" are some recent examples.

Acts of sabotage, air hijacking, the Kennedy assassination and the more recent gunboat incident are constant reminders that the Middle East and its problems permeate our lives and perhaps our destinies.

One Elkhart man to whom the Middle East is an immediate and serious concern is Harry Martens, former assistant to the president of the Mennonite Biblical Seminary here in Elkhart and now with the Mennonite Foundation.

Martens has spent more than 12 months on the Middle East scene as a director of relief and development programs for the Mennonite Central Committee, a coordinating relief agency for the Mennonite Church. He was a special commissioner to the Middle East for three months during the fall of 1969.

He spent time in each of the countries most directly involved in the June 1967 War, Jordan (east bank and occupied territories on west bank), Israel, Egypt, Syria and Lebanon. He was granted an audience with King Hussein and with high ranking officials in Israel, Egypt and Syria. In his position as director of relief he has conversed and worked with religious leaders in nearly all of these countries.

But what is really special to Martens' point of view is the fact that he has worked with the man in the street, the dispossessed, homeless and the hungry, the bewildered people who have been ground down and nearly destroyed by their nearly helpless and hopeless status as refugees, a condition that has existed for some for 20 years (ever since the 1947 war), and for their children, of course, who have never known any other kind of life.

Out of this first-hand experience has grown conviction that the U.S. would enhance its position immeasurably as a world power if it placed first and foremost the well-being of people rather than of nations.

For Martens there will always be ugly pictures in his mind of a sickly and helpless child lying on a dirt floor, covered with flies and too weak to shoo them away . . . of a grandfather, also on the floor, wrapped in a net to keep the insects away from the open sores covering his body . . . of a mother pleading for more food so she can provide milk for the thin baby in her arms . . . of young men with no hope, living without possessions, without plans and without a chance to prepare to become useful citizens.

Young men who only a few months earlier had been planning to enter college or trade

school now sit idle wondering what will happen to them. It is men like these who are attracted to and become involved in the Arab commando movement with its international sabotage acts.

At this time there are more than 250,000 refugees living in temporary shelters and tent cities on the east bank of the Jordan alone, Martens says.

These people have been dispossessed as a result of the Arab-Israel confrontation. A whole generation of young people has grown up in this situation. For many this has been home since 1948. Others have been here since 1967. In both instances the endlessness of the conditions has created a hopelessness leading to desperation. The enlightened youth, never having known a normal life, is saying, "I have nothing to live for so I shall find something to die for." Thus, he joins the commando movement with the express purpose of regaining the land by force and violence—the land lost to their fathers and grandfathers.

A high U.N. official in Geneva, Switzerland while briefing Mr. and Mrs. Martens said, "You will find after spending several months in the Middle East that the Big Middle East problem has no solution . . . (long pause) . . . but the big problem is made up of many little problems that have solutions, so work on the small problems."

Martens is convinced the refugee problem in the Middle East is one of the most important little problems. He is not alone in this, Virtually all resolutions passed by the United Nations on the Middle East settlement single out the refugee problem as a major concern. The U.N. has voted favorably 20 times on resolutions aimed at solving the refugee problem through repatriation and compensation.

Martens believes it is time for the ordinary deeply concerned citizen to speak up and advocate that our country take the initiative and chart a course with emphasis and boldness. He further believes that our country, as a major power, does have influence in the Middle East and it is time to move beyond discussion, study, research and resolution. "It is time to take bold action," he says.

Secretary of State William P. Rogers in December, 1969, for the first time in many months, shared with the world a forthright and definite American-Middle East policy statement. "Now we must establish a program to follow through with the policy. The fact the policy was greeted negatively by both sides involved should be expected," Martens says.

His own experience in the Middle East would indicate that friendship from either side is based on how much one is against the other side. "To enforce a policy acceptable to both sides is virtually unattainable. We must create our own positive position on the basis of justice and human dignity for all. We must not vacilate or hesitate," he says.

Martens believes that a solution of the refugee problem can in itself be a step in solving other more difficult problems existing between the Israelis and the Arabs.

"It is the lack of dignity, freedom and democracy that breeds discontent, bitterness, anger and a feeling of revenge in the refugee camps," he says. "This is what perpetuates the breaking of the cease-fire almost daily and acts of revenge from the other side, a major contributing factor that is leading to a new confrontation."

He feels Israel, too, with its rich heritage anchored in Biblical times, has helped give rise to the idea of human worth and dignity.

In this context he quotes Golda Meir, head of the Israel state, who in Jersusalem just last fall before she made her visit to America, said that the U.S. and Israel are bound together through common ties of Biblical heritage and a common belief in human dignity, freedom and democracy.

Inasmuch as the U.S. effort to help negotiate a peace settlement has met with limited success, Martens believes we should redirect our effort to free the refugee from his bondage. Now is the time, he says, for the U.S. to lead with its very considerable diplomatic and moral force in getting first priority for the victims and assume full responsibility to relieve them of their plight.

Two weeks ago, speaking in Washington before congressmen and United Nations officials concerned with the Mideast problem, Martens reminded the group that certain observers are predicting 100 years of war in the Mideast. "Unless the Arabs and Israelis find a way to live together this may not be as remote as it appears at first," Martens said.

"In view of the seriousness," Martens told the group, "let us call on our country to take the initiative and appeal to the world community by

(1) Stop debating the question of who is to blame for creating the refugee problem or who is responsible for not solving the problem;

(2) Develop a plan for repatriation of refugees who desire to return to their home and land held just before the June 1967 conflict."

This, Martens pointed out, would be in keeping with a An * * * resolution of November, 1967, a resolution favored by the United States. Furthermore, a repatriation plan would open new opportunities for the remainder of the refugees.

(3) Inasmuch as the U.N. has assumed the responsibility to provide minimum food rations and temporary shelters for these victims, may they now develop a program for helping re-establish those who can be repatriated. Their new direction would create new incentives for private agencies and individuals to share in the financial burden.

This should be the beginning of eliminating the long term dole system for which it is increasingly difficult to secure the necessary funds and a system that mars men's dignity and self-respect.

Martens feels that as the situation now stands in the U.N. deadlock over the Middle East, the United Nations Relief Works Agency has not been able to appropriate enough money to maintain a bare minimum standard of human decency and humanitarian help for the refugees.

In his opinion, the U.S. government, the U.N. and the World Bank should be encouraged to share the responsibility. "If this were done," he says, "then private agencies and individuals with a humanitarian bent would be willing to share in this creative venture."

Martens does not claim to have a final answer, but to make a point he quotes one Middle East leader who hopes for a peaceful settlement, "It is unmanly to whisper when so much is at stake."

It is apparent to Martens after spending time with the people there that the refugee problem is very basic to the big problem.

No one can be mistaken about the seriousness of the danger signs in the Middle East. It is wrong however to accept the widely held belief that no peaceful settlement is possible under the present circumstances. The alternative is too serious. One of the main barriers to a peaceful solution is the prevalent pessimistic view.

"There are no hopeless situations except when man makes them so. The forces that make for war in the Middle East are exceedingly active. The forces that make for peace must not fade. The U.S. through the offices of its government, through its support of the U.N. and through private enterprise must show a determination to see that the Middle East problem is solved peacefully," is his conclusion.

PRESERVATION OF ALASKA'S BEAUTY

Mr. STEVENS. Mr. President, conservationists from all over the world have pledged themselves to preservation of Alaska's beauty as we develop our resources.

Peter Scott, founder and director of the wildfowl trust, vice president of the world wildlife fund, and wildlife artist was invited to visit the oil regions of Alaska's North Slope by Eric Drake, chairman of British Petroleum. His helicopter journey lifted him over some of the richest wildfowl areas in North America. A conservationist and naturalist, Mr. Scott's observations about the use of the land he saw are quite frank:

People need oil. It is the job of the oil companies to provide it. We cannot uninvent the internal combustion engine or any other machines which need it; nor I suppose would the majority of human beings want to—at any rate, not yet.

However, Mr. Scott is convinced that man can tap the Arctic Slope oil, build the essential roads, and transport equipment and oil without permanently damaging the land or wildlife.

At this time, when there is controversy over the Alaska oil development, it is refreshing to read his positive statement about the capabilities of science and engineering to wisely use our natural resources without inflicting irreversible damage to the beauty of our State.

For this reason 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:

CONSERVATION 1970

At last it seems that people everywhere are realizing that conservation, pollution, the total environment in which they live and which they share with all other living things, are not the concern of someone else—it is theirs. It is no longer only a distasteful subject to read about in the newspapers, an horrific topic for conversation; it is something that everyone must be involved with and eventually pay for.

President Nixon's Act means that in the United States massive action can be taken at government level. This, in itself, although still hedged with pitfalls, is a great step forward—provided people, industries, and corporations do not sink back complacently, thinking that everything has been taken care of—"by someone else."

The oil industry has historically been the target for public outcry, frequently but not always ill-informed, whenever the subject of conservation or pollution is news. The BP Group has always been very conscious of its responsibilities in this direction and has over the years taken action many times to prevent or correct environmental tragedy in the areas in which it operates—and it operates in every sphere of the oil industry in most countries of the world. In the 1970's the company is pledged to an even more positive program.

At the present time, its operations in Alaska, whether as a production unit on the North Slope or as a partner in TAPS, are probably the most sensitive areas in which it finds itself.

In this context, it is interesting to read Peter Scott's observations after a recent visit to the American Arctic:

"People need oil. It is the job of the oil companies to provide it. We cannot uninvent the internal combustion engine or any other machines which need it; nor I suppose would the majority of human beings want to—at any rate, not yet. For the time being, the oil must flow and now it must flow out of the Arctic, which in itself presents a vast engineering problem. How can it be made to flow whilst damaging the country it

comes from as little as possible—the hitherto unspoiled country, the 'barren grounds' of the far North?

"Almost four-fifths of the area enclosed by the Arctic Circle is sea (although most of it is covered by ice for most of the year). That part of the Arctic which is land is not much used by people, when compared with land areas in other latitudes, but is extensively used by great numbers of other kinds of animals—many, though not all, migrating into it in summer with the melting of the snow and the breakup of the ice. For the majority of these animals—mammals, birds, and fish—the Arctic is their only summer home and breeding ground.

"A good many people think that when we move into the Arctic tundra (or into any other wild country for that matter) for any kind of development, such as drilling for oil, we should at least take pains to disturb the area and its wild inhabitants as little as we reasonably can, even if it involves us in a little inconvenience and even if it costs a little more money.

"Eric Drake, BP's Chairman, thought this and he invited me to go to Alaska with my wife in the second half of June 1969, and thus one afternoon we found ourselves flying, five-up, in a helicopter over a river delta on the shores of the Beaufort Sea, 250 miles north of the Arctic Circle.

"The rotors swung to a halt as we sat gently down on the tundra, and there was a blessed silence. In front of us lay a great maze of tundra pools, and a pair of little black geese lifted a few feet into the air, swung across the wind and landed again 50 yards farther away. Beyond them I could see another pair, and another. . . . We were evidently on the edge of a substantial breeding colony of Pacific Black Brant. Less than a quarter of a mile away was a group of five caribou, and away to the right four more.

"In bright sunshine we climbed out of the helicopter. It was sad to think that civilization must come into this wonderful wild place. But the oil must flow, and if the reserves on the North Slope are as great as is currently believed, it may flow out at the rate of more than a million barrels a day when the field is in full production. However, none of the problems that man will bring with him are insurmountable. It should be possible to time the building of roads and pipes so as not to interfere with the caribou migration and the salmon spawning. It should be possible to stick to a code of conduct, to control the construction and service operators, to limit the wanderings of the vehicles, and the lowness of the aircraft, to dispose of rubbish and sewage acceptably, and to keep on learning how to do it better by detailed long-term study of the effects as the work progresses.

"It can be done, even if it will be more difficult on the North Slope. But I think most people will agree that if it can be done, it must be done. The image of BP already stands high in Alaska. It is an image of responsibility that I know they mean to maintain by a very special care about the natural environment from which the oil will flow."

(NOTE.—Peter Scott is the founder and Director of the Wildfowl Trust and Vice President of the World Wildlife Fund. As a naturalist, writer, TV broadcaster and wildlife artist, he is known in many countries for his work in the cause of wildlife conservation. He is the son of Captain Robert Falcon Scott, RN, the Antarctic explorer who died returning from his epic journey to the South Pole in 1912.)

YOUTH AND DISSENT

Mr. GOODELL. Mr. President, we seem to be drawn into deepening conflict with our own new generation.

Young and old stare at each other across a widening gulf of dislike and distrust.

I cannot offer any simple answer to such a grave and complex problem, but I believe it may be illuminating at least to raise certain questions about it.

I have endeavored to ask these questions in an address I gave on Friday, April 24, before the Constitutional Rights Foundation in Los Angeles. The address is entitled "Bridge Over Troubled Waters."

Mr. President, I ask unanimous consent that the text of my address be printed in the RECORD.

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

BRIDGE OVER TROUBLED WATERS

(Address by U.S. Senator CHARLES E. GOODELL)

Why has there arisen a deepening hatred between young and old?

Why has America, once celebrated throughout the world for its belief in youthfulness and its indulgence of young people, rebelled against her own new generation?

Why can political careers be made, not by acting young, but denouncing the young?

Why do so many affluent middle-class youths—those who once considered themselves so fortunate—now regard themselves as outcasts, as an oppressed majority? Why do rich young Americans feel put upon—feel a kinship in oppression with poor black Americans?

One reason is the frigid welcome our system has shown to our young people—especially to those who have not been impressed with the received wisdom of their elders.

Youth still is denied many of the legal and constitutional protections vouchsafed all other Americans not specifically judged criminal or incompetent.

Young men of eighteen still lack the right to vote, though for half a century they have had the obligation to die in the military service of their country.

A juvenile court still is presumed to be acting on behalf of the youngster brought before it—who, therefore, is held to be in no jeopardy from its benign power to imprison.

Too many youngsters of long hair or joyful attire, however exemplary their behavior, have been hassled by the police.

Too often, curfew and loitering laws are used as an excuse to stop and search young people for drugs that, apart from their hip appearance, there is no reason to suppose they possess.

Institutionalized hostility between the young and the police is becoming a stock American myth—celebrated in song, story and films—like the traditional conflict between cowboys and Indians. As with the Indian in the horse opera, the majority—silent or not—accepts the inevitability of the demise of the young rebel, even as it weeps sentimentally over his fate. And even movies as self-consciously antiestablishment as *Easy Rider* and *Zabriskie Point* accept the responsibility of killing off the young hero, doubtless for his own good.

This institutionalized hostility only defeats itself. Intended to impress the young with the need to show more respect, it does just the opposite—it alienates and radicalizes.

One Judge Julius Hoffman can create more young extremists than ten Abbie Hoffmans.

One police helicopter spewing tear gas over Berkeley can do more to generate rebellion than a hundred truckloads of *Evergreen Magazine*.

Yet the young are not merely returning the anger of their elders; the deeper cause of their alienation is the failure of the system to respond.

There has always been social injustice—poverty, bigotry, hatred and violence—in our land.

Only to former generations of Americans, these abuses were largely invisible. Middle-class families living in comfortable neighborhoods lacked the exposure to the misery of life in slums and tenant farms.

And it was so easy to explain away the evils that were known to exist. The nation was just getting out of the Depression; it didn't seem to have the resources and the technology to meet everybody's needs.

Now, the abuses have become glaring and the excuses have disappeared.

Television brings Watts and Appalachia right into everyone's living room. It brings home the lurid contrast between the nation's capacity to reach the moon and its incapacity to reach its poor.

Young people have responded to the evidence of our system's failures with a rage for social justice that has no precedent in our history.

We tend to forget that much of the radicalism of youth comes not from a rejection of American ideals, but from the very determination to apply them literally.

In a sense, youth has been hooked on the American dream more thoroughly than any super-patriot. This is why so many of the young are super-disillusioned—by the realization of the failure of the nation even to begin to be what it claims.

Why, they ask, does a country founded on equality harbor so much blatant racism?

Why, they ask, does a society dedicated to opportunity for all offer no opportunity to the child of the welfare mother?

Why, they ask, does a nation that canonized John Peter Zenger seek to prosecute Roger Priest?

Hypocrisy has long been forgiven in American life as the homage that vice pays to virtue. But the young have come to regard it as the worst betrayal of all.

The young cannot forgive those who clothe the evils in our nation as though they were virtues.

They cannot excuse politicians who talk of law and order as a mask for repression.

They cannot forgive leaders who dress up a war to save a corrupt dictatorship as a defense of "self-determination".

They cannot understand university administrators who set up a committee as an excuse to do nothing about a known abuse.

They cannot forgive parents who espouse Christian charity on Sundays and then speak of black people on Mondays with anger and hate.

And it is the young who in their personal lives must increasingly confront the seamy underside of our system, whether they will or no.

It is they who have been forced to die in a war they know to be senseless and wrong.

It is they whose lives are ruled by a draft law that no one thinks is any good, yet which staggers on from year to year, from generation to generation.

It is they who are harassed by draconian drug laws that treat marijuana as if it were heroin, although every recognized expert has long admitted that it is not.

It is they who are pent up in huge, impersonal education factories that waste their time in irrelevant and deadening routines—that regard them merely as so many IBM cards.

Adults never tire of telling the young that if they wish to reform the system, they should do so by peaceful means—by the methods our constitutional system allows.

A great many of our most committed young people—those I call our "moderate militants"—still follow this advice, in spite of all.

It is they who went to Mississippi in 1963 and to New Hampshire in 1968.

It is they who successfully led the fight to reverse the Johnson Administration's policy of escalation in Vietnam.

It is they who organized Moratorium Day last October and Earth Day this past Wednesday.

Yet we must realize that the unresponsiveness of our system can, and too often has disillusioned our most idealistic young about the viability of peaceable protest. Why, they ask, does the war go on killing 130 American boys a week, after seven years of marches, vigils, demonstrations and peace campaigns?

Some have completely given up on the system—have turned to violence.

I do not seek to defend their tactics—for violence only begets counterviolence.

Burning down the Bank of America solves nothing. It only gives the forces of reaction the chance to offer a spurious choice—supposedly the only choice—between repression and anarchy.

If that is accepted as the choice, the public, fearful of its security, will opt for repression.

Yet if we condemn the politics of violence, let us seek to understand its causes.

To some extent, a cause may be the hazards of a middle-class upbringing. Young men and women carefully sheltered by their parents and indulged in every desire can be left unprepared for their first confrontation with the evil in our society. Lacking the patience and determination to fashion workable remedies, their expectations of immediate gratification can lead first to false hopes, and then to anger and despair.

Yet to a much greater extent, the fault has been society's own.

It has been the repeated instances when the system has responded to violence after ignoring peaceful protest. Why, one may ask, did it take the riots of Watts, Newark, and Detroit to bring about the beginnings of action in the ghettos, while a hundred years of marches, vigils and proclamations accomplished so little? Why did Columbia University change so quickly in response to force, after turning a deaf ear for so long to peaceable demands for change?

It has been the hysteria sometimes shown by the established order in the face of challenges to its own authority. The best teachers for Weathermen have been the Chicago police at Grant Park and the Alameda County Sheriff's Deputies at Berkeley.

Young and old once found it a little easier to communicate, because they shared the same ambitions, the same life styles. The young man saw in his elder an example of what he wanted to become. The elder saw in his junior the image of what he once was and what he had once hoped to be.

This bond has been severed in a growing cultural gap between young and old.

Mere outward differences—in hair, clothes, and personal habits—has bred hostility enough. Anyone who doubts that should recall what happened to the flower children on Sunset Strip four years ago. Anyone who doubts that should call to mind the instances when he has listened to a middle-aged man denouncing the evils of pot over his fourth martini.

But the division is still deeper. It lies in the fact so many of the young have sought to turn away from the materialistic, authoritarian, work-oriented and puritan outlook that has been traditional in our nation.

The son now too often sees in his father all he wishes to avoid becoming. And the father sees in his son a rejection of all his striving and accomplishments. Two strangers, they stare at each other across a gulf of fear, contempt and misunderstanding.

In the rhetoric of even the most militant blacks, there is a note, not merely of condemnation, but of implicit acceptance of the prevailing American life style. The belligerence of tone tends to conceal from the listener that the complaint endorses as it condemns. One cannot be robbed of that which has no value; nor denied the opportunity to achieve a life that is not worth living. The very bitterness of black protest often attests to the imagined excellence of the commodities they have been denied and the supposed graciousness of the system of social intercourse from which they have been excluded.

The alienation of many middle-class young men and women goes far deeper. It is the yearning for a different way of life—one not dominated by status or material success. It is the yearning of those who already come from a home in an affluent suburb and find the affluence meaningless—who want something else, something they cannot always easily define.

This very much complicates the process of accommodation between the generations.

The rejection by middle-class youths of their own affluence profoundly angers those older Americans who have been less fortunate. We see this in the rage of a policeman or a factory worker against the "rich college radicals" who turn against an opportunity they so much envy.

With such differing outlooks, young militants and the establishment they confront find it difficult to communicate, let alone negotiate. It is, in the circumstances, not at all surprising that demands are called "nonnegotiable"—for there seems to be no common denominator to negotiate about.

There are no neat solutions to this deepening gulf between the generations.

Yet certain things should be clear.

Both young and old must stop being hung up on purely symbolic issues. Both must stop intoxicating themselves with their own divisive rhetoric.

Waving the flag—the American flag or the Viet Cong flag—illuminates nothing, and only pulls us further apart.

Cries for law and order at any price and cries for the overthrow of the system accomplish nothing, but only inflame the other side.

Both sides share certain American ideals, and this might help bridge the gulf. Only the young see more clearly the contradictions between these ideals and the shabby reality pervading so much of our lives. We once were more sensitive to the same contradiction when we saw it in our parents—but then the crucible was less hot and our resolve less great.

We must recognize the importance of bringing young people into the decision-making process of our society—for as long as they are outside that process, they have no cause to be anything but alienated. That means allowing the young to develop their own leadership, and respecting that leadership.

More important than anything else, our system must be made to respond and to do so not just to appease the young but for the betterment of us all.

When all is said and done, our young people have a new vision for America.

Comparing their vision to our society, they have found it wanting—and have clamored for changes with a ferocity and insistence we have never known before.

Comparing their vision to our old style of life, they have found it also wanting—trivial, meaningless and barren.

Their reluctance to conform has made them appear to some as a threat—has made them a target of lethal hostility. In this country, easy riders too often have short rides.

But it also has made them a resource—one which our fears prevent us from fully accepting.

We accept, and exploit the spin-off from the new generation in pseudo-groovy clothes and hairstyles.

Yet we still have not taken the message of youth for what it is worth—a source of truly radical and fundamental questions about our society and what it does to the people ourselves, who live in it. To accept this message is the central responsibility we now share with youth. Whether we possess the flexibility, courage and affection to listen to the young remains to be seen.

ECHOES OF 1929

Mr. MONTOYA. Mr. President, the economy of the United States has seen its hard times before. I have lived through some of those times as have other Members of this body. Yet, I believe it is possible to say that not since 1929 has the overall prosperity of our Nation's economy deteriorated so swiftly, and in so short a time.

When the Nixon administration took office, unemployment was almost at an all-time low. Inflation was severe, but not a galloping disaster. The stock market was pushing to all-time highs as the Dow-Jones averages began to nudge the 1,000 mark. In terms of the economy, this administration inherited a relatively substantial prosperity, complete with close to full employment. All this now lies in ruins, 16 months after the inauguration of this administration.

Rarely have bare statistics told a more shattering tale. More than 1 million Americans have lost their jobs in recent months as a result of a fight on inflation that has failed. Our inflation rate now stands at 6 percent, a figure we never saw the likes of under a Democratic President. In order to kill the termites, they have burned down the house. In order to stop inflation, this administration has adopted a series of economic policies which have not only failed to halt it, but have actually worsened its pace. Such policies have further wreaked havoc in our employment market, spreading joblessness from coast to coast. They have also eroded and are destroying the longest uninterrupted period of economic health America has enjoyed in decades.

The stock market today is a disaster area, fraught with rumors of brokerage houses going bankrupt. Millions of investors watch helplessly as their savings and accumulated investments are wiped out before their eyes. Millions of people are seeing their painfully accumulated dollars drain away down a recession sewer obligingly opened by this administration's economic policies.

For the first time in history, institutional investors outnumber the small, average investor. For the first time, vast pension funds, trusts, and similar large blocks of buying capital are involved in the majority of transactions on the market. As these vast conglomerations of capital have been beaten down in the vast Nixon bear market, the life security and hopes of millions of Americans have been eroded. Is this what they have worked so long for? Is this what they have been putting so much capital into investments for over the years?

As of today, the New York Stock Exchange Index has dropped more than 25 percent of its total value since just before the end of 1968.

Yet, this is but a mere beginning. Interest rates remain at usury levels. Banks

are raking in unconscionable profits while the average working person in the country has been priced out of the average-cost home market.

Housing alone is a national cataclysm. Interest rates and a disastrous Federal monetary policy have annihilated our housing and construction industry, and with it the jobs of hundreds of thousands of workers. Lumber, plywood, and other related industries are withering on the vine. In my State alone, the timber industry and many people dependent on it are rapidly approaching depression status.

As of March, business failures are at a 23-month peak, according to Dun & Bradstreet. Shades of the thirties. Do we not all remember or at least have some knowledge of what it was like then, when businesses were closing their doors and fading out of the picture?

Help wanted advertisements are dropping across the Nation, according to the National Industrial Conference Board. That rate is now 37 points below the level of a year ago.

New factory hiring is at its lowest level since 1965, while manufacturing layoffs are the highest for any month, according to the March figures, in 6 years. That figure happens to be 18 per 1,000 as of now, and it is rising rapidly.

Every economist in the Nation is crying out recession and worse, yet there is no sign that the administration hears them. No easing up on the 1920-style economic policies being practiced by this Government is on the horizon. We are slipping toward the edge of economic disaster. Federal action of the most meaningful type is called for immediately. There must be recognition of the menace facing us.

Instead, what have we received? We have a wider war in Indochina, which is an incredibly ill-advised policy. We have advice from the President to buy common stocks. I believe that is the advice given by Mr. Rockefeller in the depression, was it not? Remember the song written about it?

I believe we are multiplying our economic ills by escalating the war in Indochina. Further, I am virtually certain that the unemployment situation will worsen as well.

As corporate earnings tumble, recession worry spreads, inflation grows and interest rates remain high—the total economic picture will inevitably darken still further. I fear there is no light at the end of this tunnel.

How, then, have we arrived at such a pass? The President and his prime economic advisers sit tightly in the Capital, surrounded by auras of confidence over what they are doing to the economy. Seemingly they are immune to growing tales of economic horror coming from across the land. Plant closings—unemployment lines growing—stocks plunging. They remain imperturbable through it all.

Even the fact that inflation is climbing faster than ever leaves them unmoved. They tell us the war on inflation is being won. Is it really? I see no sign whatsoever of this. All I see is more people out of work. All I see is a bond market that is hurting all the more as time goes on. The county officials in my State who have to raise money for their areas know full well how this is hurting them.

The list is endless. Suffice it to say that America trembles on the brink of its worst possible economic catastrophe since 1929. I pray that the President will act in time to prevent us from tumbling over the edge of such a disaster.

KANSAS OPINION ON JUDGE CARSWELL

Mr. DOLE. Mr. President, the editor of my hometown newspaper, the Russell Record, has put a different slant on the Senate's refusal to confirm the nomination of Judge G. Harrold Carswell to the Supreme Court.

R. T. Townsley, in writing of the defeat, compares the Senate to a board of directors which is at cross purposes with its President.

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

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

[From the Russell Record, Apr. 16, 1970]

ADVISE AND CONSENT

The refusal of the U.S. Senate to confirm President Nixon's Supreme Court nominee, Judge Harrold Carswell, points to another of constitutional balances which has gone awry. The Constitution provides that presidential nominations must be given the "advise and consent of the Senate" before "appointments" are made.

The President, as a practice, confers with Senate committee chairmen and sounds out Congressional leaders. It is to be presumed that nominations are not subhmitted unless there are indications that approval is likely to be given.

Nixon, in offering Judge Haynsworth and Judge Carswell, made public the records of both. He went a step further, actually. Answering public outcry against radical and illogical rulings which are blamed for crime in the streets, riots and anarchy, he deliberately selected candidates for the high bench with conservative records so as to restore the necessary balance to the court.

The Senate, in giving its "advise," is led by political activists who delay, argue and interfere while labor unions and civil-rights organizations mobilize national sentiment. The Senate has made it clear that nominees for the Supreme Court and other offices must be "politically" acceptable. This is above and beyond the long-accepted concept of advise and consent to determine whether or not appointees are acceptable in a general sense.

The Senate is substituting its judgment for that of the executive branch. Bringing the principle to a local level, the abuse of power is seen in the disastrous 1970 Kansas Legislature, or even in county, city and school district operations. Without a clear-cut line between policy-making and administration, frustration and confusion blunts effective operation.

Whenever any board—the Senate in this case—remains determined to keep all things under its thumb, the system of checks and balances which have been carefully built into American governmental processes simply cease to operate. This is not what the Constitution intended. Business cannot run smoothly when the president and the board of directors are at cross purposes. Stockholders have learned by bitter experience that such situations cannot be tolerated.

As a board of directors, the Senate is overreaching its authority. The stockholders of the nation, its citizens, are being cheated.

FINANCING THE POLLUTION EFFORT

Mr. GORE. Mr. President, concern grows daily for the need to mount massive and effective attacks on the air and water pollution that some scientists warn, if unchecked, can threaten the very existence of life on this planet. The financial costs of the effort to rid our air and water of pollution pose an unprecedented challenge, not only to our will as a people, but also to the adequacy of the political institutions through which we express our collective judgment.

The responsibility for much of the effort to clean our Nation's lakes and riverways has fallen on municipal government and it is appropriate that this should be so. For municipal government is the political entity that is closest to the people and closest to and most familiar with the problems of water pollution. It is the municipal governments that are primarily responsible for providing pure water to most of our people and who must construct the treatment plants and sewerlines essential to disposition of the waste that is generated in our society.

But municipal governments cannot accomplish the task of abating water pollution alone. They must be given adequate financial assistance and resource support by the Federal Government. The present contribution by the Federal Government to aid financially hard-pressed local governments in their pollution efforts is totally inadequate.

I am today introducing a bill to provide that the Federal Government can share as much as 75 percent of the cost of water pollution abatement efforts by local governments.

The problems created by water pollution cannot be overstated. It no longer is just a matter of befouled beaches that once served as beautiful recreation areas; nor simply that children can no longer swim in once-clear lakes; nor that one cannot cruise on many rivers without being overcome by the stench generated by society's wastes—water pollution now threatens the biological life that relies on pure water for survival. And this may include man himself. The pollution level has reached the point on some rivers that they have literally caught fire. And no one can foretell the results of the biological imbalances that are resulting from the extinction of various forms of life in our lakes, rivers, and streams.

The cost of correcting this tragic situation is enormous. But all indications are that the American people are willing to assume these costs if the Government will direct its efforts in an efficient and effective manner toward abating water pollution. In a survey conducted by Newsweek magazine last fall, 56 percent of "middle Americans" favored more spending by the Federal Government to combat pollution, whereas only 3 percent favored less spending.

I have talked to many mayors and leaders of municipal government. They are ready and anxious to take on the challenge of controlling water pollution. But their fiscal resources will not permit them to do the job alone. It is therefore imperative that the Federal Government

provide an adequate level of financial support if our Nation is to effectively combat water pollution.

The President's proposals to finance the fight against water pollution are totally inadequate and place far too heavy a burden on local government. The President has proposed a $10 billion program to combat water pollution over the next decade, only $4 billion of which would be provided by the Federal Government. Thus the President is asking that financially hard-pressed local governments assume 60 percent of the cost of the pollution effort with the Federal Government assuming only 40 percent of the cost. It is true that the President has proposed a new financing vehicle which will loan money to some qualifying municipalities. However, this vehicle is of little benefit to those local governments that have already borrowed up to their debt limits and it is merely an invitation to mortgage heavily the futures of generations yet to come.

The President's proposal is actually a retreat from the present Federal commitment to aid local governments in the water pollution effort. Present law authorizes $1.25 billion for fiscal year 1971 as the Federal share of the water pollution control effort. Yet, the President in his much-heralded program actually wants to cut this figure back to $1 billion for fiscal year 1971 and each of the 3 years thereafter. No responsible person who is informed on the problems involved in solving our water pollution problems believes that even the total $10 billion program proposed by the President is adequate to do the job. And the mayors I have talked to are virtually unanimous in their view that the President's program requires State and local governments to provide too great a part of the financial cost and the Federal Government too little.

The President's proposal, in addition to marking a cutback in the Federal commitment, does not alleviate substantially the shortcomings that are inherent in present Federal revenue sharing in the water pollution effort. Under present law, the Federal Government puts up only 30 percent of the basic costs of water treatment facilities constructed by municipal governments. The Federal Government share can be increased to 50 percent if State governments agree to put up 25 percent of the cost. At a maximum, the Federal Government share can go to 55 percent if there is a metropolitan or regional comprehensive plan in effect for the community. This allocation formula simply will not do the job. State governments have not stepped in to assume the 25 percent cost—an action that is required in order to trigger 50 percent matching funds by the Federal Government. I do not say this in criticism of State governments; they too are hard pressed to find adequate funds to meet the demands of providing services at the State level. But the fact is the present allocation system is not working because municipal governments do not have sufficient Federal funds to enable them to do the job that must be done.

I am therefore proposing a new system to cure this problem. Under my proposal, the minimum Federal contribution will be 60 percent of the cost of federally assisted projects. This will double the present minimum Federal assistance for waste treatment facilities. In addition, the Federal share will be increased to 75 percent if State governments agree to bear 12½ percent of the cost. This means that the municipal government share can be cut to 12½ percent. And if a comprehensive plan is in existence, the Federal share can be increased to 80 percent and the municipal government share reduced to 7½ percent.

In order to finance my proposal and to provide a realistic Federal commitment, I am proposing that authorizations for the Federal share be increased to $3.5 billion a year beginning in fiscal year 1972 and for each succeeding fiscal year to and including the fiscal year ending June 30, 1976.

This program represents a major financial commitment by the Federal Government, but it can be accomplished within the confines of the long-range budget projection submitted by the Bureau of the Budget this year—and we can do no less if we are meaningfully to attack the problems of water pollution.

My proposal is a revenue sharing proposal. As such it is a substitute for the administration's revenue sharing proposal, the cost of which is projected to rise to $5 billion annually by fiscal year 1976. It thus involves an expenditure of Federal funds that is not significantly greater than that proposed by the administration and, viewed as a revenue sharing proposal, it is much superior to the administration's recommendation.

Municipal governments, under my proposal will receive a great deal more direct financial assistance than under the administration's plan. Under my plan the local governments will only have to bear as their share of the cost of water treatment facilities an amount ranging from 7½ percent to a maximum 40 percent of the total cost. This compares to a minimum 20 percent and a maximum 70 percent cost under present law. Municipal governments cannot bear that kind of financial burden. Many are already up to their debt limits and they cannot afford to borrow more. Property taxes are already skyrocketing and homeowners cannot bear the burden of increased taxes to pay the municipal government's share, whether through direct or debt financing. The municipal bond market is already pressed to its limit and it is unrealistic to expect that this market can bear the burden of increased demands to finance municipal water pollution control efforts. The imposition by the administration of an additional $6 billion burden is more than State and local governments can or should be expected to absorb in the next few years.

As a revenue sharing measure my plan avoids the pitfalls of the administration's revenue sharing proposal. Under the administration's plan, political responsibility and political authority are bifurcated. This is a highly undesirable situation and could spell the death knell for viable State and local governments as we know them. Further the administration's revenue sharing proposals are undirected and do not guarantee that we will meet our responsibilities to provide clean water for future generations. My plan provides direct and adequate Federal funds for the pollution control effort while retaining responsibility and authority at the local level. The magnitude of the Federal share will greatly alleviate financial pressures on local governments, thus freeing up funds to provide other badly needed municipal services.

Further, my plan provides an incentive for State governments to assume a share of the cost of local water pollution control efforts, since the percentage of State funds required to trigger the maximum Federal grant is reduced from the present 25 percent of project cost to 12½ percent.

In sum my plan is a more effective and efficient means by which we can achieve the twin goals of water pollution abatement and revenue sharing. These goals are within our grasp if we have the determination to commit our national resources to their achievement. It is up to the Senate to substitute congressional action for administration rhetoric. I hope that my plan will be viewed as a positive contribution to this end.

AN ALL-VOLUNTEER FORCE

Mr. HATFIELD. Mr. President, for two decades this country has had for the first time in its history peacetime conscription. In recent years there has been an increasing outcry to abolish the draft and establish a volunteer military. This would not only be consistent with the ideals enumerated in our Constitution and Declaration of Independence but be a step in regaining the much needed balance between the executive and legislative bodies of our Federal Government.

For the April 1970 publication of Air Force/Space Digest, Louis R. Stockstill has written an excellent summary of the recommendations of the President's Gates Commission. The Commission was created by President Nixon more than 1 year ago to study the feasibility of a volunteer military, and its conclusions were unanimous: A volunteer military is not only feasible it is preferable to any other system of manpower recruitment for our Armed Forces. 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:

AN ALL-VOLUNTEER FORCE

(By Louis R. Stockstill)

Creation of an all-volunteer military force, as recommended by a special Presidential Commission, would have far-reaching implications for everyone on active duty, as well as Reservists, retirees, and dependents.

The Commission, headed by former Secretary of Defense Thomas S. Gates, has called for an end to the draft, and for immediate and substantial pay raises for first-term officers, and first- and second-term enlisted men.

Of equal or greater interest to the present career force, the Commission report also endorses:

Adoption of a military "salary" system for all those in uniform.

Modification of the present retirement system to include "vesting" privileges for officers and enlisted (equivalent to those provided Civil Service employees).

Increased hostile-fire pay ($200 per month).

Substitution of a substantial number of civilians for officer and enlisted personnel. ("The potential is greatest in the Air Force" where it was estimated that some 11,000 officer billets and 72,000 enlisted spaces could be civilianized.)

Expenditure of additional service resources on recruiting (keeping top recruiters longer in such assignments and improving their incentives with extra pay, bonuses or accelerated promotion).

Major upward-revision of "special pay" for military physicians (to $12,600 per year extra, after eight years' service).

Possible "civilization" of military hospitals, or adoption of a broader civilian medical-insurance program for some portion of the retired and dependent population.

Provision of $35,000 "stipends" to medical students over a seven-year period, in exchange for three years' active duty as military physicians. ("If the draft is eliminated, dramatic action will be required to insure the continuation of health care now provided.")

Reorientation of the active Reserve to reduce the number of men in paid drill status, increase the pay of those remaining, and recruit more Reservists from "younger, less well-educated groups."

These are some of the highlights of the Commission's 21-page report, soon to be supplemented by a volume of "background studies."

The fifteen-member group, aided by a staff of fifty-one, began work last May after President Nixon announced that he had "directed the Commission to develop a comprehensive plan for eliminating conscription and moving toward an all-volunteer armed force." The Chief Executive also told the group to "determine" what standby draft machinery would be required in a national emergency, and asked Commission members to "give serious consideration" to Reserve requirements.

In handing the Commission findings to the President, Mr. Gates said the group unanimously concluded "that the nation's interests will be better served by an all-volunteer force, supported by an effective standby draft; . . . that steps should be taken promptly to move in this direction; and that the first indispensable step is to remove the present inequity in the pay of men serving in their first term in the armed forces."

The pay increases recommended for the first-termers will approximately double the amount enlisted men now receive and give officers a twenty-eight percent boost in basic pay during their first three years of service. The Commission recommends that the new rates take effect on July 1 of this year.

Total estimated cost of the proposal—based on a 2,500,000-man force—would be $3.24 billion, of which the government would recover about $540 million in taxes, for a net budgetary cost of $2.7 billion for Fiscal '71.

Increases in basic pay would total $2.68 billion. In addition, $210 million is earmarked for proficiency pay, $150 million for the Reserves, $120 million for the Medical Corps, and $80 million for recruiting, ROTC, and the like.

For a force of 2,500,000 men, the Commission said costs would drop to about $2.1 billion beginning in Fiscal '77. The study, however, makes "no allowance for inflation."

In moving to an all-volunteer force, the Commission said it would be helpful to:

Extend "skill" pay differentials to first-termers.

Provide "pro-pay" for men in critical occupations after satisfactory completion of advanced training.

Offer higher grades upon service-entry (and speedier promotion thereafter) to those with special skills or unusual aptitudes.

Eliminate present obligated terms of service for enlisted personnel.

Expand programs giving enlistees a choice of occupation as a condition of enlistment.

Institute more "lateral hiring" (taking skilled civilians into the service at ranks commensurate with their training and experience).

Extend family travel allowances and dislocation allowances to all enlisted personnel.

By thus improving pay and conditions of service, the Commission said it should be possible to meet armed forces manpower requirements on a strictly volunteer basis.

The Commission's rationale: Since a volunteer force would reduce personnel turnover, not more than 325,000 men would have to be enlisted annually to keep 2,500,000 in uniform. Because 250,000 (or about half) of those enlisting annually in recent years are "true volunteers" who would have joined military ranks even without the draft, the annual enlistment deficit is only 75,000. "Reasonable improvements in pay and benefits in the early years of service," the Commission said, "should increase the number of volunteers by these amounts."

Present physical, moral, and mental requirements would be retained, but the services would be expected to continue accepting up to twenty percent of enlistments from the lowest (Group IV) mental group.

Observing that the US "has relied throughout its history on a voluntary armed force except during major wars and since 1948," the Commission said, "a return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism which has never been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity."

The Commission said the volunteer concept provides a "system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values."

Although the Commission made numerous calculations for varying strength projections for an all-volunteer force (2,000,000 men, 2,250,000, 2,500,000, and 3,000,000), the 2,500,000-man force was utilized most frequently in illustrations.

This force would not literally consist of two and one-half million military bodies, however. The Commission said it could save 600,000 spaces as a result of reduced travel, training, and separations, and have a force that would be as "effective" as a 2,500,000-man military organization utilizing the draft.

CIVILIAN SUBSTITUTION

Further reductions would be made through civilian substitutions, once post-Vietnam force levels have been achieved. The Commission said the substitution program should be "initiated and carried out over a three- to four-year period." For a 2,500,000-man force, the "substitution potential" for each service would be as follows:

Service	Officer	Enlisted
Army	6,600	0
Navy	6,200	10,800
Air Force	11,300	72,200
Marine Corps	800	8,900

Thus, the 2,500,000-man force would shrink to 2,440,000 with the 60,000 spaces saved by reduced travel, training, etc., and to 2,323,200 with the substitution of civilians for 24,900 officers and 91,900 enlisted men.

OFFICER PROCUREMENT

Although most officers have been recruited from among college graduates in recent years, the Commission said this "somewhat arbitrary" action stemmed partly from a favorable, draft-produced recruiting climate. Under the volunteer concept, the Commission assumes that ten percent of the officers entering the service would not be college graduates.

At the same time, the Commission made the assumption that ROTC "will continue to be the major source of new officers for the Army and Air Force." And the report endorses a $25 million to $30 million program to boost ROTC scholarships to 10,000 annually for each service—almost double the number now available.

But since "fewer students" are likely to enter ROTC, particularly in the first two years after adoption of the volunteer concept, the Commission said many schools may have to drop ROTC, thus making it advisable to establish "area training centers."

The Commission also made these comments about other officer-procurement programs:

Serious consideration should be given to increased use of scholarship and nonscholarship Reserve Officer Corps and Platoon Leaders Class (PLC) type programs.

The services will "doubtless" seek to attract "somewhat older civilians who desire to enter specialized and less physically demanding branches."

Advanced officer grades should be given to civilians commissioned in noncombat skills.

Greater use can be made of warrant officers, limited-duty officers (LDOs), and temporary officer grades.

"If difficulty is experienced in recruiting new college-graduate officers, . . . serious consideration should be given to expanding the noncollege officer-commissioning programs."

STANDBY DRAFT

In the event of an emergency after a volunteer force is in effect, the Commission recommended "standby" draft machinery that would provide (1) a register of draft-eligible males; (2) a system for selecting inductees; (3) procedures for notification, examination, and induction; (4) an administrative organization; and (5) a requirement that the standby system could be invoked only by Congress at the request of the President.

TRIBUTE TO SENATOR ERVIN IN WILMINGTON, N.C.

Mr. JORDAN of North Carolina. Mr. President, in the last several years so many controversial statements have been written about nominees to the Supreme Court that it has been particularly gratifying for me, as a North Carolinian, to hear the unanimous chorus of high praise on the qualifications of my colleague and close friend, SAM ERVIN.

The Wilmington Star-News recently published an editorial praising Senator ERVIN as a choice for the Supreme Court and in doing so, it mentioned a speech which the Senator had given in their community 3 years ago. In his speech to a group of young people receiving Golden Star Awards, Senator ERVIN had mentioned the virtues which he felt gave mankind strength and purpose and were essential ingredients to a full life—honesty, courage, faith, modesty, determination, truthfulness, loyalty, and works.

The editorial concluded that Senator ERVIN practiced these virtues and that they were the source of his great strength. I could not agree more with the editor.

And while the Supreme Court could certainly use someone of his character and ability, Senator ERVIN's virtues are not lost in the U.S. Senate. He is constantly fighting for the interest of his fellow North Carolinians, but his struggles go far beyond parochial interests and his efforts to protect the rights of all

Americans are a constant inspiration and reminder to all of us in the U.S. Senate. As Tom Wicker of the New York Times stated so well recently about SAM ERVIN, "he stands by the older view, still speaking out for values, proven so long ago that most Americans no longer even seem to know about them."

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

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

[From the Wilmington (N.C.) Star-News, Apr. 20, 1970]

GOLDEN STAR GUIDELINES

United States Senator Sam J. Ervin, Jr., of North Carolina set inspiring overtones for the Golden Star Awards and the young people who strive for the Awards in a speech at the Awards presentations here in 1967.

Senator Ervin's 1967 talk, and the message it carried, has become appropriate and relevant now because the 1970 Golden Star Awards processes have been going on for some time in Southeastern North Carolina and this past Saturday top high school seniors of SENCland were in Wilmington for judging by specialists in each of the 14 categories in which the contestants are competing. The winners will be announced at the 1970 Golden Star Awards May 15 in Thalian Hall. The Star-News Newspapers sponsor the Golden Star Awards program.

In his 1967 talk to the Golden Star winners at Brogden Hall, Senator Ervin told the young, and older, people present that the Eternal Verities are still the beacons for successful living—for implementing any of the specific skills and talents as exemplified in the specialties of Golden Star, and any, students.

Senator Ervin said that the finest human traits of Honesty, Courage, Faith, Modesty, Determination, Truthfulness, Loyalty and Works, and whatever may be any additional and supportive virtues, are essential ingredients to the full life in adding substance and meaning to the category of endeavours in which the Golden Star aspirants seek awards.

Much that has come up lately in the high affairs of the nation is indicative that Senator Ervin, as one Senate colleague put it, "practices what he preaches."

In the current national—yea, international—interest over President Nixon's filling of the vacancy on the Supreme Court, Senator Ervin has been variously and widely recommended for the position—not only because of his legal qualifications (he's recognized as a Constitutional authority and he has served North Carolina both as a Superior Court Judge and as a State Supreme Court Associate Justice). But nearly everyone of those who have recommended him—Governor Bob Scott, U.S. Senator Tydings of Maryland and lawyers and laymen across the country—have emphasized Senator Ervin's great belief in the Eternal Verities to give mankind strength and purpose, and of his own practice of those Verities.

Senator Ervin probably will never become a U.S. Supreme Court Justice, chiefly because of his advanced age, but the essentials of life—the Eternal Verities—to which he devoted most of his remarks here in 1967 will always be uplifting guidelines that are so important for Golden Star Awards winners and aspirants, and all of us, to live by.

WASHINGTON NATIONAL AIRPORT

Mr. BOGGS. Mr. President, I would like to add my voice in opposition to certain Federal Aviation Administration policies with regard to operations at National Airport.

The distinguished Senator from Virginia (Mr. SPONG) outlined for this body on Monday an apparent inconsistency in FAA policy at National. It seems that, during the recent air traffic controllers strike, the ban on stretch jets at this facility was lifted. This was part of the effort to accommodate weary travelers and provide better service in a difficult period. This attempt is to be commended under the circumstances; but might I remind the officials of the FAA that such circumstances no longer prevail and yet these B–727–200's continue to fly in and out of National.

The evidence that has been previously presented makes several references to the past determination of the FAA to prevent stretch jets from using National, while encouraging more extensive use of Dulles. What has happened to that determination?

If stretch jets are now free to use National, I believe the FAA should be called upon to explain this complete and sudden reversal of policy. This appears to be a giant step backward in the struggle to cope with air congestion while providing adequate air travel.

National is overtaxed. Dulles is now an underused multimillion dollar, federally owned palace in the wilderness. If use of this grand airport is to be encouraged, use of National by stretch jets must be discouraged.

With the present state of affairs, Dulles will never approach its intended capacity and it will be properly labelled a waste of tax dollars.

In addition, such a reversal of policy jeopardizes further the quality of our environment and provides a substantial setback if larger jets are permitted to land in addition to the present heavy load.

Also disturbing is the apparent lack of advance information provided to the immediate community officials regarding this reversal. These elected officials have a responsibility to their constituents that cannot properly be maintained if they are ignored by the FAA policymakers.

In conclusion, the FAA should do one of two things: Reinstate the ban on stretch jets; or, explain and justify to Congress the reasoning behind this change that overtaxes the already strained capacity of National Airport.

SHAKESPEARE IN OREGON

Mr. HATFIELD. Mr. President, I wish to bring praise and attention to the opening of the Angus Bowmer Theater in Ashland, Oreg. This event, reported both in the Washington Post and the Saturday Review, has given added dimension and substance to the performing arts in Oregon. I hope that if Senators come out to visit our wonderful State, they will stop in Ashland to visit and view a very pleasurable theater experience.

I ask unanimous consent that the articles detailing the opening of the Bowmer be printed in the RECORD.

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

[From the Washington Post, Mar. 19, 1970]

NEW THEATER FOR OREGON SHAKESPEARE FETE

(By Richard L. Coe)

The nation gets another theater this Saturday and, apart from the unusual region it is serving, its creation marks a new development in the government-arts relationship.

Ashland, Ore., is the setting for the new, all-weather Angus Bowmer Theater, a second stage for the Oregon Shakespearean Festival's open-air theater, now into its 29th year.

What makes this venture of exceptional interest is that it stems, not from any arts project of federal government, but from the Economic Development Administration, a Department of Commerce agency. On a matching-funds basis, EDA chipped in an $896,000 grant toward the project's total cost of $1,792,000.

EDA's role is to boost the tourism-based economy of Southern Oregon, where weather limits the outdoor season to 51 nights a year. Through its 24 West Coast box offices the Festival has been turning away 10,000 potential tourists a summer. Over a million dollars a year comes into the Rogue River Valley from those who go to these splendidly mounted productions.

Feeling the pinch of not getting all its potential, Ashland officials wanted to expand its theater and housing facilities. They turned to the federal arm, whose mission is to foster economic growth. Oregon's governor, Tom McCall, and the state's congressional delegation figured out the means and will be on hand Saturday for dedication ceremonies leading to performances of "Rosencrantz and Guildenstern Are Dead," "You Can't Take It With You," "Antigone" and "The Fantasticks," to open on three successive days.

Robert A. Podesta, assistant secretary of commerce for Economic Development, will be one of Saturday afternoon's speakers in the 600-seat theater. When he comes to his replies, actor-director-professor Angus Bowmer will surely tell how it all began one Fourth of July weekend in the late '30s when the Ashlanders had their choice of two holiday attractions, a prize fight and a Shakespearean comedy. The fight lost money and Shakespeare made a profit. That's what you call Economic Development.

OREGON EXPANDS

ASHLAND, ORE.—A most happy event in the history of the American resident company movement is the opening of the Angus Bowmer Theatre in this pleasant Rogue River Valley town. For the new building, the exterior of which blends nicely with the much larger 1,400-seat outdoor Oregon Shakespearean Festival Theatre it adjoins, considerably increases the distinguished thirty-five-year-old festival's potential both artistically and economically. And it rightly honors the festival's founder-director, Angus Bowmer, whom Governor Tom McCall saluted on opening day by describing him as the man who more than any other person has brought style to the State of Oregon.

Until now, the Orgeon Shakespearean Festival has presented six-week seasons of a repertoire of four Shakespearean plays each summer. These have been so well attended that thousands of cultural pilgrims have had to be turned away. But beginning this summer the outdoor season will be lengthened to eleven weeks, and, because the new indoor playhouse will give daily matinees, Oregon visitors will be able to see six plays in four days instead of four plays.

This expansion seems logical and soundly planned, with the fund-raising going very smoothly thanks to a matching grant of $896,000 from the Economic Development Administration and one very large local gift from Alfred S. V. Carpenter. More risky, however, is Ashland's decision to add a six-week

spring season to the schedule. Called "Stage II," it will offer seven performances a week of four modern plays in rotating repertory. Nevertheless, because the Bowmer seats only 600, and because the first season has been budgeted to break even at 36 per cent of capacity, the plays need attract only 216 people a night, which is a seemingly modest goal.

The opening play of "Stage II," *Rosencrantz and Guildenstern Are Dead*, ideally combines modernity and Shakespeare, and most appropriately has been directed by Mr. Bowmer himself. Although the production somewhat overextends audience indulgence by attempting a version of the script that runs about a half-hour longer than the Broadway one, the performances are high in quality with particular praise due to Larry Carpenter and Roger Kozol, who play the title roles with engaging youthful zest. Furthermore Richard L. Hay, who established the overall direction and design for the theater, has devised a simple but effective way to present the play that also demonstrates the maximum thrust position of his adaptable playhouse. It is not, however, as strong a thrust as the stage at Stratford, Ontario, or even as the one at Lincoln Center's adaptable Beaumont. Presumably the festival wanted a stage that would not require the actors to shift from prosceniumstyle acting to open-stage performing. But it does put the performers in one room with the audience, and tunnels provide a means of quick exits from the front of the stage.

The second attraction (to be followed by *The Fantasticks* and Anouilh's *Antigone*) is *You Can't Take It with You*. This 1935 period piece offers a fine opportunity to show how the theater will be used for a conventional naturalistic play. The adjustable walls move in closer to enclose the box-set background. But much of the action is played on the forestage section, which can be lowered to become an orchestra pit, and steps connecting the forestage with a tunnel are employed to represent the entrance to the cellar. Nostalgia for the period is nicely evoked, and the warmly intimate comic atmosphere is maintained. Happily, the Angus Bowmer Theatre can be pronounced handsome and healthy in its first test.

Oregon boasts another resident theater, the American Theater Company in Portland. This venture, now in its third year, operates with much support and assistance from Portland State University's Theater Arts Department.

As the first of a four-play schedule, which will include *The Balcony*, *Little Murders*, and *The Cherry Orchard*, the company is presenting *Saint Joan* with the title role played by Portland-born Gretchen Corbett, who last year played Julie Harris' daughter in the Broadway production of *Forty Carats*.

Under the astute direction of Nagle Jackson, Miss Corbett wisely avoids assuming an old-fashioned, reverential holiness. Instead, she is very much the blithe teen-ager who bounces in where angels fear to tread. Her love of God is clearly a naively romantic notion, and her attitude toward the Establishment is sassy and impudent. If this interpretation inadequately fulfills some of the play's moments of deep faith, it nevertheless has the virtue of stimulating the audience to think freshly about the old play. For instance, in the trial scene when Joan convicts herself with her foolhardy contempt of a petty-minded court, and when she happily accepts her final sentence, we find ourselves thinking about the Chicago Seven.

A naive and childlike Joan also strengthens by contrast the adult roles. Particularly effective is the meeting between Peter Cauchon portrayed pragmatically by Michael Keenan, De Stogumber played with amusing denseness by Bern Hoffman, and Warwick enacted with mad shrewdness by Jim Myers. And most entertaining is Robert Dagny's petulant and sulking Dauphin. If this production is typical of the American Theater Company's work, theater in Portland has a promising future.

THE CONFLICT IN INDOCHINA AND SENATE RESOLUTION 383

Mr. HARRIS. Mr. President, I was extremely disappointed and dismayed over the decision of the administration to involve the United States in an apparent escalation of the war in Indochina. By deciding to provide combat advisers and air and logistical support to South Vietnamese troops conducting combat operations in Cambodia, I fear that the administration has committed this country to a course of action that will result in a prolonged and increased loss of American lives and resources in Southeast Asia. I would hope that the Senate will take whatever steps are necessary to reverse this course of action.

U.S. actions yesterday, decided upon by the President, obviously make any efforts to gain peace in Indochina by any means other than by military conflict more remote. I have been advocating and believe that the interests of this country and Indochina would be better served if we would choose a political settlement for the area, rather than area military conflict. I had hoped that the administration would give vigorous support to a comprehensive multilateral conference of all interested parties which could consider ways to obtain a true neutralization of Vietnam, Laos, and Cambodia. Ten other Senators have joined with the distinguished senior Senator from Kansas (Mr. PEARSON) and myself in Senate Resolution 383 which calls for such a conference. However, support from the administration has not been forthcoming, and it appears that a settlement through military force is being sought. I deeply regret this decision by the President, and I am afraid the country will come to regret it also.

To commit additional American boys to a widened conflict in Indochina is indeed a tragedy. I hope that the President will inform us this evening that the course of action he has undertaken is not irreversible and that we will, as he promised, quickly disengage ourselves from any activities that would widen the war in Indochina and rapidly and systematically withdraw our troops from that area of the world.

An editorial published in today's New York Times questions the advisability of the course of action undertaken by the President. I ask unanimous consent that it be printed in the RECORD.

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

ESCALATION IN INDOCHINA

President Nixon, who was elected on a pledge to bring peace in Vietnam, has instead escalated the war into Cambodia in a rash move that has the gravest implications for the United States.

The Pentagon says the move was "necessary . . . to save American and other free world lives and to strengthen the Vietnamization program." If past experience of both France and the United States in Indochina is any guide, the result is more likely to be just the opposite. The war will be not only widened but prolonged, and casualties will rise.

Diversion of South Vietnamese troops and American support units from the Vietnam conflict almost certainly will slow down, if not reverse, the process of American withdrawal.

"Vietnamization" in Cambodia, where Vietnamese of any persuasion are suspect, will only complicate the political struggle there while it diverts Saigon's energies and resources.

Although an American military spokesman in Saigon has said United States ground troops would not become directly involved in the Cambodian fighting, the American public can have no confidence in such assurances. The Saigon command and the Administration in Washington have been less than candid in the recent past concerning the degree of American involvement in Cambodia, and in Laos before that. If the current American-supported South Vietnamese invasion of Cambodia is necessary to protect American and other "free world forces" in Vietnam, how long will it be before we are told that American troops must move into Cambodia to protect the American advisers and "free world forces" that are now there?

The move into Cambodia is a tragic repetition of the mistakes of the past, a virtual renunciation of the President's promise of disengagement from Southeast Asia and of the principles of the Nixon Doctrine itself.

DR. EDWARD L. R. ELSON

Mr. BROOKE. Mr. President, on Monday of this week the Reverend Dr. Edward L. R. Elson, Chaplain of the Senate, commemorated his 40th year of service in the ministry.

Dr. Elson has traveled far and wide across the face of the earth. He has served in a multitude of capacities, ministering to servicemen and private citizens, to Presidents, and other public officials. He has observed the problems of the people of this Nation at first hand, and participated actively and wisely in their resolution. Dr. Elson possesses in large measure the qualities which come from the full experience of life.

At crucial moments during my own service in the Senate, I have found Dr. Elson's wise counsel, quiet humor, and unending patience a source of great courage and personal support. It is with joy and appreciation that I salute him now, on the 40th anniversary of his active ministry, and wish him good will and Godspeed.

NO BROADER INVOLVEMENT IN SOUTHEAST ASIA

Mr. SMITH of Illinois. Mr. President, I am very apprehensive about the commitment of American military effort in Cambodia. It came at a time when all of us who desperately desire a just peace have recently been buoyed by the President's announcement of further planned withdrawals of troops from Vietnam. To many, including myself, it brings fear of another involvement which the overwhelming majority of Americans do not want and will not support.

The official announcement stated that the American participation in the South Vietnamese attack on the Vietcong and North Vietnamese bases in Cambodia was necessary to protect the lives of

American boys stationed near those bases. In my opinion, that is the only acceptable rationale for the action.

I cannot support any broadening of our involvement in Southeast Asia. Any action which would commit American troops or taxpayers' dollars to such an end is simply unacceptable to me. In Cambodia, there is a very real possibility that Prince Sihanouk will return to lead troops loyal to him against the military officers who brought his government down. Revolution and counter-revolution, when its protagonists are all nationals, is civil war. The United States has no business being involved in a Cambodian civil war.

The burden is on the President to justify this startling new commitment. I await his statement this evening. It remains to be seen whether he will be able to convince me and the American people that his course is reasonable. I am sorry he did not counsel with the Senate before he moved. I hope that he will reject any U.S. activities in Cambodia unless essential to the protection of U.S. fighting men in Vietnam.

ADMINISTRATION SPOKESMEN ADMIT SPURIOUS BASIS FOR PRESIDENT'S RESTRICTION ON CANADIAN OIL IMPORTS

Mr. MONDALE. Mr. President, a number of Senators have expressed their serious doubts about the validity of the President's recent decision imposing import quotas on Canadian oil in a letter to him dated March 25, 1970. The letter was signed by 25 Senators from both parties. It was the view of those 25 Senators that a clear case had not been made, and could not be made, that imports of Canadian oil were adversely affecting our national security interests.

The Washington Star for April 20, 1970, contains an interesting article quoting officials in the Department of State and in the Office of Emergency Preparedness. Mr. James Akins, of the State Department, was quoted as saying that one reason for the order was that the higher import level "disrupted the relationships among the American refiners." Mr. William C. Truppner of the Office of Emergency Preparedness was, perhaps, even more candid. He said:

> In a way it was a protectionist measure . . . this is not necessarily a sin.

I think these comments underscore what a number of us have believed from the outset. That is, the oil import controls are an improper exercise of the statutory authority to protect the national security. Mr. Truppner did say in the same interview that the Canadian imports were a threat to national security because they were making the government's job more difficult in moving toward an orderly import program. Unfortunately, the administration has given no evidence, whatsoever, that it is moving toward an orderly import program. Instead, it has abandoned the exhaustive, year-long study by the Cabinet Task Force on Oil Import Controls by relegating it to yet another study group. In the meantime, it has added to the basically illogical structure of the program by imposing controls on Canadian oil for the first time since the oil import control program was adopted by President Eisenhower in 1959.

Mr. President, I ask unanimous consent that the article written by Mr. Stephen M. Aug be printed in the RECORD.

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

SQUABBLE OF U.S. OIL FIRMS LED TO CANADAIN IMPORT CURB

(By Stephen M. Aug)

A State Department specialist on fuel and energy imports conceded today that a squabble among "a group of American companies" producing oil in Canada led to the first formal limits on the amount of Canadian oil that could be imported into this country.

James E. Akins, director of the State Department Office of Fuels and Energy, said at a news briefing that one reason for the March 10 White House decision slicing about 100,000 barrels a day from the amount Canadians had been exporting was that the higher import level "disrupted the relationships among the American refiners."

Some domestic refiners, he said, had been getting their oil cheaper than others because the Canadians had been exporting about 800,000 barrels a day to the United States.

STUDY OPENED

At the same time, Akins said that once an agreement is concluded between the United States and Canada calling for a joint policy on energy—oil, gas, electricity—"there can be a relaxation" of the import quota on oil. But, he added, "there is no question of twisting an arm" to try to force Canada to agree to such a policy.

The briefing had been called to inform newsmen of what President Nixon's Oil Policy Committee had been considering since its formulation in February. Nixon had ordered the committee—which comprises members of several cabinet agencies—to study recommendations made after a year-long study of oil import policies, and to determine which could be carried out.

The principal recommendation of the study was that the present oil import quota program be scrapped in favor of tariffs on oil imports.

William C. Truppner, an official of the Office of Emergency Preparedness, who is directing staff work for the policy committee, declined to give a timetable for effecting the changes recommended—or to say whether he felt the tariff system ever would go into effect. "We possibly can look forward to effecting a lot of long-term changes by 1975," he said.

Truppner said staff papers have been prepared on such problems as:

1. Improve treatment of petrochemical feed stocks—petroleum and oil products used for chemical, rather than other uses.

2. The possibility of increasing imports of No. 2 fuel oil that would lower the price of this fuel which is much in demand especially in New England.

3. What to do about Foreign Trade Zones.

4. Residual oil importation. Residual oil is used by power plants, and there is a growing demand for such oil that is low in sulphur content as a means of reducing air pollution.

Most of the questions at the briefing, however, dealt with the Canadian oil import quotas.

Akins said Canada's recent decision to assert sovereignty over Arctic waters, and the U.S.-Canadian differences over the border off Maine "had nothing to do with the oil import decision." He said the Canadians "don't connect the two issues and neither do we."

SECURITY INVOLVED

Truppner said one reason for limiting Canadian imports was "a threat to national security . . . the flow of oil so far in excess of the previously agreed upon level was so disrupting the distribution of oil throughout the United States that it was making our job more difficult . . . in moving toward an orderly import program."

Asked about the effect of the move on consumers—Canadian oil is about 50 cents a barrel cheaper than domestic oil—both Truppner and Akins said there would be none. Truppner said the import committee has "a responsibility to take the leadership in assuring that the consumer interests are protected beyond the price at the pump." Akins said there was no evidence savings by refiners using the cheaper Canadian oil were being passed on to consumers.

He said of the import-limiting move: "In a way it was a protectionist measure . . . this is not necessarily a sin."

OREGONIANS COMMENT ON NIXON ENVIRONMENTAL LEGISLATION

Mr. HATFIELD. Mr. President, when I joined the Senator from Pennsylvania (Mr. SCOTT), as a cosponsor of the Nixon administration "environmental package," I wrote a number of Oregonians to ask their comments on these proposals.

Three of the replies are of particular importance. Gov. Tom McCall commented favorably on these proposals. A respected member of the Environmental Quality Commission, Mr. Herman P. Meierjurgen, of Nehalem, addressed favorable comments to this group of bills. Mr. Larry Williams, who wears two hats—of the Sierra Club and of the Oregon Environmental Council—also supports these proposals. This is an indication of the support for such legislation in Oregon.

I might add that the ballot measure referred to in the letters is yet another measure of the commitment to clean water and clean air in my State. House Joint Resolution 14, also called Ballot Measure 4, will be voted on at our Oregon primary, and I certainly hope Oregonians will support it completely.

I ask unanimous consent that the three letters be printed in the RECORD.

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

OFFICE OF THE GOVERNOR,
Salem, Oreg., April 10, 1970.

Hon. MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR MARK: I appreciated having my attention called to the package of environmental protection legislation contained in S. 3466 through S. 3472 as reported in the Congressional Record. My comments follow:

S. 3466: Providing that automobiles have mandatory testing for emissions to meet standards is desirable. I think a good way to proceed would be to require tuning to acceptable emission standards prior to annual licensing.

I support the idea of government establishing the formula for fuel, and I presume states could set higher standards. In any event, any existing state standards should be recognized, so federal action would not result in a lowering of current state requirements.

S. 3467: This appears to be in good order, and I have no comment.

S. 3468: I would like to see provisions for financing construction projects also provide for refinancing which can be extremely help-

ful in both inflationary or recessionary periods. The concept of this legislation is similar to our HJR 14 upon which voters in Oregon will cast ballots in the May primary and, of course, it is my earnest hope that this financing program receives overwhelming support.

S. 3469: I would suggest that this legislation be broadened to provide for pilot programs, along the line of setting up a complete solid waste management industrial complex which could assist in answering many questions.

S. 3470: If there is any opportunity to bring all of our water programs together, this might be a vehicle to start in that direction. It also occurs to me that since land use planning is the single most important action we need to implement for achieving proper development with environmental protection, this act could assist by providing a 10% bonus in grants where land use planning and zoning had been accomplished.

S. 3471: This appears to be acceptable, and I have no comment.

S. 3472: I enthusiastically support this action which would give a firm commitment to an expanded program of funding and, of course we would endorse the higher percentage of federal participation which, in effect, could reduce the local share to 25%, and which would tie in admirably with HJR 14 financing to which I have already referred.

Best wishes.

Sincerely,

TOM, *Governor.*

DEPARTMENT OF
ENVIRONMENTAL QUALITY,
Portland, Oreg., April 9, 1970.

Hon. MARK O. HATFIELD
U.S. Senator,
Washington, D.C.

DEAR SENATOR HATFIELD: Yours of March 24 relating to the "environmental package" proposals is hereby acknowledged and comments concern them follow:

S. 3466—The Environmental Quality Commission of Oregon has recently begun the task of establishing ambient air standards for the State. Early attention has been given to particulates from all sources including motor vehicle emissions. To follow soon are levels of fluorides and other industrial air pollutants. The problem is most complex and I feel that any standards we set will be revised many times before they become reasonably acceptable.

The need for the Federal Government's entry into this field is self-evident. Interstate auto traffic is heavy in our State during the tourist season and a nation wide exhaust emission standard is imperative. The problem is now noticeable in the Rogue, Umpqua and Willamette valleys through which Interstate Highway 5 is routed. In a more minor vein, the Camas Washington Kraft Paper mill continues to remind Portlanders that State boundaries do not apply to the atmosphere. Pertinent to the above, it is my feeling that paragraphs #1 and #2, National Air Quality Standards, Congressional Record, March 6, 1970, page S3163, are needed and the preceding sections concerning the testing of fuels and additives as well as motors will serve a useful purpose. It is important that the results of Federal research in this field of atmospheric pollution be made available to the states as soon as possible. Oregon like most states has its synergistic type problems arising from its industrial and motor vehicle emissions. Any help we can get from research will be most useful. Senate Bill 3466 appears to be a good and thoughtful start on this national problem of air pollution.

S. 3467—No comment.

S. 3468—There are a number of small communities especially on the coast of Oregon which would benefit by this Act. Their capacity to finance sewage treatment facilities is impaired for one reason or another and I am sure that this Act would aid them provided they could qualify.

It is my feeling that the states might well pass on such qualifications and needs for the reason that they already are concerned with the problem. It is assumed that Oregon will have considered the matter of allocating normal State and Federal grants to these "hardship" communities and would be in an excellent position to pass on their qualifications for a loan from the Environmental Financing Authority. It is also my feeling that some provision for such a procedure should be written into the Act. It appears that such a provision would effect a saving in administrative expense.

S. 3469—This proposal of the Federal Government to embark on research in the field of solid waste disposal and recycling in my judgment is a most timely and vital undertaking. My only comment is to the effect that its funding may be too modest. To this point I would like to comment further.

In my undergraduate days at U. of O. Dept. of Geology we were taught that the iron ore reserves of our country were of such a quantity that the nation had no need for concern. One world war and several "police" actions later we have exhausted the vast iron ores of the Messaba Range. Not only have we squandered our iron resources but with them copper, lead, zinc and a host of other metalics and nonmetalics all vital to our national survival. In the face of this we are discarding in the form of junk each year millions of tons of manufactured metals. Not only is this improvident but it is adding bulk to the ever-growing mountains of solid wastes we produce. It is imperative that we address ourselves to this problem and promptly. I would strongly urge that funding be ample to meet the needs of a vigorous program provided for in this Act.

S. 3470—This Act serves a useful purpose and appears to be well conceived.

S. 3471 and 3472—Oregon is continuing to make good progress in cleaning up its waters. We have made the fullest use possible of Federal help. The problem most vexing has been a lack of grant monies to help fund all the needful proposed projects. We have tried to work out grant allocations on the basis of need priorities. This has had its discouraging moments. I strongly urge that funding be increased and maintained at a substantially higher level for at least four or five years. I feel that the President's proposal of ten billion dollars for funding over the next four years is reasonable.

I have no other comments on the text of the Federal Water Pollution Control Act. It has worked rather well and, had it not been for the strain on our treasures and resources occasioned by the S. E. Asian "police action", would have accomplished much more. There were times when its implementation became a bit "sticky" as in the rather passionate insistence on the part of the S. F. office that we forthwith set water standards for the "Lots River" in the Klamath area. This stream is well named, for its natural bed is lost in a maze of irrigation ditches as its meager waters are put to use eleven times before it gives up its aqueous ghost in a swamp of tule and bull rushes.

It was heart warming to hear from you again and along with thousands of my fellow Oregonians I deeply appreciate the good work you are doing there. Please remember me to Rep. Wendell Wyatt.

Kindest personal regards,

HERMAN P. MEIERJURGEN.

OREGON ENVIRONMENTAL COUNCIL,
Salem, Oreg., April 8, 1970.

HON. MARK O. HATFIELD,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR MARK: Thank you very much for sending a copy of the Congressional Record containing the Administration's "environmental package."

After reading Senator Scott's remarks about the bills I can see no reason why we cannot give them our full support. We are very pleased that you are cosponsoring the bills.

S. 3468. Environmental Financing Authority to assist in the financing of waste treatment facilities seems most appropriate due to the vote in Oregon on Ballot Measure No. 4. The OEC has taken a stand in support of Measure 4 and in favor of the City of Portland's measure which will allow the city to increase the residential sewer use fees and to divorce the charge from the water use bill.

I found one change that I think should be made to the Clean Air Act, S. 3466. The Act provides that the Secretary may enter a factory to inspect prototype vehicles and to inspect vehicles being manufactured. This provision is absolutely necessary to insure that the manufacturers are living up to the letter of the law. The value of the inspection process seems to be negated by the requirement that the Secretary can only obtain the right of entry upon written notice to the manufacurer. What the Secretary sees at the factory can be carefully controlled by the manufacturer if he has ample warning that an inspection is in the offering. I hope that this clause can be removed from the Bill.

Thank you again for drawing our attention to these important new bills.

Sincerely,

LAWRENCE F. WILLIAMS,
Executive Director.

CEDAR-RIVERSIDE RENEWAL PROJECT, MINNEAPOLIS

Mr. MONDALE. Mr. President, I have noted with great interest an editorial published in the Minneapolis Tribune on Wednesday, April 15, 1970, regarding the exciting urban renewal project in the Cedar-Riverside area of Minneapolis. There is a great need for housing in the project area because of the close proximity to the University of Minnesota, Augsburg College, and several fine hospitals. The private and public interests have recognized this need and as a result the first phase of this project is to replace the existing 92 units with 1,260 housing units, many of which will be low-rent public housing and units available for low- and moderate-income occupants. This will greatly benefit the many students and other low- and moderate-income people that live in this area. It makes me very happy to see urban renewal being used to provide much needed housing and at prices that the residents of the area can afford.

I commend this fine editorial to the Senate's attention and ask unanimous consent that it be printed in the RECORD.

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

THE "NEW TOWN" FOR CEDAR-RIVERSIDE

For more than 10 years, there were hopes and plans for redevelopment of the Cedar-Riverside area of south Minneapolis. For more than 10 years, opposition and controversy blocked the plans as the area grew more blighted. But the controversy is over now, the Housing Authority announced Tuesday its qualified approval of first-stage plans and, if all goes according to schedule, construction will begin this year on a $25-million housing project.

Undertaken through an unusual combination of private and public action, the project defies the standard criticisms of urban re-

newal and offers the prospect for a dramatic "New Town" in the central city.

The usual criticism of urban renewal is that it destroys more housing than it replaces, lowers the supply of low-income dwellings and leaves vacant land that produces no taxes. In this case, a private group known as Cedar-Riverside Associates plans in the first phase to build 1,260 housing units in place of the existing 92 units. Of the total, 100 units will be low-rent public housing for families and 500 units will be for low- and moderate-income occupants under a federal subsidized-interest program. Rent supplements could be used on some of the 500 units to bring down monthly charges even more. The rest of the units will be for middle- and upper-income tenants to provide a good economic mix and a full range of housing for students, faculty, university and hospital employees of the area.

Another criticism of urban renewal is that it too often produces projects that are poorly designed and lacking in cohesion. In this case, Cedar-Riverside Associates called upon top-rate consultants who have planned and designed an impressive project combining cohesiveness and diversity. The project includes high-rise and low-rise buildings, parking facilities, commercial space, a plaza and walkways. The developers also plan to provide facilities for a public school, recreation, health and other social services.

The proposed public outlay in the initial project seems reasonable when compared with costs in other renewal programs and the amount of private investment being generated. A requested land write-down of $700,000 for the subsidized housing is only half of the usual renewal write-down on a total-project basis. Another $490,000 is sought for site improvements and $1.3 million is requested for the public plaza and walkway system. These costs would be quickly repaid and then some in the estimated annual tax return of $600,000 from the completed first stage.

The so-called Cedar West project appears to be a promising start for redevelopment of private properties in the Cedar-Riverside area. If local and federal approvals are given on funding proposals, and financing is obtained as expected, the city's West Bank renewal will be under way, at long last.

U.S. POLICY TOWARD AFRICA

Mr. BROOKE. Mr. President, some weeks ago the Secretary of State spent more than 2 weeks touring many of the nations of Africa. His tour was followed with a great deal of interest by the African peoples and by many of us here at home.

Since his return, the Secretary has reported his findings to the President in a widely circulated and discussed policy statement which reveals his personal interest in, and sensitivity to, the issues confronting this emerging continent. I have heard many fine reports from African friends, from journalists who accompanied Secretary Rogers, and from "Africanists" in this country, on the Secretary's trip. I have also had an opportunity to read the policy statement for myself. Its emphasis on economic development, its expressions of concern and support for self-determination, are all indications of a renewed and determined American commitment to support change and improvements in the conditions of African life.

I commend the Secretary for his interest and involvement in shaping our policy toward an area of the world which has contributed much to world culture and which offers great promise for the future.

In addition, I ask unanimous consent that an article on our African policy, written by William C. Selover of the Christian Science Monitor, be printed in the RECORD.

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

U.S. HEEDS REALITIES ON AFRICA

(By William C. Selover)

WASHINGTON.—In markedly subdued tones, the Nixon administration has quietly launched its "new approach" to the troubled, emerging continent of Africa.

Unfortunately, even the State Department's own experts on Africa are left wondering what's so new.

In the long-awaited report on his precedent-setting tour of Africa, Secretary of State William P. Rogers outlined the administration's Africa policy.

Essentially, it is this:

Continue to provide foreign aid at "not less than the present level."

Create a fresh "climate" in Africa's developing nations where U.S. private investors may freely do business.

Actually, most observers agree that little in the report is new.

EMPATHY GENERATED

But it comes on the heels of the first visit ever by an American secretary of state to that continent. And the Rogers statement does, in fact, go into some detail about precisely the steps the United States Government can take to aid Africa by indirect means, such as relaxed trade and tariff policies.

This is considered here all to the good.

Mr. Rogers reportedly empathized deeply with the sentiments of emerging black-led nations during his visit. The U.S. decision to close the American consulate in Rhodesia was reportedly urged by the Secretary of State in strongest terms on his return.

All of this gave some hope to African diplomats here that the United States was genuinely interested in an area that has always suffered from U.S. neglect.

But informed State Department sources are concerned that America's first veto ever, cast last month at the United Nations (It was against an Afro-Asian proposal condemning Britain for failing to use force to overthrow the white minority regime on Rhodesia) may have destroyed all the goodwill built up by the Rhodesian decision among the African leaders. In this context, African reception to the Rogers statement here is cautious—even disbelieving.

U.S. sources argue privately that the veto was not necessary, since Britain blocked the resolution by its negative vote anyway.

On the other hand, the veto signaled a new era of candor and realism in U.S. relations with Africa. And this may gain some points for the United States, officials here speculate.

"We were arguing against the resolution in the halls of the United Nations. Everybody knew that," said one State Department official. "To abstain after that would have been hypocritical."

Apparently, the Secretary of State also believes that it would be hypocritical to promise an enlarged foreign-aid package to Africa, while sentiments in Congress are set against such moves.

Again Mr. Roger's strong endorsement of greater private investment is another signal of cold realism creeping into United States policy in Africa.

In effect, without any hope of increasing direct government aid, which runs to about $350 million a year, the Secretary of State simply salvaged the situation by finding an alternative.

PRIVATE INVESTMENT STRESSED

"We believe," he reported, "that private investment can and should play a growing role, above and beyond public assistance, in African development."

At the same time, Mr. Rogers shifts some of the burden on African governments.

Businessmen, he said, "pay great heed to African government programs to foster a favorable investment climate."

He suggested that "an investment code, assurances from the African government and reasonable entry, work, and tax arrangements can make the difference between an American's willingness or unwillingness to work out an investment."

In 1968, the last year for which figures were available, U.S. foreign investment in Africa amounted to $2.673 billion. But an enormous part of that went to areas outside of the developing, black-led nations. Some $692 million, for instance, went to South Africa and, $678 million went to oil-rich Libya.

GROWTH SOUGHT

But there has been a steady growth of private investment in nations recently independent. By the end of 1968, for example, the total value of U.S. private investment in member countries of the Organization of African Unity amounted to about $2 billion.

Mr. Rogers believes this figure can be increased dramatically.

Already, according to Mr. Rogers, programs are under way to stimulate private American investments in manufacturing, agro business, and commerce.

Mr. Rogers believes that the U.S. has been increasingly successful in getting American investors to look at large-scale agriculture projects in Africa. In the last three years, he says, American companies have conducted 27 preliminary studies of such projects which led to 10 in-depth studies and 4 investment commitments. Several more, he says, are being negotiated.

OTHER FIELDS URGED

Also, he reports new efforts to get "medium-size American investors" to explore other African markets—such as flour milling, bus transportation, food processing, shrimp fishing, and plywood manufacturing.

The Secretary of State also believes that the new Overseas Private Investment Corporation, which will provide guarantees, equity, local currency loans, and investment advice, will be "an important element in stimulating further American private investment in Africa." The Overseas Private Investment Corporation was proposed earlier and approved by Congress in Mr. Nixon's overall foreign-aid reform.

TARIFF STEPS WELCOMED

He also offered the President's "generalized tariff preferences for all developing nations" as one step to freer trade with African states, and he welcomed the steps by the Central African Customs and Economic Union to reduce general tariffs on most imported goods by 50 percent.

"This measure," he says, "offers the prospect of greater American trade with these countries.

"We seek a relationship of constructive cooperation with the nations of Africa," Mr. Rogers explains, "a cooperative and equal relationship with all who wish it. . . . We want no military allies, no spheres of influence, no big-power competition in Africa."

SUPPORT FOR CLEAN LAKES

Mr. MONDALE. Mr. President, this month, concern over our environment reached its highest level in history.

Millions of citizens rallied across the Nation April 22 to dramatize the urgency of the crisis. I am hopeful that this great display of public support for a better environment will be translated into affirmative action by the Congress this year. Passage of a number of pending bills could lead to the stabilization and improvement of the condition of our air, land, and water.

I am particularly concerned about the steady decline of our waterways in recent years. Earlier this month I introduced a measure designed to revitalize the polluted lakes of America, and I am gratified by the support it has received.

Twenty-six Senators are cosponsoring it. I have received favorable mail on it. The bill has also been editorially endorsed by several major newspapers in my home State.

The latest editorial is from the Rochester, Minn., Post-Bulletin of April 16.

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

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

MONDALE'S BILL OFFERS HOPE FOR MINNESOTA'S, NATION'S AILING LAKES

Sen. Walter Mondale's introduction last week of legislation in Congress to speed lake improvement and restoration could do much to soothe Minnesota's troubled waters.

Following in the wake of the recently passed Water Quality Improvement Act—which provides pilot research on lake pollution abatement—the new legislation would increase federal aid to upgrade treatment plants now discharging effluent into endangered lakes. It also provides funds to aid reclamation of presently polluted lakes.

With an estimated 100,000 lakes throughout the nation in trouble, the legislation is obviously of more than just Minnesota's interest, but this state could certainly benefit from its passage.

Under Mondale's proposal, federal grants for treatment plants located near lakes could amount to 65 per cent of the cost, provided the state furnished 20 per cent. To be eligible, enforceable water quality standards must be set and maintained. Only treated water could be discharged and pre-treatment of industrial waste would be required where necessary.

Other provisions would authorize cooperation between the state and the Corps of Engineers and the Bureau of Reclamation, and would call for added research in lake reclamation. A separate fund could provide, over a four-year period, for dredging and removal of sludge and for shoreline improvement.

Minnesota—with many lakes—has many problems, and the soft-water lakes in northern Minnesota are particularly vulnerable to pollution. One reason is that they lack minerals to precipitate out some of the pollutants, as is the case in the hard-water lakes of this area.

But even in southern Minnesota—with higher populations, more industry and intensified agriculture—the problem of lake pollution is acute, largely because lakes have no means of disposing of chemical additions as do rivers.

Belated recognition of the state's lake problems is found in the Minnesota lakeshore zoning provisions, now going into effect. But this is a preventive measure, and of little benefit to the lake already in trouble. It is here that the Mondale legislation could prove of real value to lakes in Minnesota and many other states.

Pollution from growing numbers of lakeside homes, municipal and industrial waste and agricultural runoff have clogged too many Minnesota lakes with silt, weeds and algae. Their reclamation is generally beyond local means and the Mondale legislation holds the only present prospect of any substantial relief of the problem.

A few years ago a bill to reclaim lakes, without offering industrial or agricultural benefits, would have stood scant chance of passage. But newer awareness of broader ecological values has increased its chances substantially. Certainly it would be of benefit to Minnesota and many other states and deserves support.

HELIUM CONSERVATION

Mr. HRUSKA. Mr. President, a decade ago, the Senator from Colorado (Mr. ALLOTT) played an important part in launching a program to stop the needless waste of a rare and unique resource, namely, helium. This wondrous natural resource was contained in certain natural gas deposits in high enough quantities to make it economically extractable prior to the burning of the natural gas. Ultimately, these particular natural gas fields will be exhausted; but, the purpose of the helium conservation program is to extract and store as much of this vital resource as can be cheaply extracted from these unique gas fields which are rich in helium content.

As originally envisioned, the program was to be totally self-financing. The Government would buy the helium at approximately $11 per thousand cubic feet and would sell it for $35 per thousand cubic feet. The price spread was intended to take care of the storage charges and the cost of borrowing money, since Government purchases would exceed annual helium requirements. Government storage now exceeds 24 billion cubic feet of contained helium.

However, as we all know, the cost of borrowing money has gone up dramatically over the past few years and this has cast a heavy burden upon the self-liquidation of the helium conservation program. In addition, certain of our short term space and military needs have fallen off sharply, thus reducing revenues from sales. Further, some Government contractors have purchased helium from private suppliers at a price lower than $35, but considerably more than the $11 paid by the Government. This has tended to further reduce Government sales of helium. It should be noted, however, that supplies of helium outside of the Government conservation program are quite limited by comparison. Nonetheless, this temporary incursion on the helium market with respect to Government contractors has weakened the fiscal posture on the conservation program, at least temporarily.

There are those who have advocated the termination of the helium program and the liquidation of the helium asset. I reject such suggestions and believe that it would be folly to follow such a course. Senators know that helium has many exciting potential uses, many of which will have a direct bearing upon the restoration of the quality of our environment and the improvement of our standard of living. To mention just a few of the many environmentally oriented applications of helium would include: the generation of electrical power by both nuclear and magnetohydrodynamic methods, super conductive transmission of electricity, and helium is essential in cryogenics and in the exploration of the deep sea.

Mr. President, on March 23 and 24 at the Helium Symposium, held in Washington, D.C., many important papers were presented concerning future uses and sources of supply of helium. I recommend them to all who are interested in the important role helium will play in our quest for a more livable environment.

I ask unanimous consent that one of those statements, an address by Senator GORDON ALLOTT at the symposium luncheon, be printed in the RECORD.

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

ADDRESS BY SENATOR GORDON ALLOTT

As a co-author of the 1960 Helium Amendments, the Act which set up the Helium Conservation Program a decade ago, I have more than a passing familiarity with the wondrous natural resource and its value for the future.

Speaking before this group presents an almost irresistable temptation to make some jokes about the relationship between your product and the politician's job. I am going to resist that temptation. I do not want to do anything that would lead you to believe that politicians specialize in speeches that are—like helium—lighter than air. Besides, I can't think of one that would get off the ground.

But if I might be permitted a pun, I want to say how pleased I am to be addressing such a "resourceful" audience. You are the sort of people who turn America's natural materials into real natural resources. You are responsible for keeping America productive.

This is a great responsibility.

As part of your task, you must spend a good deal of time thinking about underground matters. But, as I am sure you know, you and others like you are right in the middle of an above-ground storm. This storm is associated with this year's magic word—"ecology".

There are those who think we honor the earth—and do mankind a favor if we left the earth—including the material beneath the surface untouched by human hands.

There are some extremists who would like to cast people like you in the role of villains. Well, I want to leave no doubt where I stand on this matter. I support the resourceful people who are developing America's resources.

You know, the West is still one area of America where opinions are firm and clear—where men are not afraid to say what they think—and where differences can sometimes be pretty stoutly battled, at least in the political arena.

But one area in which we have developed a common concern is the importance of natural resources, whether they be water, timber, grazing lands or minerals in the earth.

There is a very basic cause for this common theme—it is a matter not only for the growth development of our respective states, but of survival.

Some of our western states are very arid and the matter of water supply has been a vital concern ever since the land was settled. In fact, the settling of the West would not have been possible had it not been for the adoption of an innovative concept of water law and conservation. It remains so today. In any case, we in the West know by hard lesson that water is life.

The great national park system got its start in Yellowstone, Wyoming, and Taylor Grazing Act resulted from western desires to

conserve the grass lands and prevent over grazing. Conservation lessons in the West have come from necessity—the mother of invention.

For years, however, easterners were not deeply concerned with this kind of problem. The eastern industrial states and their representatives in Congress often looked at the West's concern over conservation and resources as a parochial outlook, something that went over with the home folks, but not really "national".

All that has changed now. The East is learning the same lessons the West has learned over the past century. Conservation is a national problem, with a global impact.

In our area we had to learn, sometimes by the most painful of trial and error methods, of the need to balance human actions in the conservation field. We had to learn first to solve the basic problem, then to weigh the effect on the surrounding ecology; we had to assess our neighbor's problems as well as our own.

Thus, we have had to balance construction of dams against the flooding of wildlife habitats, or destruction of scenic areas. However, in some instances we found we could not only provide people with water and power, but could also improve the habitats of fish and wildlife. We have had to point the way in meeting the challenge of conserving our resources and providing for our human needs. Only recently has this come to be regarded as national in scope. For resources have a way of transcending local boundaries, and becoming the concern of the region and the Nation.

Thus, it is no accident that the West—where magnificent vistas abound—became the region that had to learn pragmatically about a word that is now capturing the imagination of the writers in New York.

We sometimes find it amusing to hear the same oracles expounding upon the virtues of conservation who not so long ago were calling western conservation programs "boondoggles".

The word is "environment" and whether it happens to be an "in" word or not makes no difference—environment is important and increasingly so to the quality of life in this Nation.

You know, ten years ago the only time you heard the word "environment" was when someone else used the word "heredity".

But this problem of ecology, of managing the environment, is indeed a critical challenge for every one of us.

This land of ours, which we have taken for granted for so long, has only so much to give. It is not an unlimited treasure trove to be plundered at will.

There are 200 million Americans now. Our population is expected to nearly double by the year 2000—only 30 years away.

And that means that everything that sustains life—water, open space, mineral resources—takes on a new significance, viewed against the realities of population and the voracious consumption of these assets which is a concomitant of the high standards of American life.

We *do* have a high standard of living. Every industrial nation of the world is scampering to try to provide its citizens with the kind of life we accept as basic.

But that very level of existence, provided by our advanced industrial and technological system, makes us consume minerals at prodigious rates. In the first three decades after 1930, we in the U.S. consumed more mineral raw materials than the entire world consumed since the beginning of recorded history.

We can look forward with certainty to an even more accelerated rate of consumption. And, as many of you know, I have long advocated the need for a "National Minerals Policy", which I believe can be the cornerstone of the tremendous effort we are going to have to expend to effectively conserve and yet provide our needed minerals to support both our industry and standard of living.

It is clear, as President Nixon told the National Governors Conference last month (February 25), that "conservation today . . . is an inadequate term to describe what we need to do."

"What we need to do now," said the President, "is not conserve simply what we have in the way of natural beauty and natural resources . . . we need restoration."

It is an urgent call, one that recognizes the immensity of the problem and the immediacy of the need to act.

When, however, we deal with mineral resources an even greater urgency is injected into the picture. A depleted forest can be reforested, even an eroded beach restored—but a wasting mineral resource, once exhausted, is gone forever.

Helium is a perfect example of a wasting resource which can be lost in this way.

More than a decade ago, during the Eisenhower Administration, it was recognized that huge volumes of helium were being wasted into the atmosphere as a result of burning natural gas from certain gas fields without having first extracted the helium component of that gas.

All of the helium that passed into the air at the burner tip is, for all practical purposes, gone.

And, in fact, even the conservation program we enacted in 1960 cannot reach all of the potentially recoverable helium. We find that 50 percent is still going up in smoke.

Why didn't we reach all of this helium?

The answer, of course, is economics, the difficult task of balancing need against the ability to pay.

Make no mistake about it, any conservation program will always have to reflect our ability to pay.

But I believe that when we look at conservation we cannot always use the same measuring standards that one uses to judge the performance of a small business.

For instance, what is the bookkeeping value of a wasting asset—can it be measured the way we put values on goods or property?

Right now, officials of the executive branch of government as well as the Congress are looking at the current helium conservation program. Well and good. There should be no program that is sacrosanct and immune from change.

If helium conservation has run into bookkeeping problems, it must meet those problems in a direct way so that the Congressional overseers and the public in general are assured that maximum efforts are being made to pursue a sound course of financing.

But it would be folly to scrap the program entirely. Our present knowledge tells us that we are still wasting some 3.5 billion cubic feet of helium into the atmosphere each year. This is helium from the gas sources we now regard as the richest in helium content, and therefore the most economical to reach.

You will hear of many exciting potential uses for helium in the next two days—many of which will have a direct bearing upon the restoration of a quality environment and the improvement of our standard of living.

All of the helium we now have in storage, seemingly so abundant, would have little meaning if we arrive at a period twenty years hence when we have created many technologies which rely on helium, yet have no more helium coming out of the ground.

So a balance must be struck—and I am not going to try to suggest how today—but the parallel is clear. Just as we do in other conservation projects, we must strike a balance with our helium program between ability to pay and sound planning.

This must be so in our approach to many environmental problems, for this business of the environment is not single-faceted.

Just as in the West, we have found that irrigation water is not a problem that stops at state lines; so we must approach the conservation of mineral resources, the preservation of lakes and rivers, the solving of air and water pollution as national problems.

For, as President Nixon told the Governors Conference, "here is an area where if we do not act now, it will be too late possibly ever to act again."

Despite the necessity for strict budgetary disciplines, the President has given environment the top priority in a competitive list of domestic issues.

And he has acted on his belief. On March 5, he issued an executive order to carry out the purposes of the National Environmental Policy Act of 1969.

He declared that the Council on Environmental Quality shall be a key advisory board to assist the President in providing leadership in protecting and enhancing the quality of the environment, and directed the Council to coordinate the programs of other agencies.

The President is doing his best to make sure the government will try to speak with one voice on matters of ecology and environment.

Those of us in Congress who share the President's view that environment and resources are among the most vital of national concerns join him in this commitment.

Theodore Roosevelt once described conservation as ". . . dealing intelligently with what we have". Wasting our major source of low cost helium into the air by failing to first extract the economic helium from certain natural gas, would hardly seem to qualify as ". . . dealing intelligently with what we have". The helium conservation program may need adjustments—even major adjustments—but let's not "throw out the baby with the bath water".

PRISONERS OF WAR

Mr. HRUSKA. Mr. President, like every other State in the Union, Nebraska has its share of young men who are missing in action or are presumed to be prisoners of war in Vietnam. This entire prisoner-of-war situation is one of the most deplorable episodes in our Nation's history, and certainly the refusal of the North Vietnamese Government to agree even on humane treatment of prisoners, or to provide information about missing men, is one of the most frustrating aspects of the war.

Many dedicated Americans in public office and private capacities have attempted to develop innovative means of easing, if not solving, the prisoner-of-war situation. Thus far, all efforts have been to no avail. Thus far, the enemy has been implacable, refusing even to provide the most elementary aspects of humane treatment to prisoners, or equally important, to provide a shred of information to the families of servicemen who are missing or presumed prisoners.

The most heartless act of all is Hanoi's absolute refusal to provide any information to the wives and families who are merely asking to know whether their loved ones are alive or dead.

More than 1,450 Americans are listed as missing or captured, and despite repeated American efforts, official and unofficial, Hanoi consistently refuses to provide any information about the prisoners, or to allow any communications to be delivered to them.

Pilgrimages of prisoners' wives and other similar overtures endeavoring to

establish a semblance of communications with the prisoners have all been repulsed by Hanoi. The Vietcong has ignored the Geneva agreement provisions for information about all prisoners, the right of prisoners to correspond with their families and to receive packages, inspection of prisoner-of-war camps by an impartial organization such as the Red Cross, and the early release of seriously sick and wounded prisoners.

How unfortunate, Mr. President, that those who untiringly demonstrate and protest against our war effort do not channel their efforts into constructive causes such as achieving decent treatment for our prisoners. If their enthusiasm and perseverance could be expressed in an orderly manner, along with the voices of other concerned citizens, we might soon pierce Hanoi's curtain of callousness in this matter.

Many ingenious means of moving Hanoi from its barbarous position have failed. It appears nothing will induce the Vietcong to act in humanitarian terms unless it is the weight of world opinion. Even though some people despair that expressions of public opinion do make any impression upon the world press, and more directly upon the Communists, we do have proof that changes can be made when they are motivated by the resolute, unified voice of the American people.

It is this voice which we must project with regard to our prisoners of war. This is a cause which can well be espoused by veterans organizations especially, as has been done in Nebraska. But it is a cause to which all of us can contribute.

In this connection, I commend the junior Senator from Kansas (Mr. DOLE) and a number of our colleagues in both Houses for their fine work in organizing an Appeal for International Justice, an impressive tribute to American prisoners of war and those who are missing in action. It will be held on Friday, May 1, at Constitution Hall. Honorary cochairmen will be H. Ross Perot and Mrs. James B. Stockdale, of Coronado, Calif., who are national coordinators of the National League of Families of American Prisoners in Southeast Asia.

I have received a number of letters from afflicted families in Nebraska asking me to attend this affair. Many Senators are receiving similar requests. I have arranged my schedule so as to attend the event and I urge my Senators to make every effort to join personally in this occasion on behalf of this important cause.

To demonstrate the support of Nebraska organizations for this common cause, I ask unanimous consent to have printed in the RECORD two resolutions which have come to my attention. The first resolution was adopted by Omaha Post No. 1 of the American Legion and later passed by the Legion's Department of Nebraska Executive Committee. Virtually identical resolutions have been passed unanimously by the Nebraska Federation of Young Republicans, and the City Councils of Omaha and York, Nebr. The second resolution was adopted by the Nebraska Junior Chamber of Commerce.

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

RESOLUTION IN SUPPORT OF CAPTURED AMERICAN FIGHTING MEN AND THOSE MISSING IN ACTION

Whereas Article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States Government become the "supreme law of the land," notwithstanding contrary limitations of the Constitution itself; and

Whereas notwithstanding solemn promises ratified at the International Conference at Geneva that all prisoners of war captured would be given the respect of humane treatment; that Article 2 of the Convention provides that it "shall apply to all cases of declared war or 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;" and

Whereas the government of North Vietnam acceded to the Convention on June 28, 1957, and the government of South Vietnam acceded to the Convention on November 14, 1953, and the government of the United States acceded to the Convention on August 2, 1955; no pretense of compliance has been advanced by North Vietnam or the National Liberation Front (Viet Cong), despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

Whereas repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist violence have proven ineffective through the United States Department of State; now, therefore, be it

Resolved by The Nebraska Jaycees that we commend, encourage, and support the State Department for the efforts made in the past to comply with the terms of the Geneva Conference, and that we encourage further efforts for the release of names of prisoners held; also, that pressure be brought to bear against the government of North Vietnam to provide

1. Immediate release of sick and wounded prisoners.

2. Impartial inspections of prisoner of war facilities.

3. Proper treatment of all prisoners.

4. Regular flow of mail.

5. Most importantly, the release and freedom from captivity of those American fighting men of this "undeclared" war with North Vietnam. And be it

Further resolved that there be enacted by the Congress of the United States a code of protective legislation similar to the Uniform Code of Military Justice, Public Law 506, applicable to American personnel captured in military operations other than in a "declared war," to assure that the full force, authority, and power of the United States of America shall henceforth be publicly committed to the attainment of freedom from captivity of all Americans captured in such military actions, past and future.

OMAHA POST NO. 1, THE AMERICAN LEGION—RESOLUTION

General Purpose: To help the prisoners of war in Southeast Asia by insisting on adherence to the basic tenets of the Geneva Conventions by all governments holding prisoners of war in that area.

More Specific Purpose: To protest the obvious and by now conclusively proven inhumane treatment of American prisoners of war held by the Government of North Vietnam and the Viet Cong.

Whereas: It is international common knowledge that the Government of North Vietnam signed the appropriate documents of the Geneva Conventions in 1957 and, in effect, solemnly promised to adhere to the covenants contained therein. This conforms to the same actions taken by 119 other national governments, all in mutual agreement and good faith.

Whereas: The Government of North Vietnam has contumaciously ignored the said covenants and particularly disregarded those relating to the humane treatment of prisoners of war.

Under the most transparently false pretext that American captives are not prisoners but "criminals", neutral inspections of its prisons have not been allowed. Further, it has refused to adhere to the most basic and clearly stipulated terms of the Geneva Conventions relative to:

The identification of the prisoners it holds captive.

The release of those seriously wounded or ill.

The allowance of a proper flow of letters, packages and the like.

The protection of prisoners from public abuse.

The use of prisoners for propaganda purposes.

False information about prisoners which has been harmful to their mental health and well being along with that of their families.

Other possibly less serious infractions.

Whereas: It is recognized that the Government of the United States has reacted to this deplorable situation with some directness and vigor most recently. Notwithstanding and regardless, the whole treatment of this particular aspect of the Vietnam Conflict from its beginning has comprised one of the most shameful chapters in American history.

The effect has been to tarnish the international image of the United States of America. It has adversely affected our national pride, irreparably damaged our traditions of unflagging patriotism and impaired our stature and political posture among nations.

Finally, the prisoners of war and those missing in action have been virtually abandoned to suffer and die without relief, without hope and without redress in any visible form.

Therefore, be it resolved by Omaha Post No. 1—the American Legion:

That: The will of the people of the United States of America, as expressed by these presents, be made known to appropriate officials, departments and agencies of the Government of the United States of America, the Government of North Vietnam, the governments of other nations, all representatives to the United Nations and more particularly the Secretary General of the United Nations. Further, that this resolve be made known to representatives of news media on both a national and international level.

To Wit:

That: The intransigence of North Vietnam relative to those matters be overcome and that it be directed by American influence and international influence to correct these grave wrongs and provide redress for those committed.

That: More specifically, this direction result in:

1. Inspections of all prisons, prison camps and other places of detention by neutral parties and particularly the International Red Cross.

2. All prisoners held being properly identified immediately.

3. All prisoners seriously ill or wounded being released immediately.

4. A proper and constant flow of letters, packages and the like being allowed.

5. All prisoners being protected from further public abuse.

6. A complete cessation in the use of prisoners for propaganda purposes via demeaning photographs, public parading or any other methods.

7. An immediate stop to the release of false information relative to the prisoners of war, collectively or any individual prisoner.

Be it further resolved:

That: Omaha Post No. 1—The American Legion embark on a campaign including but not limited to special programs and rallies, petition drives, public declarations and other feasible means to pursue both the letter and the spirit of this resolution.

That: Central to the campaign and as a banner-head for all activities and a masthead for all publications, the term "The Forgotten Americans" be used and emphasized.

Finally, Be It Further Resolved:

That: A copy of this resolution be provided for the Department of Nebraska Executive Committee at the earliest moment and with the suggestion that adoption plus endorsement to the National Executive Committee may be in order.

Submitted for action by the Executive Committee, Omaha Post No. 1—The American Legion—February 17, 1970.

For the Commander's Special Committee:

H. JAMES GROVE,
Past Commander.

CANADIAN OIL QUOTAS THREATEN SURVIVAL OF MIDWEST REFINERIES

Mr. MONDALE. Mr. President, the President's recent order restricting imports of Canadian oil has serious consequences for consumers throughout the upper Midwest. But for consumers in Minnesota, especially, there is a grave risk of shortages of product and forcing of independent refiners out of business.

As a bipartisan group of 25 Senators advised the President in a letter of March 25, these new controls "will result in increased costs and, in some cases, fuel shortages and curtailed operations." The Northwest Petroleum Association, representing some 1,700 independent oil distributors in Minnesota and North Dakota, has strongly protested President Nixon's order and has pointed out that, for some of their members, denial of sufficient Canadian crude oil "will become a matter of actual survival and not economic choice."

Mr. President, I ask unanimous consent that the position paper and resolution of the association be printed in the RECORD.

There being no objection, the position paper and resolution were ordered to be printed in the RECORD, as follows:

POSITION PAPER

The Northwest Petroleum Association, with offices at 512 Nicollet Mall, Minneapolis, Minnesota, and representing some 1,700 independent oil distributors in Minnesota and North Dakota, has today voted to go on record as strongly opposing President Nixon's order and regulation strangling this geographical area because of the inconsiderate and unacceptable restriction on imports of Canadian crude oil. The four small refineries in Minnesota depend greatly on Canadian crude—one exclusively. In fact, their construction, expansion and commitments were made in reliance on Canadian crude oil. If they are denied this source it will become a matter of actual survival and not economic choice.

These refineries have contracts with major companies in this area to supply finished products and they also supply small independent distributors. Curtailment of these Canadian imports will mean a shutting off of products to small distributors who are reliant on them for product supply.

We believe that any such restrictive order should give clear recognition to the deficit of domestic crude oil in this region of the country. To say that this order is taken for national security reasons is completely opposite to the beliefs of this association; indeed, should national security be threatened, these small refineries would be needed more than ever before.

This order should, if truly needed for national security reasons, be re-evaluated and judged by accessibility of domestic crude in sufficient amounts, the volumes needed for the area in view of weather, geographical location, population and agricultural needs with the end goal of maintaining healthy competition and fair prices to the consuming public. Anything else is profane.

RESOLUTION OF THE BOARD OF DIRECTORS, NORTHWEST PETROLEUM ASSOCIATION, APRIL 7, 1970

Whereas, President Nixon's order or regulation restricting the importation of Canadian oil, is in complete disregard for geographical access to domestic crude in the area, and in complete disregard for the independent refiners of this area who are solely dependent on Canadian crude for their operations; and,

Whereas, major refiners have access to Alaskan and foreign crude oil from all over the world, and this order singles out, in a crude-deficit area, the non-integrated single refinery independents, and forces a reduction in their operations and thus blocks them from any share of market growth; and,

Whereas, rather than create equity, this order creates inequity in that it favors the big and harms the small; and because of contractual obligations with the integrated companies, this substantial cutback in refinery throughout will eliminate the sources of supply for the smaller independent distributors and create a significant reduction in competition, depriving small marketers from access to products; and

Whereas, this order or regulation is being foisted under the guise of national security, and this Association does not agree that such a threat exists, and

Whereas, the end effects of this order could well create a short supply situation in this area, as well as stunting the growth of small independent refiners upon whom small distributors rely for supply,

Now, therefore, be it resolved that the Board of Directors of the Northwest Petroleum Association gathered in annual session this 7th day of April, in the year 1970, do hereby deplore the inequities and probable hardships caused by the regulations covering Canadian crude oil imports and restrictions of imports into this area, and urge an immediate revocation of such order.

Be it further resolved, that copies of this resolution and position paper be sent to President Nixon, Senators Mondale and McCarthy, the Secretary of the Interior, the Imports Control Board, the Commission on Economic Development, all Chambers of Commerce in Minnesota, the N.O.J.C. and all persons and organizations known to be sympathetic to these beliefs.

Be it further resolved, that the National Oil Jobbers Council be urged to lend its support in this matter.

CHIEF JUSTICE BURGER COMMENTS ON OUR CORRECTIONAL SYSTEM

Mr. HATFIELD. Mr. President, I read with interest the recent article by Chief Justice Warren Burger, "No Man Is An Island." It appeared in the April 1970 American Bar Association Journal.

The article reflects Justice Burger's deep concern with judicial administration and our correctional institutions. In Oregon, Project Newgate, at the Oregon State Penitentiary, has been a real help in training men in prison to take useful roles in society after their parole.

Because of the wide interest in our correctional system, 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:

NO MAN IS AN ISLAND

(By Warren E. Burger)

(NOTE.—Our system of criminal justice has placed heavy emphasis on the criminal trial and has neglected to give as much attention to the correctional system. Yet, what happens after a convicted person goes to prison is as much a part of the administration of criminal justice as the adjudicatory steps. The harvest of our neglect in the field of corrections is excessive recidivism and a crime rate that is a national scandal. It is time, with the American Bar Association leading the way, to face this problem.)

As we proceeded with the American Bar Association's Criminal Justice Project, of which I had the honor to succeed Judge J. Edward Lumbard as chairman, it became more and more clear that all the improvements in the traditional area of criminal justice would mean little if we did not recognize that a system of criminal justice must be seen as more than litigation within the framework of the adversary system.

Many people tend to think of the administration of justice in terms of the criminal trial alone, because this is the part of the process that occurs in the local community. But, more than that, it is charged with the human element; it is exciting, colorful and dramatic. This is why the movies and TV have given so much time to criminal trials.

But the actual trial is not the whole of the administration of criminal justice. We ought to view it as a system—a total process that begins with an arrest, proceeds through a trial and is followed by a judgment and a sentence to a term of confinement in a prison or other institution. The administration of criminal justice in any civilized country must embrace the idea of rehabilitation and training of the guilty person as well as the protection of society. In recent years, we have been trying to change our thinking in order to de-emphasize punishment and emphasize education and correction.

Our system of trials to determine guilt is the most complicated, the most refined and perhaps the most expensive in the world. We now supply a lawyer for any person who is without means, and it is the lawyer's duty to exercise all of his skill to make use of the many protective devices available to the defendant.

But at best this is not working very well, and at worst it tends to become a spectator sport. In some of these multiple trial and multiple appeal cases, the accused continues his warfare with society for eight, nine, ten years and more. In one case more than seventy jurors and alternates were involved in five trials; a dozen trial judges heard an array of motions and presided over these trials; more than thirty different lawyers participated either as court-appointed counsel or prosecutors; in all, more than fifty appellate judges reviewed the case on appeals. Once I tried to calculate the cost of all this for one criminal act and ultimate conviction. The best estimates could not be very accurate, but they added up to a quarter of a million dollars. The tragic aspect was the waste and futility, since every

lawyer, judge and juror was fully convinced of the defendant's guilt from the beginning to the end.

No one should challenge any expense to afford a defendant full due process and his full measure of days in court. But reasonable people must be excused if they question a spectacle that extends ten years, costs a literal fortune and produces so little to help the accused or the public—the more so when after all this extended procedure we turn away and forget the person convicted.

What we must weigh in the balance is the rationality of a system that is all contest and conflict and offers virtually no treatment of what lies at the heart of the problem—a disorganized and inadequate human being who cannot cope with life. Our system is too much sail and too light an anchor.

I do not disparage the improvements that have been made in the traditional administration of criminal justice over the past twenty or thirty years. In a modest way I have a part in some of them. The almost endless parade of committees and commissions from the 1930s to the 1970s brought many of our standards of criminal justice to a level appropriate for a civilized society. The improvements cover better training of police, better representation for defendants, better training of prosecutors and better training for judges. This represents one of the bright chapters in the history of the organized Bar.

Today it is a rare law office of any size whose younger men—and some not so young—fail to involve themselves in legal aid and public defender activities. This attitude is reflected in virtually every bar association in the country, and especially in the American Bar Association, which has worked in these fields diligently.

TOO MUCH AT HOME WITH LITIGATION

We must concede, however, that our renewed concern has centered almost exclusively on the litigation aspect of criminal justice. This is natural. Litigation is our craft. It is here that we feel at home, but it is also true that it is here that we find lawyers and judges becoming so engrossed with procedures and techniques that they tend to lose sight of the purposes of a system of justice.

I see two basic purposes—the first to protect society; the second to correct the wrongdoer. If this is correct, we should stop thinking of criminal justice as something that begins with an arrest and ends with a final judgment of guilt. We must see it as embracing the entire spectrum, including that crucial period which begins when the litigation is over and the sentence is being carried out. It is here that the success or failure of our society will make itself known.

If, as John Donne told us, "No man is an Island" and every man's death takes something from each of us, how much more is this true of the tragic failure we witness when the judgment of society is pronounced on one man and we decree that he must be placed behind walls? The bell that tolls for one man's death is not a consequence of our collective judgment—except in those rare cases in which society still enforces the death penalty. But when a sheriff or a marshal takes a man from a courthouse in a prison van and transports him to confinement for two or three or ten years, this is our act. We have tolled the bell for him. And whether we like it or not, we have made him our collective responsibility. We are free to do something about him; he is not.

The second purpose of a system of justice is less clear, and it is one on which we are truly ambivalent. Even when we profess rehabilitation and correction as objectives, we probably know that to all of us some of the time and some of us all of the time punishment and retribution are factors. According to some theologians and psychiatrists, this is not necessarily bad. It is only when anger and revenge dominate the process of discipline and correction that we are on a self-defeating course. A distinguished psychiatrist, the late Philip Roche, pointed out that the punishment of a criminal serves an important therapeutic purpose. He said that when a community experiences a horrible crime or a sustained crime wave, there occurs a mass trauma that must have some outlet or build up into irrational expression or explosion. The conviction and imprisonment of a wrongdoer affords a collective release to the pent-up fears and anger of the community.

It is important to remember this so that we do not fall into the easy error of becoming so filled with righteous piety that we accept the cliché that all punishment is somehow an evil thing. Perhaps the real evil underlying our penal system is not its concepts, whether rehabilitation or vengeance or something else, but the lack of any agreed concept, the absence of plan and purpose, and worst of all—the indifference that underlies the neglect.

It may be that, in part at least, the roots of our collective failure to develop effective systems of correction in this country are the same American traits that account for the amazing progress and development we have experienced in the past one hundred years, the very span of life of the American Bar Association. We have, in those one hundred years, grown from a divided, war-shattered and very junior nation into one of the two great world powers. We have succeeded because we have demanded instant success, and now the psychologists tell us that instant gratification can be a dangerous thing because it cannot always be achieved.

PRISONS CANNOT GIVE US INSTANT GRATIFICATION

This national background may explain our attitude toward prisoners and prisons, an attitude of indifference on the one hand and impatience on the other. We seem to expect the prisoner to return to society corrected and reasonably ready to earn an honest way in life simply because we have locked him up.

This indifference and impatience with the slow and painful process of changing human beings have developed systems of corrections that do not correct. The harsh reality is reflected in painful figures: two thirds of all of the 200,000 inmates of federal and state prisons in this country are "alumni" of our noncorrecting correctional systems. The President's Commission on Law Enforcement and Administration of Justice estimated that in the next five years this total will increase by 7 per cent, which would bring the total prison population to nearly 240,000 by 1975. The cost of crime, therefore, can be reckoned in billions, on which there are no records or statistics. Our enormous and unparalleled success in doing so many things so well and so swiftly has not conditioned us with the right kind of attitudes for the slow, painful and, as to some offenders, impossible task of changing the human beings who are sent to prisons.

Criminal offenders who go to prison are at least as varied as the human beings who are law-abiding, church-going taxpayers. We know, moreover, that a large proportion of them are seriously maladjusted. Those who are not when they enter prison are likely to be so when they go out.

To have any hope of correcting, reforming, rehabilitating or changing these people calls for a wide variety of programs, including diagnosis, counseling, education, vocational training and often intensive psychiatric therapy. The infinite variety of needs cannot be met in single, large institutions, although with 200,000 prisoners we must use some large institutions. There must be one kind of institution for first offenders, another for the very young—and this is an enormous proportion—and still other institutions for other categories. All of them must be staffed by trained personnel.

We cannot do all this efficiently with fifty state systems and a federal system unless there is some degree of co-ordination among the states and between states and the federal system. President Nixon recently proposed a co-ordinated federal-state program, and this is a significant step in the right direction. It makes little sense in the twentieth century to have each state suffer the waste and inefficiency that accompany the maintenance of a complete range of facilities. Only the large states can afford this.

The training programs in most state institutions are limited to a few skills, and there is almost no effort to correlate the programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market, or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and co-ordinated planning and research at local and national levels. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Departments of Justice, of Labor, and of Health, Education, and Welfare. To be successful, these programs need local community support that must involve churches, Y.M.C.A.s, chambers of commerce, labor unions and bar associations. Some of the leaders of organized labor have seen this need, and the A.F.L.–C.I.O. has set aside a million dollars for labor's part in corrections work.

If we want prisoners to change, public attitudes toward prisoners and former prisoners must change. We have some community effort along these lines in this country, but with few exceptions it is thin, scattered and not well-led or organized. Few of the participants are well trained.

The contrast between our indifference and the programs in some countries of Europe—Holland and the Scandinavian countries in particular—is not a happy one for us. There they have long engaged in research on lawbreakers and prisoners and on antisocial conduct generally; they use a wide range of institutional treatment and extensively employ work release and open prison techniques. Their use of psychological testing and psychiatric counseling and therapy is far in advance of ours.

Their community involvement in prisoner-aid organizations is far greater than ours. Some of the "aftercare" societies, as they are called in those countries, have existed for several hundred years. They are made up of laymen working through churches and related organizations but supported in part by public funds. The volunteers are directed by trained professionals. A common practice is for the part-time volunteer, semiprofessional "parole officer" to be assigned to the prisoner as soon as he is sentenced, so that a relationship is established at an early stage and becomes a basis for counseling and help when the prisoner returns to freedom. Here is an area we must explore so as to make use of the enlarging leisure time available to more and more educated Americans. We have the basic tradition of doing great work through volunteers. We must channel and harness this kind of manpower and give it direction.

It is a paradox to find the world's richest nation being outspent and outperformed, as we are, by these old but less affluent North European societies. Some credit for their lower crime rates must go to their correction systems.

The legal profession can be the most powerful force for good—the most powerful lobby, if you will—that this country knows. Lawyers are perceptive and analytical, and they have the advocate's skills to persuade

others. Where do you begin? The same way you prepare a case. By getting all the facts, visiting the scene, if necessary, and then organizing the evidence. In this area most of the facts are available at the prisons and from prison authorities. A visit to most prisons will make one a zealot for prison reform. A fact-finding party of one judge and two or three lawyers will soon discover that 75 to 80 percent of all prisoners are in substandard institutions.

When you see a prison built a hundred years ago for 600 inmates and find it crowded with 1,500 men with almost no recreational facilities, obsolete vocational training, little or no counseling and two men living—or existing—in a cell 6 by 8 feet, I think you will understand the paradox of why so many of them come back. Prison officials will welcome you, but they will want you to share their sense of frustration and futility. You will find them the most severe critics of their own institutions and sometimes more frustrated than the prisoners.

The range of these needs is staggering. They are expensive, complex and difficult. They rival, if they do not exceed, those of our great cities. But we are suffering and must pay the high price of accumulated and deferred maintenance. And the cost is not in some distant future period: It is here and now, and it is no farther away than the nearest dark street.

Prison administrators are frustrated because over the years they see the same faces returning. Each time the person has been released unprepared and untrained for a useful life. No one can visit prisons and talk with these men without a depressing sense of melancholy for wasted lives, which damage and destroy other lives.

Let me try to state the characteristics of a typical American prison, even at the risk of generalization:

1. It is likely to be old. Buildings erected fifty, a hundred and even 150 years ago are not uncommon. A few are even older.

2. Industrial operations used for training purposes are likely to be old, and the skills taught are limited and often obsolete. A large proportion of prisons are institutions of enforced and devastating idleness.

3. Psychological and psychiatric services are limited or nonexistent. The 200,000 persons in American prisons have barely fifty psychiatrists and psychologists, contrasted with small countries like Denmark, where in some prisons the ratio is approximately one psychiatrist for one hundred prisoners.

4. Recreational facilities for weekend or evening use are limited or nonexistent. Libraries are nonexistent or inadequate.

5. Education and vocational training are generally limited, nonexistent or obsolete.

6. Work release for long-term prisoners is just coming into use, and only in a few places.

7. Transition facilities, such as halfway houses to condition the prisoner for freedom and responsibility, are just coming into use, and only in a few places.

8. On the administrative side, there is little or no research, medical service, screening or training of attendants, and little or no follow-up on former inmates.

9. The pay scales of prison attendants are generally so low that they cannot attract personnel with adequate background to absorb on-job training when it is provided. Prison personnel must be selected with great care, under rigid standards in terms of psychological adaptation, if we are to have any hope of changing the inmates.

Do you know or can you conceive of an industrial enterprise with 200,000 employees, which turns out a critical product and would use fifty to 150-year-old plants, equipment and techniques, no research, low pay and little or no training for its production workers, no long-range planning, no concern for its output or quality control? This question answers itself.

Yet, with notable exceptions in a few of the states and the federal system, this is a description of the process we use to deal with these 200,000 prisoners. Is it any wonder that we find a grim and distressing "recall" of 65 percent of the human output of these prisons "back to the factory"? This is a true pollution of society, and it manifests itself in the highest crime rate in our 200 years of existence, with most crimes being committed by "graduates" from these penal institutions.

WINNING EVERY PROSECUTION WILL NOT WIN THE WAR

It is in this second phase of justice that society's success or failure becomes known. Prosecutors could win every prosecution, convict every defendant and imprison every guilty person; yet society would still fail. We would fail because there must be two purposes, and the second purpose is not served by a perfect record on the first. Unless we succeed in both, we fail. I am encouraged by the American Bar Association's recently announced program that the Association accepts the concept that criminal justice embraces the correctional process. The Association now has embarked on a program to identify workable standards and implement them with action at the state and federal levels. With such a program we can change the thinking of the country.

To put a man behind walls to protect society and then not try to change him is to win a battle and lose a war. Let us turn to the business of winning the war. I know of only one way: We must bring to bear on it the uniquely American combination of energy, brains, ingenuity, research and innovation that has made us the world's greatest industrial power. And all of this must be backed by those special American assets—idealism and enthusiasm.

When the French writer Jean Paul Sartre writes that free men are captives of their own freedom, I elect to read him as stating something of a modern version of the "obligations of nobility". We take on a burden when we put a man behind walls, and that burden is to give him a chance to change. If we deny him that, we deny his status as a human being, and to deny that is to diminish our own humanity and plant the seeds of future anguish for ourselves.

THE CHALLENGE OF EARTH DAY

Mr. MONDALE. Mr. President, environment is a concern whose time has come. The millions of Americans who participated in Earth Day made that clear.

The programs that we saw and participated in last week across the country reflects a dramatically increased national demand for action to halt the destruction of our environment and the threat to survival itself.

The environmental teach-ins, which were proposed last fall by the Senator from Wisconson (Mr. NELSON) could well be a national turning point in crossing the communications gap in this country between young and old. The pollution of our rivers and air, the desecration of our landscape, the decay of our cities concern us all and can only be dealt with with an effort that involves Americans of all ages, States, and political attitudes. In my view, the story of Earth Day was that of a Nation recognizing the shared concern and need for action.

Now this concern must be translated into unified efforts in communities, in State legislatures, in Congress, in all the decisionmaking bodies in the country for the establishment of what is truly a national policy to protect our environment and respect the values which will assure not only survival, but a decent way of life for all Americans.

Earth Day must not be forgotten, and I do not believe it will be. The environmental crisis confronts us all in personal terms every day of the year. In this regard, excellent editorials, published in the Washington Post and the Minneapolis Star point out the meaning and the challenge of Earth Day. I ask unanimous consent that they be printed in the RECORD.

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

[From the Washington Post, Apr. 20, 1970]

EARTH WEEK

An expected 2,000 colleges and universities, 7,000 high schools and still more local communities begin Earth Week today, climaxed Wednesday by Earth Day. Some groups will be mega-active, others moderate, some passive. They will be looking at the American air, land and water that has become, in less than 200 years, the world's most expensive monument to pollution—but a monument that threatens to topple of its own weight.

The purpose of Earth Week is for each group to develop a strategy for improvement. Some may organize for something as simple as declaring war on one-way, non-reusable bottles; others may join in lawsuits against polluting industries, since that may be the only way to stop their crimes against the earth; some will unite in pressure groups to change local laws that favor pollution, others will work to elect earth-minded politicians. Earth Week, explains Denis Hayes, a national coordinator, in the current Progressive magazine, "is a tool—something that can be used to focus the attention of a society on where we are heading. It's a chance to start getting a handle on it all; a rejection of the silly idea that somehow bigger is better, and faster is better, world without limit, amen."

The group Mr. Hayes leads is called Environmental Action. It has planned well and worked hard. Its only lapse has been a refusal to take contributions from industries which are known polluters. That, said a spokesman, would compromise the integrity of the movement, as well as delude the polluters into thinking their contribution was serious. This kind of idealism is strained and foolish. A smart idealist would take the polluters' money and work against them with it. Money is money, whether from General Motors or John Muir. Ironically, Environmental Action could have doubled its present budget if it had accepted "tainted" money.

Despite this, the group deserves thanks, as well as men like Sen. Gaylord Nelson who suggested the idea of Earth Day six months ago. What will come of it all is not known. The great fear is that the environment will become just another "issue," to be replaced soon by another one. But as we are all learning quickly, man is running out of soons faster than he runs out of issues.

[From the Minneapolis Star, Apr. 22, 1970]

THE MEANING OF EARTH DAY

Earth Day. It has a good feel to it; something basic, like the smell of freshly-turned, rich Red River Valley soil. It has also the dramatic sound of a summons to action in defense of nothing less than the survival of man.

And the people, particularly the young people, have responded to the call, so enthusiastically, in fact, that what started out last August in the mind of Sen. Gaylord Nelson, D.-Wis., as a one-day teach-in has blossomed into a full week of speeches, workshops, conferences, protests and demonstra-

tions, and pamphlets and publications until the senses recoil.

Thus, a kind of pollution in itself, Earth Week runs the risk of being mistaken for genuine progress in intelligently managing our environment. And there is room for speculation that, like the war on poverty, the environmental battle will quickly lose its volunteers when the cost and the effort of victory become clear.

Make no mistake about it: The cost and the effort will be immense and victory by no means certain. It is not just that we must find and/or employ the technological means of reducing pollution of a livable level, which is the price we pay for using the environment, but we must also get a handle on a means of determining how the environment should be used.

Our resources now—air, water, minerals, land, trees—are used much as they have been historically, first come, first served. The first factory that wants to locate on a given stream does so. If a second taconite plant wanted to locate on the North Shore and agreed to meet state water and air quality standards, there is no firmly established public policy declaring it should not, just as there is no established public policy against adding one more fast-food franchise in Dinkytown.

The message of Earth Day is that this kind of passive acceptance of assault on the environment must end. But to reverse the thrust—to try to make some resource use determinations in advance and on a different basis—will require this nation to make difficult, maybe even impossible, social choices on how we want to live, with the clear indication that many of the goals and values of the past can no longer be acceptable.

REMARKS OF THE VICE PRESIDENT IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, this past weekend, my State of South Carolina was pleased to welcome the Vice President of the United States, who delivered two major addresses at that time.

The Vice President received a warm welcome from the people of South Carolina, who turned out in record numbers to hail his arrival and to applaud his speeches.

The occasion of the Vice President's visit was the tricentennial celebration commemorating the 300th anniversary of the settlement of the region by the English. We were very pleased to have the Vice President, a native and former Governor of Maryland, a State which shares the common bond of a long and distinguished history.

The Vice President also spoke at a Republican fundraising dinner, where he received tremendous acclaim.

The Vice President fully lived up to his reputation for outstanding speeches, filled with wit and pungent thought. I wish that every Member of this body could have been present to share South Carolina's hospitality and to hear his words.

Mr. President, I ask unanimous consent that the speeches of the Vice President at Columbia and Edgefield, S.C., be printed in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT, STATEWIDE REPUBLICAN DINNER, COLUMBIA, S.C. APRIL 24, 1970

Senator Thurmond, Congressman Watson, Chairman Harris, fellow Republicans, and any establishment respecting Democrats that may be among you. Greetings all!!

It becomes more obvious every day that after years and years of idle talk we're going to have a two-party South.

Dixie is taking on a Republican accent, and the leaders of that movement are right here in this room. You have been showing the rest of the South the way since 1964, and 1970 should be one of the best years yet for Republicans in South Carolina.

With a ticket led by Albert Watson for Governor, Jim Henderson for Lieutenant Governor, and State Senator Floyd Spence for Congressman Watson's seat in Washington, you have the right crew to complete the mission.

And with Grady Ballard, Len Phillips, and Ed Baskin going after three other Congressional seats, I'm encouraged to believe that the President is soon going to have a Congress interested in enacting his programs rather than figuring out how to stall the legislative process.

I bring you greetings tonight from YOUR President, and I underscore that pronoun, "Your." He thanks you for standing by him at the National Convention, for delivering South Carolina to the Republican column in the 1968 election, and for staffing the Administration in Washington with more Southern voices than it has heard since "Gone With The Wind" enjoyed a record run at Loew's Palace.

The Washington-New York press have just about given up trying to make adversaries of the President and the Vice President. This has been a favorite game with past Administrations. But the President and I get along too well together to fall into that trap. Actually, we have only had one real argument. That was when the President decided to convert the White House swimming pool into a sumptuous new press room. It wasn't that I objected to using the swimming pool for this purpose. It was just that I resented his insistence that the water be drained out. So I lost that one. The reporters have stayed dry, but it sure hasn't improved their copy any.

The President keeps me so busy making speeches and going from one place to another that I haven't had much time to practice my golf swing lately. I suppose it doesn't really matter. I have been having a little trouble finding partners anyhow.

When the President heard I was coming to South Carolina for this speech and the Tri-Centennial celebration, he suggested I try to get in a round of golf at Hilton Head. And he thought it might be a great bipartisan gesture if I invited Fulbright, McGovern, and Muskie to round out the foursome. But I really didn't want to play golf with them. I just might accidentally tag one with a golf ball. And then he might respond the way they usually do to aggressive and brutal treatment. And I hate to be kissed on a public golf course.

Speaking of Ed Muskie reminds me that a politician who tires to please everybody often looks like a small dog trying to follow four boys home at the same time.

I doubt that anyone would accuse me of trying to please everyone. Certainly not the verbose people in Washington and New York who refer to each other as intellectuals. These are the people who editorially implored the President to silence the Vice President because he was polarizing the country and in the same breath foresaw grave threats to their freedom of speech. There isn't anything in the Constitution that I know of that withholds from the Vice President the protections of the First Amendment.

And I intend to continue to speak strongly against those who would reject all of the traditional American values in their attempts to accommodate the childish screams of the New Left.

Their feverish and intemperate attacks on Judges Haynsworth and Carswell show how distraught they are. Their vilification and sarcastic invective are totally inconsistent with their pretended shock at what they call my intemperate language.

But enough about learned idiocy. I'm here tonight to talk to you about some serious problems facing this country and how we as Republicans are moving to solve them. And don't let anybody tell you we're not making headway.

In two dramatic acts just this week, for example, Richard Nixon went a long way toward securing his role as a peacemaker. He announced troop cuts in Vietnam which, when completed, will have reduced our forces there by half. And he sent to Congress just yesterday a message which should lead eventually to the end of the draft and its replacement by a well paid, volunteer military force.

I would like to address myself to the importance of these two actions in a few minutes, but first I will mention some other areas where progress is being made by a determined Executive who is receiving but minimal help from a Democrat-dominated Congress.

There are now, at last, some signs that the crime rate is being brought under control—by strong executive action in the Justice Department under John Mitchell, not through any help from Congress, where the Administration's Anti-Crime package has been lying fallow in committee for nearly a year. The rate of increase in street crime last year was less than half what it had been the two previous years under Ramsey Clark. It was 13 per cent under Mitchell compared with 29 per cent in 1968 under Clark and 27 per cent in 1967 under Clark. In the District of Columbia—where a special effort is being made to make the Nation's Capital safer—the total number of serious offenses has declined for the fourth straight month. That's the first time since 1956 that this has happened. And his critics are saying we ought to get rid of John Mitchell. I say we need him in the Cabinet and we need a few like him in the *Congress!*

Headway is also being made in the battle against inflation—painfully slow, but sure—and in reform of the Postal Service, the Welfare System, and the vast federal bureaucracy which is beginning to respond to Richard Nixon's deft organizational touch.

I'll admit that we haven't yet succeeded in getting a second strict constructionist appointed to the Supreme Court to join Chief Justice Burger, but I'm sure you'll acknowledge that the President has been giving it an all-out try. If we had had a little more help from some senators in our own party, and if a few fairweather Southern Democrats had been willing to brave the storm, the matter would have been settled long ago. Judge Clement Haynsworth would have made it in a breeze and South Carolina would have contributed an outstanding Justice to the Supreme Court. Instead he went down to defeat on the most nebulous set of trumped-up charges ever contrived by the labor and civil rights lobbies and their allies in the news profession. To prove it was no accident, these same forces combined to defeat G. Harrold Carswell by using the flimsy, subjective indicia of "insensitivity" and "mediocrity."

But friends, never underestimate the staying power of Richard Nixon in a battle with high stakes. He intends to redeem his campaign pledge to balance the Supreme Court. He *will* appoint that strict constructionist of the Constitution. If we have another Haynsworth or Carswell type smokescreen with Judge Blackmun, I'm sure the public will arise in wrath.

There are two other matters of special concern to you which I would like to touch on briefly. One is desegregation of schools and the other is imports of textiles.

I think the President has spoken quite plainly on the subject of desegregation. His

message is simply that the South will be treated the same as the rest of the nation—no more, no less—and that laws will be enforced with an even hand and upheld throughout the country. Under this Administration, there will be no forced bussing to achieve racial balance, and the neighborhood school concept will prevail unless, of course, the Supreme Court should nullify the President's policies as stated in his recent statement on the subject. If the President can withstand the liberal onslaught and achieve his objectives, he will be the first President in your memory or mine to do so. I believe he can.

In the matter of textiles, the President is still very optimistic about achieving voluntary quotas through international agreement. Administration officials, led by Secretary Stans, have held 108 conferences with foreign officials on this subject. It takes time, but that goal *will be reached.*

Now, in the time remaining, I would like to discuss in more detail the President's actions in Vietnam and on the problem of Draft Reform.

In the two years immediately preceding our Administration there had been an increase of 100,000 troops in Vietnam. In the past nine months, under a program of carefully training and equipping the Vietnamese to defend their own country, the President withdrew 115,000 troops. This week he announced to the Nation that we will withdraw an additional 150,000 troops by next spring.

This means, in its most elementary terms, that Vietnamization is working. And it's a tribute to the calm, determined leadership of the President, who refused to be pushed into a precipitate withdrawal of our troops by the barrage of criticism from Senate Liberals and the roaring and cavorting in the streets last fall by "Peaceniks" who would know better if they got a little sounder instruction in college classroms.

When I was in Vietnam last January, I saw the policy of Vietnamization at work. I had long talks with Ambassador Bunker and our Embassy team, with our military leaders and with President Thieu and Vice President Ky. It was obvious the South Vietnam Government was becoming more stabilized every day. And on a visit to a firebase in the forward area, I saw that South Vietnamese soldiers were performing just as effectively as our own troops at the bases they jointly manned.

One reason that the President is able to announce further withdrawals now is that enemy efforts have been frustrated while the elected government was becoming stronger during the time we were withdrawing 115,000 troops in the last nine months.

Areas controlled by the South Vietnamese Government have increased—notably in the Delta. Stability has spread to the countryside. More than one million refugees who fled their homes in earlier years to escape the war have been resettled. This is concrete evidence of success. Increased security allows the government to pursue with more confidence those social and economic improvements so badly needed in that war torn country. Social and economical reform, in turn, promotes confidence in the government.

The economic aspects of Vietnamization also give strong indicators of sound progress. For example, the accelerated rice production program, and the improved security in the rich Mekong Delta rice-growing area, the opening of roads and waterways formerly under enemy control, give the South Vietnamese Government confidence that, by the end of 1970, Vietnam will be providing enough rice for Vietnamese consumption—thus eliminating the need for imports of this basic food.

There has also been progress in the land reform program of the Vietnamese Government. To provide more land to the farmer it has redistributed over 265,000 acres of land to the people in the last two years. Of this total, about three-fourths was turned over in the past 12 months. The Land Reform Law, recently promulgated by President Thieu, will make available over two million acres to 500,000 farmers who now cultivate land they could not heretofore own.

These economic advances could not have been made without solid progress in the total Vietnamization program. They show that we proceed from demonstrated progress and not from wishful thinking.

Now I also wish to re-emphasize another point made by President Nixon—and that is that even though we have made solid progress in Vietnamization, there is a better, shorter path to peace through negotiations.

The President reminded all concerned that had the other side responded positively at Paris to our offer of May 14 last year, fighting would have ended and most American and foreign troops would have left Vietnam by now.

This is a reminder which should not be ignored by those who truly want peace in Vietnam.

I also cannot discuss Vietnam without restating the concern of the United States that the enemy in Southeast Asia continues to disregard the humanitarian protections guaranteed by the Geneva Convention relative to the treatment of prisoners of war.

Our men are being denied basic rights, including the right of their families to know that they are captured, the right to correspond freely with their families, and the right of impartial inspection of prisoner of war compounds.

This is an illegal intransigent conduct toward our captured and missing men. This is an urgent, humanitarian issue. We all share an intense interest in securing proper treatment for our prisoners of war and, more importantly, obtaining their earliest possible release.

Finally, a word on Draft Reform. The word "Reform," incidentally, is one that Republicans ought to get used to. I predict that by the end of four years, Richard Nixon will have brought about more reforms in the federal government than any other president in our history.

The President's message to Congress yesterday on Draft Reform moves ultimately toward an end of the draft by phasing it out, not ending it abruptly.

"From now on," he said, "the objective of this Administration is to reduce draft calls to zero, subject to the overriding considerations of national security."

He cautioned that it will have to be a gradual process and that an extension of drafting authority will probably have to be obtained next year to assure this continuity.

But he is raising military pay to simulate more volunteer enlistments and re-enlistments, and he has directed the Secretary of Defense to expand programs which seek to retain able, trained men in the military.

Beginning next January, the overwhelming majority of draftees will come from the 19 to 20 year old group in a random selection, and because of the relatively young ages, the President has ordered that there be no future deferment because of occupation or parenthood. If Congress agrees, the President also will eliminate deferrals for undergraduate college students.

Young Americans will find in this latest proposal of the Nixon Administration the first serious attempt since before World War II to end one of the most vexing problems they have faced on getting out of high school. I hope you will see that they get the word that help is on the way—and from a Republican President.

In his Inaugural, last year, the President called attention to the entreaty on a sign carried by a small child—"Bring Us Together." Since that time these words have been twisted and perverted to perpetrate upon the American public the fiction that law-abiding, patriotic Americans should seek accommodations with the most outrageous, anti-social, and criminal elements of our society. The time has come to recognize that the only way to bring us—the participating citizens of a great country—together is to forthrightly declare our rejection and contempt for those who practice subversion, lawlessness and violence.

ADDRESS BY VICE PRESIDENT, SOUTH CAROLINA TRICENTENNIAL OBSERVANCE, EDGEFIELD, S.C., APRIL 25, 1970

It's a pleasure to be in South Carolina for the observance of your 300th anniversary. I hope the festivities will be widely reported. Any state with the motto "Dum Spiro Spero" will get good coverage from the networks, in any event. I wish for you many more happy centuries.

I'm especially proud to visit Edgefield County, which must hold some sort of record for producing statesmen. I understand that this one small county has been the birthplace of ten governors and seven United States senators, including Senator Strom Thurmond who has served as both governor and senator. Let me assure you, the Senator represents you well in Washington. And in the presence of this home audience, I would like to thank him publicly for having helped me select Richard Nixon to be President.

But my particular pleasure is to be here as the representative of the first national administration in more than 100 years to *welcome* the South back into the Union. I know that South Carolina was officially readmitted in 1868, but it is only recently—since you helped elect Richard Nixon in 1968—that your equal partnership in the Union has become a fact of life. We intend to see that that partnership is maintained—and that it flourishes and grows.

This demonstrated understanding of the South by a Republican administration has given rise to what the liberal columnists and commentators and their doting followers in the Senate call "the Southern Strategy." It is a term to them of great opprobrium.

Before this audience of South Carolinians today I both confirm it and deny it. I confirm that there is a conscious and determined effort on the part of the Nixon Administration to see that the South is treated in an even-handed manner with the rest of the nation . . . in the matter of school desegregation, in the matter of voting rights, in the matter of Supreme Court appointments, and in every other matter of national interest.

But I deny that it is "strategy" or calculated planning. It is simply a matter of dispensing justice to a region of the country long deprived of it. And it's time our friends in the North ripped off their masks of hypocrisy and faced that fact with us.

Judge Clement Haynsworth, one of the most distinguished judges to come out of the South, knows what I mean. So does G. Harrold Carswell of Florida. So do the millions of Americans who watched with interest as the Administration tried twice to name a strict constructionist from the South to the United States Supreme Court and thus bring a degree of balance to that final arbiter of law in this country. We failed, in a blizzard of newsprint and a blast of TV and radio commentary that implied that one of these men was dishonest and the other incompetent. As the President said later, the day will come when a Southerner can be confirmed for the Supreme Court—hopefully soon—but that day is not quite yet at hand.

You know, I have a personal interest in this term, "the Southern Strategy." It all began—as most things do, with the liberal media—when Richard Nixon decided on a border state governor as Vice Presidential running mate at the Republican National Convention in Miami in August, 1968.

I wasn't even from the *Deep* South . . . just the little State of Maryland which holds up the Southern side of the Mason-Dixon line opposite Pennsylvania and Delaware. Any further North and we'd be out of it.

I had been governor for less than two years, so I wasn't well known outside the official circles of the Southern Governors' Conference and the National Governors' Conference, both of which I had been active in. I had worked hard at compiling a constructive and acknowledgedly fair record in civil rights and, to cap it all off, Maryland had never had a major party candidate for Vice President in her history.

But lo and behold, from the moment I was chosen it became—in the stunned and breathless accounts of the media—a suddenly discovered plot hatched by Strom Thurmond and others to capture the South for Richard Nixon. I'm flattered now that I look back on it. After all, FDR had chosen John Nance Garner for Vice President without having been accused of having a Southern Strategy. And it wasn't Southern Strategy when Adlai Stevenson chose John Sparkman of Alabama as his running mate. And not even John Kennedy's choice of Lyndon Johnson rated such a cry of anguish.

As punishment for daring to be a Southern Vice Presidential candidate, I was ridiculed and derided. Like Haynsworth, my integrity was questioned; like Carswell, my stature and credentials for high office were attacked. I became a household word with the help of my friends in the media. And now here I am as Vice President thanking you on behalf of the President for your friendship and your support. I am here because the people of the United States cannot be bullied the way some Senators can.

I apologize to Governor McNair and my other Democratic friends for these few remarks that may have seemed political. While the subject was political, the observations were not intended to be *partisan* and I hope they will not be construed that way. I realize this is not a political audience or a political occasion.

Today, ladies and gentlemen, we are celebrating the 300th anniversary of one of America's great states. My home state of Maryland proudly shares that close early bond of history with you. We also share with you a concern for what very clearly seems to be an erosion of those values and principles on which our states, and indeed this nation, were later founded.

I can imagine the shock that *any* of our earlier generations from these 300 years would experience on a return visit—not just from the technological achievements, which would overwhelm them, but from the changes they would encounter in the human character.

They would find adults cowering before their children—or ignoring them with disinterest—yielding, consciously or not, to even their most outrageous whims.

They would find the schools and colleges being increasingly run by the students, and destruction that would have brought instant dismissal a few years ago now bringing a "negotiation" of illogical student demands by the trustees and faculty.

They would find leaders in the United States Senate apologizing to the enemy for a war in which this country sought to help prevent a defenseless nation from being overrun. But, thank God, they would also find a resolute President refusing to welsh on the commitments of his country while strengthening the ally to do its own fighting as our troops gradually disengaged.

They would find a nation, racked by its conscience over a racial problem, doing the hard, strange things to try to right the wrongs of generations—doing its very best to provide equality of opportunity and compensatory training but falling occasionally into the trap of attempting to legislate social acceptance.

They would find that where they once could sleep with their doors unlocked at night in our major cities, they would not now dare venture a block from their house without protection . . . much less leave their homes unbarricaded.

They would find much of the youth of America—not the majority but still too many—blowing their minds on chemicals to escape reality and the plain business of facing up to tough, everyday decisions. And their parents, concerned with their own particular problems, would be largely unaware of this.

These commonplace situations of today would be incredible to our ancestors.

Most of these things, I believe, exist as major problems for the first time in America's history. But America can solve them, I submit, simply by putting its collective foot down and insisting: "*No more.*" There is no revolution now and there need be none in the future. It is hard to straighten out a generation of problems that we have allowed to develop, but it can be done.

We can achieve this, first of all, by being firm in the home. Even when it hurts, we can say no—because we know that the only proper answer is "no" and to say "yes" would lead to wrong.

We can be firm in the schools, and back up our teachers and administrators—in spirit as well as financially—instead of complaining about their attempts at discipline.

We can support our police and our courts, even when it means harsh measures to bring recalcitrant troublemakers into line.

And we can insist that the colleges restore order and get rid of troublemakers. Instead of conciliation and placation to immature, ridiculous student demands, the adult academic community—administrations and faculties—should call the shots. That's what they are being paid to do.

There is one other thing we can do to go our ancestors one better. We can show a sense of *justice* and *fairness* with our firmness, and it may do more to move America forward than anything in the last 300 years.

If we pull all of this off in our generation—the one that really allowed the problem to develop—Edgefield County and the United States will be around for another 300 years.

Thank you.

TEEN CORPS OPERATION

Mr. KENNEDY. Mr. President, among all of the things we hear today about the young people in our society, there are seldom praiseworthy notices given to today's youth. Usually, we complain about their long hair, their restlessness in school, and their rebellious attitudes toward the so-called established order.

I know a young woman in Washington, D.C., who has devoted many months with teenagers who are seeking to place their peers in local jobs. Barbara Walters started Teen Corps last fall to get jobs for unemployed youngsters and to help prove that young people can run a job placement program at least as efficiently as adults. Fifteen youths man telephones and employment directories scouring the city for openings for their neighbors and classmates. An orientation session and job counseling run by the youths and supervised by volunteers provides a service that has taken many youngsters off the streets.

A recent account in the Washington Daily News describes the Teen Corps operation. I think it tells of the kind of activity that we need to hear more about. For this reason, I ask unanimous consent to have printed in the RECORD an article entitled "Help Wanted—Make the Title 'A Plea to the City'," published in the Washington Daily News of April 20.

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

HELP WANTED—MAKE THE TITLE "A PLEA TO THE CITY"

(By Mary Ann Kuhn)

"You can write the title of this article to read 'A Plea to The City'," suggested Barbara Walters, the energetic 23-year-old director of Teen Corps.

Two 15-year-old boys sitting across from her nodded in agreement. Michael Taylor and Leonard Worley are two of the 15 Teen Corps youth staff members who run the organization at 710 Seventh-st se. They urged private businessmen to donate money to keep the center operating and to provide jobs, full and part-time, for 700 of the 900 unemployed youngsters who have come to the seven-month-old center.

Two hundred of them, aged 13 to 25 years, have already been placed in jobs. "Teen Corps is for kids, black or white, rich or poor," Miss Walters said.

Glancing at the two boys and 18-year-old Renee Palmer, youth supervisor of Teen Corps, Miss Walters said, "These kids have been hanging on the limb—working without pay—for seven months now, helping other kids get jobs. They work long hours. They've done an outstanding job."

Leonard Worley, who contacts employers for jobs, smiled shyly and looked at the floor.

"It really don't bother me too much, not getting paid while other kids do—the ones who are placed in jobs," he said. "I'm helping other people."

Miss Walters said "Leonard has developed over 60 jobs with the Marriott Corporation for kids as busboys and waitresses."

Michael Taylor said, "As long as I'm helping anyone else out I'm happy. As long as kids aren't out on the street, getting into trouble, that's all right with me."

Miss Walters said she is the only paid member on the Teen Corps staff, receiving $105 per week from Project Progress, an arm of the D.C. Leadership Committee. Part of her salary she gives to the youngsters on the staff who need money for transportation and lunch, she said.

Miss Walters said "the mayor's office pays the rent and telephone bills. They gave us a place to operate and that's it."

Teen Corps needs typewriters, office equipment, furniture, desks and stationery. The one typewriter used by staff members belongs to Renee Palmer, youth supervisor, who brought it from her home.

Each week, an orientation program is conducted by Shirley Brauer, 33, deputy director of Teen Corps, between 4 p.m. and 6 p.m. daily. "We talk about the importance of jobs, of being neat and clean, and how to save money," Mrs. Brauer said. "Every job applicant must take this course."

DELETION OF FUNDS FOR SPACE SHUTTLE STATION

Mr. MONDALE. Mr. President, I have submitted an amendment to the NASA authorization bill, which will soon reach the Senate floor. The amendment would delete the $110 million in the Senate bill for the design and definition of the space shuttle station.

In attempting to delay the development of this project, I am following the lead of my distinguished colleague, Representative JOSEPH KARTH, of Minnesota. Two recent editorials in the St. Paul Pioneer Press discuss Representative KARTH's efforts to prevent the beginning of a massive new manned space program,

The editorials also summarize some of the basic reasons which lead Representative KARTH and me to challenge this program.

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

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

[From the St. Paul Pioneer Press, Apr. 25, 1970]

TOO MUCH SPACE SPENDING

Minnesota's Fourth District Congressman, Joseph Karth, deserves public recognition for his attempt to trim out of the 1971 space program budget $240 million for projects that further commit the nation to unnecessary manned flights in space, possibly to landings on Mars.

Rep. Karth steadfastly has held the sound position that the nation will derive more benefit from economical unmanned space projects, utilizing rockets and satellites equipped with instrumentation to relay scientific data to earth receiving stations.

Extravagant capital outlays for the limited benefits from manned flights are unjustified at a time when financial resources are so sorely needed for many more practical programs—antipoverty, education housing, crime reduction and antipollution, just to mention a few.

Karth came within an eyelash of succeeding in getting the space program budget cut, with House members voting 53-to-53 on a non-record tally. The tie defeated Karth's amendment.

Although there is vote switching during the time between non-record and record votes, it is quite likely that Karth's amendment would have been approved if he had had the full backing of all Minnesota representatives. Voting with Karth were Reps. Ancher Nelsen and John Zwach. Reps. Donald Fraser, John Blatnik, Clark MacGregor, Albert Quie and Odin Langen, although in Washington, failed to attend the House session at which the vote was taken.

Perhaps someone was remiss in not seeing to it that the full contingent of the state's representatives would be on hand, but it was not unreasonable to expect them to be present to vote on the space program budget that involves a total authorization of $3.6 billion for 1971.

We would hope now that the Senate will thoroughly examine the allocation of space budget funds and that Minnesota's Senators Walter Mondale and Eugene McCarthy follow Karth's lead in questioning those portions of the program that encourage unnecessary manned flights.

There are many national programs that deserve a higher priority in the allocation of the country's money resources.

[From the Minneapolis Star, Apr. 27, 1970]

HOW FAR, HOW FAST, AT WHAT COST?

The heroic drama of Apollo 13's return to earth temporarily eclipsed the rising discontent with the whole space program.

The debate is at two basic levels. One is spending. It cost $24 billion to reach the moon, and Earth Day's focus on the environmental mess served to remind us how poignantly anomalous is the spaceman's view of the "small and blue and beautiful" globe and the view of earthbound men who see the needs of the world around them. The other debate is at the strictly scientific level, though that too involves dollar as well as resource and manpower costs.

The House passed a $3.6 billion authorization, $268 million over the President's budget request. Rep. Joseph E. Karth, D-Minn., space committee chairman, lost his bid to cut $190 million pegged for the controversial space shuttle, the start of the Mars program which will run to unknown-as-yet billions. His plea to take it "slow and easy" lost on a tie vote, indicating at least a sense of doubt. The Senate Space Committee meanwhile put a $3.3 billion ceiling on spending for next year, so the exact magnitude of the total program remains in flux.

It is time, we think, to ask whether we are in a wasteful race to stay ahead of Russia, when domestic social and environmental needs cryout for expensive solution. Are your tax money, material and scientific brain power being sidetracked? Indeed, should we rush to risk spacemen's lives to gather more moon rocks that might be gathered by unmanned instrumentation far more cheaply?

That is not to say space exploration should not continue with a different set of priorities. Space science has, as Karth often says, many benefits; and there is a transcendant, almost mystic, purpose in expanding our knowledge of the universe. But it is, in simple human terms, less compelling than the conquest of the problems man with stumbling steps has created on this tiny globe. Great leaps into the void can, we think, wait until more preparation is made; inevitably they will be taken.

NEED FOR FEDERAL FOCUS IN THE OCEANS

Mr. HOLLINGS. Mr. President, in a speech before the Offshore Technology Conference in Houston on April 22, the distinguished Senator from Texas (Mr. TOWER) once again affirmed the need for strong Federal focus in the oceans. He continues not only his own longstanding interest, but also the unbroken chain of congressional interest in the oceans spanning the last 10 years.

Senator TOWER had this to say about the Federal focus we need:

To be effective, the focus must be attuned to the need to develop resources sensibly. It must be structured to provide our Nation with an economical and effective program for developing the living resources of the oceans. And it must be structured to give leadership and visibility to the oceanic enterprise. This leadership and visibility is now largely lacking.

We must be careful that this new focus is not placed within an institution which is already bogged down in the performance of traditional missions, or we will run the risk that marine affairs will quickly assume a role secondary to the normal affairs of that institution.

A strong and effective focus of management is what we seek.

I concur with Senator TOWER that the mood of Congress is one of readiness to move ahead without further unnecessary delay to create a strong Federal focus in marine affairs. Although I understand it will be about another 2 weeks before the President receives the recommendations of his Council on Executive Organization regarding Federal oceanic organization, it is none too soon to assure the President of strong bipartisan support for a U.S. effort to focus its civil marine functions within the Federal Government.

The creation of an independent National Oceanic and Atmospheric Agency would meet the criteria both Senator TOWER and I and many others in both parties have long advocated to strengthen our national civil marine functions. I ask unanimous consent that Senator TOWER's speech be printed in the RECORD.

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

ADDRESS BY SENATOR TOWER

It has daily become more apparent that we can no longer ignore the oceans in any way leaving them to get along as best they can amid a welter of regulatory and prohibitory institutions. The issues before us are too strong and too impressive, and they will not disappear when this meeting is over.

The first issue we must concern ourselves with is the orderly development of submerged resources. It is common knowledge that about 16 percent of the world's present oil and gas production takes place on the continental shelves, and that within a decade this production could rise to as high as 33 percent. Each year larger quantities of sulphur, tin, phosphates, sand, gravel, and other minerals are extracted from the seabeds and the water column. More and more we hear of efforts being made to extract manganese modules from the deep sea and reduce them economically to useable components. These are important facts, and place upon us all a heavy responsibility. There is a crying need for more research action now in this area.

Likewise, it is no secret that all across this land there are new and powerful moves to assure that this magnificent potential is developed in a manner to harmonize with other uses of the seas and coastlines, particularly in the Nation's deltas, estuaries, bays, and gulfs, which bear a direct relationship to the life cycles of much of our essential living resources.

This thrust contains a great deal that must draw our careful attention. Almost three-fourths of the surface of our planet is covered by water. The overwhelming nature of that fact leads us to overlook its true importance: water is the single distinctive feature which sets the earth apart from all other planets that are known to us, and it is the basis of life as we know it. It demands, therefore, our serious attention.

The renowned oceanographer, Jacques Cousteau, speaking recently at the U.S. Naval Academy, drew an interesting comparison. As I recall it, he said that if one would visualize the earth as being the size of an egg, then all of the oceans taken together would appear as a single drop of water spread thinly over most of its surface. That, to me, is a sobering thought. Because our supply of water is limited, we must take immediate steps to make certain that our offshore resources are conserved and well used. The time again, is now.

There is another issue I would mention. It is a matter of public record that the United States is involved in a series of debates in the United Nations with regard to the struggle to define the outer limits of national jurisdiction to explore and exploit the natural resources of the subsoil and seabed, and the nature and composition of the governing regime to be recognized beyond that point. These are matters of critical interest to you, and to America, but we seem to lack an effective mechanism for voicing our opinions on this subject.

At the present, we do not even know what, in fact, lies beneath our extensive Continental Shelf. We should not begin serious consideration of relinquishing sovereignty over this area, until we at least know more about it. This could very possibly be the most vital area to the continued growth and security of our Nation. We simply must have more information.

Finally, I would point out that despite the good efforts of many of us in Congress, there remains a bewildering array of agencies with some relation to the oceans who are involved in a continual struggle for status and funds. I have said before, and I say again, that this fragmentation of effort within the Federal house is inexcusable.

The need for a truly National progam should be so clear that it need not be stated. We must press harder to organize so that we may accelerate the program without further delay. Lacking a national organization, we will never, I fear, see an adequate solution for the myriad of institutional obstacles that are presently strewn in the road to the sea, nor will we ever have enough coordination to assure a balanced program between exploitation and conservation of the last great resource.

The need for a coordinated National Agency is readily apparent to those who have ever dealt with the myriad bureaucracies who have a "piece of the action" in our Offshore area. For example, suppose a Texas oil company wants to drill a well in the submerged lands of the state. That company must obtain a lease from the Texas General Land Office for the State Tract; apply for a Corps of Engineers permit and abide by the recommendations of the Bureau of the Sport Fisheries and Wildlife. Commercial Fisheries and Outdoor Recreation, the National Park Service, and the Federal Water Pollution Control Administration. Furthermore, it must comply with the regulations of the Bureau of Mines and the Coast Guard, and, if this is not enough, there are still the needs of various other State, County, and Municipal institutions to be met.

A federal focus for marine affairs, having a strong voice in the Nation's Capitol, would be an effective first step toward lightening such burdens. Not only that, but it would provide an interface wherein programs could be developed for coherent uses of our coastal zones. These guidelines must be Federally instituted for State benefit.

What kind of a Federal focus do we want? Let me speak of it in terms of functions, if I may. To be effective, the focus must be attuned to the need to develop resources sensibly. It must be structured to provide our Nation with an economical and effective program for developing the living resources of the oceans. And it must be structured to give leadership and visibility to the oceanic enterprise. This leadership and visibility is now largely lacking. It is needed to assure that the oceanic community has a meaningful voice in the creation and implementation of domestic and international policy concerning the allocation and use of ocean space.

I believe that there is another important criterion. We must be careful that this new focus is not placed within an institution which is already bogged down in the performance of traditional missions, or we will run the risk that marine affairs will quickly assume a role secondary to the normal affairs of that institution. The control of the new focus, it seems to me, must be placed firmly in the hands of the people who have been involved in the oceans these many years, and who know where the problems are and who have a pretty good idea of how to go about solving them.

Must we have an independent agency? I believe this is the question usually asked. I would call that question misleading. The way to go about this job is to identify the functions we want done, and the manner in which they need to be accomplished, and then examine the alternatives to see how well they are equipped to handle them. If an independent agency is the only route, then we should take it. If we can receive assurances that the functions will be adequately served within another structure as well, then that alternative ought not be arbitrarily rejected. The question, then, is not independence, but impact.

A strong and effective focus of management is what we seek. To make but a gesture, or to subordinate oceanography to other more traditional goals, would disappoint and discourage the private sector, drive out capital, and waste the taxpayer's money.

I think you all know where I stand. In November of last year, I wrote a letter to President Nixon joined by my distinguished colleagues Senators Murphy and Hatfield on the subject of such a national focus. I would like to read you a short portion of that letter:

"Mr. President, we are convinced that only an agency with the power to determine the national policy will be able to assure that our efforts in the field of oceanography will be successful. The situation now is too fraught with duplicated authority and lack of direction to lend itself to an effective organization. What is needed is a National Agency that will direct the exploration of the ocean and its environment much as the National Aeronautics and Space Administration does in the exploration of outer space."

Today, I am as firmly convinced of the need expressed in that letter as I ever was, and I will continue to work toward its resolution.

The real question that remains is what is to be done and who is going to "put the bell on the cat".

First, and foremost, the Federal government must provide impetus. As you know, Vice President Agnew made a significant start in the right direction when he announced his five-point program for marine affairs last October. As you also are aware, the President demonstrated his sensitivity to the pulse of the oceanographic community by directing the Ash Council (The Advisory Council on Executive Reorganization) to take prompt action on the report of the Stratton Commission (The Commission on Marine Science, Engineering and Resources). He took the further step of seeking the advice of a distinguished panel of experts by designating Dr. James Wakelin as the Chairman of a Presidential Task Force on Oceanography and asking him to recommend a new oceanographic posture for the United States.

These were good and necessary steps. Yet the results of these efforts have not yet come to fruition. Therefore, I once again urge the President to move forward and provide his support for the marine affairs program of the United States. I think that the actions of the concerned Subcommittees in both the House and Senate clearly demonstrate that the mood of the Congress is one of readiness to move ahead without further unnecessary delay.

While the President must furnish leadership, I believe that the Congress would be remiss if it permitted its initiative and momentum to die. I will pledge my best efforts to see that this does not occur.

Now we come to you. What role or roles must you play? I would emphasize two, and impress upon you that these are essential. First, you must, each in your own way, accept the challenge of living together in the oceans. You must use all of your skills and initiatives to solve problems of conflicting use. I believe that industry has demonstrated its capacity to do so. The establishment of shipping lanes in the Gulf of Mexico was a cooperative effort of the oil and shipping industries designed to assure adequate ocean space for each of their endeavors. This is an excellent example of the ability of enterprise to come to grips with these problems on its own. Recent efforts on the part of the private sector show promise for pollution abatement and control. Such efforts are in our own best interests and must be encouraged and accelerated.

Secondly, you must decide whether you really want "a piece of the action" or not. That phrase implies responsibilities, and that is the thought I want to leave you with today.

In the final analysis, it is up to you, the people most concerned with the use of our Offshore Resources, to see that a strong, workable plan is activated. The Government will be no better than the people it represents and no stronger than the best its people can devise. The constituent members of this Offshore Technology Conference will, for the most part, be the ones involved in the day to day activities of our Oceanographic effort. I urge you to let your voice be heard in that way that most becomes your individual positions. The Record for action must be clear and the impetus to act must be maintained.

In conclusion, I feel certain that a new, national policy is emerging that will lead the United States to pre-eminence in the field of Offshore Technology. In the many conferences which I and my staff have had with persons within the Administration most concerned with the direction that the new policies will take, I have been most impressed with the sincerity and the dedication of these people. They are truly interested in a strong, efficient national program. If I had to guess as to what shape the new policies would take, I would say that a National Agency with a strong voice will emerge in the very near future.

In fact, as most of you know, the Ash Council made its still secret report to the President on April 15, and he is currently personally reviewing it. It is well known in Washington that when President Nixon personally reviews the action of a study group, a strong, efficient policy will emerge. I look forward to receiving these recommendations with the full expectation that they will be a policy which we can all accept; a new, reorganized effort, perhaps even at the Cabinet Level, could well emerge. However, I am not a prophet, and we will all have to await, even though most anxiously, the release of the recommendations. I do pledge to you, nevertheless, to accept nothing less than the vigorous program which I have outlined to you today.

AN ADDRESS BY A. E. GIBSON, MARITIME ADMINISTRATOR

Mr. SCOTT. Mr. President, recently, Mr. A. E. Gibson, Maritime Administrator, U.S. Department of Commerce, addressed the Port of Philadelphia Maritime Society.

His remarks on the subject of the administration's present new maritime program deserve the attention of Senators.

I ask unanimous consent that his excellent review of the maritime situation be printed in the RECORD.

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

REMARKS BY A. E. GIBSON, MARITIME ADMINISTRATOR, U.S. DEPARTMENT OF COMMERCE, BEFORE ANNUAL MARITIME DINNER OF PORT OF PHILADELPHIA MARITIME SOCIETY, PHILADELPHIA, PA., APRIL 23, 1970

More than any other city in this Nation, Philadelphia melds into one vital combination the maritime traditions of yesterday, today and tomorrow.

Your plan for Penn's Landing is a perfect example of this blending of old and new—marking the traditional spot where the founder of the city stepped ashore with a complex of services for tomorrow's tourist and trader.

At every turn of this historic city we are reminded of the tense days when our Nation was founded by a band of men dedicated to the preservation of their own and their descendants' freedom from tyranny. We are reminded also of the glories of our maritime past, when Philadelphia was the leading port in a nation thoroughly aware of its dependence on trade.

The most famous names in American shipbuilding have left their mark in this area—Betts, Harlan and Hollingsworth of Wilming-

ton; Reaney and Neafie of Philadelphia; Pusey and Jones of Wilmington; Cramp of Philadelphia, and Roach of Chester; New York Shipbuilding Company of Camden; the famous Hog Island Yard of American International Shipbuilding Corporation; and Sun Shipyard, at Chester, as well as the Philadelphia Navy Yard.

Today when our Nation and its trade have grown to a position of world leadership, the Delaware River Port area has continued to maintain a commanding position as the largest fresh water port in the country, second in amount of cargo tonnage handled, providing 100,000 jobs in port related industries.

Your plans for investing one hundred million dollars in some of the most advanced and flexible cargo terminals to be built anywhere shows that you are not resting on memories of the past, but are determined to maintain your leadership in the future.

Obviously this is the right place for me to look for support in the task of placing the U.S. Merchant Marine once again in the lead among maritime nations.

Our maritime trade is divided into two main categories, with very different requirements for handling and shipping. One is the high value general cargo, which moves principally in liners, increasingly in containerships. The other is the heavy tonnage bulk cargo, none the less vital to our industrial capacity and to those manufacturers who in turn produce the high value manufactured goods.

President Nixon's new maritime program for the first time in our history recognizes the importance of providing ships for both types of cargo. In the past we have concentrated on the high value liner trade and have let the bulk cargo get along as best it could. Consequently, our bulk ships have become older and fewer and less economic, and our steadily growing bulk trade has gone by default to foreign flag ships or industrial carriers.

In reviewing the trends of U.S. trade to determine the needs for U.S. ships, we have been made painfully aware of our previous failures to provide for adequate U.S.-flag capacity for bulk trade. All our projections show that while liner cargo will increase only moderately in the next decade, dry bulk cargo will increase by at least 30%, liquid bulk by some 45%, and neo-bulk by almost 70%. We define neo-bulk as the type of cargo now being carried by tramp ships, or in liner breakbulk service, or very large lot sizes of commodities such as automobiles, iron and steel products, etc. Such commodities in the future will probably be handled in a manner to minimize handling costs as are the more traditional bulk cargoes of today.

The long-range building plan undertaken in President Eisenhower's Administration has produced about 156 new liners delivered in the past 15 years, with another 26 under construction. These are among the most modern cargo ships in the world. But only 1 new dry bulk carrier for foreign trade has been built in this same period, although 2 have been converted from war-built ships under the Ship Exchange Program. No privately owned tankers have been built with government construction subsidy in that time, though 50 have been built with the aid of Federal Ship Mortgage Insurance, and another 50 have been built and financed by the oil companies. So we find ourselves at this point with a privately owned U.S. merchant fleet in which three-quarters of our vessels are over 20 years old, with a National Defense Reserve Fleet of less than 150 cargo ships which will be useable for emergencies over the next few years, and with an almost nonexistent bulk fleet.

President Nixon's new program has been designed to correct these deficiencies by providing government aid for building about 30 new ships a year for the next 10 years. To encourage this requested construction, in addition to the required shipbuilding subsidies, all qualified operators will be able to establish tax-deferred construction reserve funds to help build up capital for ship replacement. We have also requested an increase in the Federal Ship Mortgage Insurance ceiling from the present $1 billion to $3 billion, in order to expand use of this highly successful method of obtaining private financing for new ship construction. The new program will also make operating aid available for the first time to non-liner bulk carriers.

Other elements of the President's maritime program are designed to give greater incentive to both ship operators and builders to lower costs and improve efficiency. We plan gradually to reduce the government's construction-differential subsidy to approximately 35%, while encouraging the use of multi-year procurement methods for large orders of standard ships. The shipyards will be encouraged to participate in the design of new ships and to take the initiative in seeking to contribute their own expertise to the task of lowering shipbuilding costs.

Operators too will be given the incentive to improve the efficiency of their operations. Subsidy administration will be simplified by restricting subsidizable items to seamen's wages and insurance and by eliminating excess profits recapture. Basing wage subsidy payments on an index system related to changes in a nationwide wage index will encourage operators to hold their wage costs at reasonable levels.

These changes in the present subsidy system should greatly improve the productivity of our new merchant ships, to the benefit of those who build, sail, and use them.

There are three important elements which must be added to this program, however. The most important is assurance by management and labor that differences between them can be settled without disruption of service. Second is the investment of some $4 billion in capital over the next decade by private investors to carry through the new program. Third, is the provision of cargo for the new ships. These are three vital ingredients for the program's success that the government cannot provide, but we have every hope that all three of these requirements will be met.

This new maritime program can be very important to the Delaware River Port area. The expanded shipbuilding program will offer an opportunity to U. S. shipyards for new long-term building contracts that should make worthwhile the expansion and modernization of their facilities. We have already placed contracts for the design of a number of standard new ship types that can be ordered in quantity. We expect these designs to be developed shortly.

Undoubtedly, many of the new general cargo ships that will be ordered in the next decade will be containerships or barge-carrying ships. The new and converted containerships already placed in service by American companies have proved so successful that several companies are now meeting the active competition of foreign lines without government operating help. Even more productive ships should be forthcoming in the future. We fully expect American companies to maintain their lead in this area, for containerization offers possibilities for automated, integrated operations at which Americans have proved to be most successful in the past.

Containerization extends the reach of a port deep into the hinterland. You are no longer sending shipments from Philadelphia just to LeHavre or Rotterdam, but a single ship provides service to the whole of Western Europe. By agreements with truck, rail, and barge operators at both ends of the ocean journey, containership operators can control a coordinated intermodal system that offers a complete transportation service from seller to buyer.

The provision for efficient container handling at your expanded Packer Avenue Terminal and your new Tioga Marine Terminal indicates that you expect to keep in step with the container parade, and I hope that many of the new American containerships will be serving the Delaware River port area. You have a strategic location in the heart of the wealthy industrialized Northeast, within overnight reach of 60 million people with $70 billion worth of purchasing power and 35% of the industrial capacity of the Nation. Add the aggressive and forward-looking promotional efforts of the Delaware River Port Authority, and the Delaware Bay area will undoubtedly be able to capture its share of container trade.

This area has been principally noted in recent years for its bulk traffic. With 65% of its 116 million tons of annual waterborne traffic represented by petroleum products, and another 30% by iron ore and other bulk commodities, the Delaware River ports are in a commanding position to benefit from the steady growth in bulk trade which our forecasts predict. Much of the entire Northeastern United States is dependent on economic transportation of bulk raw materials, which are coming to depend more and more on the use of supersized ocean carriers. Many highly specialized handling facilities for these bulk goods are already available here, and your plans wisely include even more and better facilities for this traffic.

The increasing size of tankers and other bulk carriers, however, is rapidly outmoding many of our port facilities. Unfortunately, in many cases these huge ships will soon exceed even the possibility of providing adequate channels into our port areas, which in many instances have already reached their physical limits of width and depth. Further efforts at expansion threaten to increase the dangers of collisions in crowded waters, irreparable damage to shoreside structures, and the constant threat of massive pollution of our waterways. This area is fortunate in having exceptionally deep water in the Bay of 75 feet or more, and more unused space along the 135 mile length of the River and Bay than many other port areas. While it is more fortunately situated in these respects than most of the other Atlantic Coast ports, here, too, new solutions will have to be found for the rapidly approaching day when limits must be set on further expansion of the port area.

An interesting paper on "The Impact of Increasing Vessel Sizes on the Ports of the United States" will be presented to the Convention of the American Petroleum Institute at Absecon, New Jersey, by General Allen F. Clark, Jr., next week. General Clark is, of course, the President of your Philadelphia Port Corporation and a member of one of the committees of the American Association of Port Authorities which is studying the long-range impact of ship sizes on ports. He points out that while no major increase in the draft requirements of break-bulk or container ships serving the general cargo trades is expected in the next 30 years, the drafts of vessels serving the bulk trades are already exceeding the channel depths in almost all of our ports.

Commenting on General Clark's paper, Mr. Howard Marsden, one of the port experts in the Maritime Administration, has pointed out that physical and economic limitations may cause a leveling off in the growth rate of size of bulk ships in the Seventies. Nevertheless, he agrees that there are many economies still to be realized through use of larger vessels to carry crude oil to the Atlantic Coast from Venezuela, the Middle East, Nigeria and Libya, and to the Pacific Coast from Indonesia, and residual fuel oil from Venezuela and the Caribbean to East Coast ports. The economic possibilities of carrying oil from Alaska's North Slope to West and East Coast U.S. ports in very large tankers

is also under intensive investigation at the present time. The U.S.-Japanese and European export coal trades and iron ore imports from South America also offer opportunities for economical transport in large dry bulk carriers.

Since most of our present ports are inadequate to handle ships of more than 50,000–80,000 tons, we must consider the need for building entirely new ports, probably offshore in deep water, to handle these steadily growing bulk trades. I read with interest just recently of a proposed multi-purpose island facility in Delaware Bay that would handle supertankers of up to 250,000 deadweight tons and all kinds of bulk cargoes, both inbound and outbound. Such facilities might have many uses—as combined sea and airports, making use of helicopters, hydrofoils, surface-effect ships, pipelines, barges and smaller ships to transfer passengers and cargo from the superships to their land destinations.

The problems of pollution posed by such facilities would have to be given the most intensive consideration, however. We can no longer afford to ignore the possibility of irreversible damage to our environment caused by installations of this type. President Nixon has made very clear his commitment to stop the pollution of our waters. In addition to submitting a $10 billion Clean Waters Act to the Congress, he established earlier this month a National Industrial Pollution Control Council. Composed of top representatives of business and industry appointed by the Secretary of Commerce, the Council will advise the President and the Chairman of the Council on Environmental Quality on programs of industry relating to the quality of the environment. They will identify the problems, recommend solutions, and advise on governmental policies concerning environmental quality as they affect industry.

There is obviously a direct relationship between the national effort to reverse the damaging effects of pollution and the plans for expansion of industry and cargo handling facilities in port areas such as the Delaware River area. If it becomes necessary to establish port facilities in open waters of harbors or in the coastal zone, private industry groups, public agencies, and the Federal Government will have to work together to solve the problems that will result.

For our part, we have taken steps to join with the Corps of Engineers and the Department of Transportation in a study to be undertaken at the completion of the American Association of Port Authorities' study. Our objective would be to formulate a national position and to determine what efforts should be undertaken to solve some of the urgent problems posed by the superships.

A regional attack on the solving of such mutual problems is increasingly in use and has in many instances been spectacularly successful. Such an approach is particularly appropriate in the case of transportation, which—if an earlier, hard won knowledge of Latin is still of use—means "carrying across"—across boundary lines of cities, counties, states, and nations, and across the interfaces between one form of transport and another.

Once again I am heartened by the evidence that the Delaware Bay area is out ahead in its thinking about these problems. The recognition by the Governors of Pennsylvania, New Jersey, and Delaware that transportation problems of all kinds are regional problems and must be handled on a regional basis, is, I believe, a far-sighted and statesmanlike attitude. While their appointment in 1968 of a Committee on Regional Development was directed initially to consideration of a comprehensive airport system for the three states, I believe their action implicity recognizes the interdependence of all transportation in the area.

In the past the free competition of ports and of transportation modes has contributed to their growth and strength. Under the private enterprise system we have developed a transportation network second to none in its extent and variety. But we have been able to do so in part because we were big enough, with space enough and resources enough added to sufficient wealth to afford the duplication that sometimes resulted from uncoordinated promotional and regulatory polices. As greater demands are placed on these diminishing resources, transportation planning must be undertaken in full cooperation with other planning bodies, such as those concerned with land use and population growth.

The increased interrelation of every aspect of our lives involves us more and more in cooperative efforts for mutual goals. I believe that one such goal must be the maintenance and support of a Merchant Marine that will be adequate for our nation's trade and defense and that will serve our business and trading community more efficiently. It must be an integral part of our whole transportation system.

Our plans for the future will affect and be affected by your plans. Your plans will influence and be influenced by developments in other modes of transportation and by the plans of other ports and other regions. The plans of all of us will depend on the interlocking decisions of our customers. All of us—government, industry, labor—on sea, land, or in the port, can help or hinder each other. In the long run, we can help ourselves most by helping each other to provide the best and most efficient transportation system possible for this area and for the whole nation.

STUDY OF ATTACK CARRIERS

Mr. MONDALE. Mr. President, today's Washington Post contains an interesting article by Bernard Nossiter, summarizing the results of a significant study on attack carriers prepared by the Defense Department's Systems Analysis Division.

This study determines, among other things, that a land-based tactical air wing costs $163.4 million less per year than a sea-based wing and that there are an adequate number of overseas land bases available in Central Europe, Korea, and Southeast Asia. Thus, the study's principal finding is that "it is cheaper and more effective to use land bases for tactical air operations in areas of the world in which adequate overseas bases are available."

The conclusion of this DOD study is that since the present carrier fleet can be reduced to fewer than 12, we do not need to build any additional attack carriers at this time. This conclusion is consistent with the position taken by Senator CASE and myself before the Joint Armed Services Subcommittee on CVAN–70.

In my testimony before that subcommittee, I urged a delay in the funding of CVAN–70 until fiscal year 1975, at the earliest. Unfortunately, the subcommittee recommended funding for this new carrier in fiscal year 1971.

I hope that careful consideration will be given to the DOD report discussed in Mr. Nossiter's article. I ask unanimous consent that his article be printed in the RECORD.

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

[From the Washington Post, Apr. 30, 1970]

PENTAGON STUDY SAYS FLEET CAN BE CUT; REPORT DISCOUNTS CARRIERS

(By Bernard D. Nossiter)

A secret Pentagon study concludes that the nation does not need any additional aircraft carriers and could safely cut its present fleet of 15 to fewer than 12.

The report, prepared in the Defense Department's Systems Analysis Division, calculates that each new carrier costs $414.5 million a year to build, operate and support. In contrast, the construction, deployment and operation of the same number of planes at an overseas base costs $251.1 million a year. Thus, a land-based wing saves $163.4 million annually, or 40 per cent.

An unclassified, 56-page version of the controversial study has been obtained by The Washington Post as the House opened debate yesterday on a $20.2 billion military procurement bill. It includes $152 million for another nuclear carrier.

The principal finding of the study holds: "It is cheaper and more effective to use land bases for tactical air operations in areas of the world in which adequate overseas bases are available."

This rule, the document finds, applies to Central Europe, Korea and Southeast Asia. The paper says that requirements for the Middle East and Southern Europe are harder to estimate. But it argues that carriers in the Mediterranean as well as the North Sea would be highly vulnerable to Soviet bombers and submarines. Thus, "it is difficult to see a need for a large number of carriers in any single war."

Congressional critics of additional carriers have known of the existence of the Pentagon study for nearly a year but have been unable to obtain it. The unclassified version was discussed at the Brookings Institution last winter.

The study touches on the Navy's most sensitive nerve. Without carriers, much of the justification for a surface fleet would disappear and the Navy would be confined to essentially a submarine force.

Not surprisingly, the Navy has bitterly attacked the paper. The Navy's views are supported by all but one member of a subcommittee drawn from the two congressional Armed Services Committees. Last week they published a brief report urging the building of a third nuclear carrier.

The subcommittee report said that "even though the comparative costs of the various alternatives (land-based versus carrier wings) have been under study for some time by the Department of Defense, there is no agreed-upon position within the Department on this matter."

The legislators quoted Gen. Earle G. Wheeler, chairman of the Joint Chiefs of Staff, as saying: "I don't regard any of these studies myself as being definitive and they certainly are not convincing to me as a basis for making a judgment as to the need for sea-based tactical air."

Apart from cost and vulnerability, the crucial points in the disputed study are these:

On the average, a land base can be set up and its planes ready to fly as quickly as a carrier and its support can steam into action. A land-based wing transported by sea can be deployed in Europe in 26 days; in Asia in 32 days. The study assumes that an additional carrier wing would be based half the time on the coast nearest a scene of combat and half the time on the farthest coast. Averaging these periods, a carrier wing can be deployed for Europe in 28 days, for Asia in 32 days.

Under ideal conditions, with the carrier wing based on the coast closest to an action, the vessel could be deployed in Europe in 11 days and in Asia in 15 days. But by flying a "bare base kit" in seven C–5A cargo planes

to a runway overseas, a land-based wing could be deployed in Europe in 12 days and in Asia in 18 days. The extra cost of using transport planes would be about $140 million a year. This still leaves the land-based wing with a $120 million advantage for a deployment virtually as rapid as the maximum speed for the carrier.

Land-based and sea-based planes could make about the same number of flights per day in the first three months of an engagement. Thereafter, the land-based craft would be flown 30 to 100 percent more frequently because carriers must be withdrawn for repairs.

Some carriers—from two to five in the two oceans—are still necessary, largely to "show the flag" and to serve as an earnest of intentions. However, "it is nothing but a myth" that the Navy requires three carriers for each one deployed. This "myth" is based on a belief that sailors can't be kept away from their families for a long time.

Yesterday, House critics of the $20.2 billion military weapons bill decisively lost their first two skirmishes. An amendment by Rep. Otis Pike (D-N.Y.) to strip $200 million sought by the Pentagon as "contingency funds" for claims made by Lockheed Aircraft on the C–5A was beaten, 90 to 48. Another amendment by Rep. Jeffery Cohelan (D-Cal.), to prevent placing multiple independently targeted reentry vehicles (MIRV) on land-based missiles, was defeated, 85 to 39.

Today, the House resumes voting on the measure. Among other things, it will consider an amendment to eliminate the $152 million for a third nuclear carrier.

A central feature of the Systems Analysis study is its breakdown of the comparative costs for a carrier and a land-based wing. It assumes that both will use the same number of planes and it divides the investment cost—the cost to build the ships and planes—over their estimated useful life to derive an annual cost. This is added to the operating cost to obtain the total expense. The cost categories compared are these:

Aircraft—the operating costs for land and sea-based are the same. But the investment cost of the land-based wing is $14 million a year less because the accident rate for carrier-based planes is higher.

Base—Building and operating a carrier is $55.9 million a year more expensive than buying and running a base that can be transported in ships or by air to a runway overseas.

Defenses—The destroyer escorts to defend a carrier cost $58.5 million more annually than the missiles, anti-aircraft batteries and security forces to defend a land base.

Logistics—Supply ships and destroyer escorts needed to service a carrier run $35 * * * problem exists, it could be solved by assigning carriers to "home ports" abroad or by rotating men in and out of deployed ships.

NBC–TV PROGRAM "POLLUTION IS A MATTER OF CHOICE"

Mr. MUSKIE. Mr. President, NBC–TV recently broadcast a program about the environment entitled "Pollution Is a Matter of Choice."

The program focused clearly on the nature of the dilemma that America faces as we try to organize ourselves and to make the decisions to enhance and protect our environment.

The decisions each of us will have to make are effectively portrayed in the NBC White Paper.

Reporter Frank McGee and writer-producer Fred Freed showed an intelligent and sensitive insight into the problems of environmental contamination.

I ask unanimous consent that the transcript of the program appear in the RECORD at this time.

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

NBC WHITE PAPER: POLLUTION IS A MATTER OF CHOICE

McGEE. We know about our murderous machines. We know about the environment they are murdering. We have heard all the apocalyptic prophecies. We know all the terrible statistics. We believe them. There's no more room for argument. The danger is real.

But we also know we cannot turn back the clock. We live in an industrial society. We need what it produces.

This program is about the real options that are open to us. About the real choices before us.

McGEE. This is where we begin. This is Machiasport, Maine.

Seemingly a world away from the blighted cities our technology has built. But what is happening here, now, to these people . . .

The decisions they are facing, may tell us some important things about our hopes of reclaiming our polluted landscape.

We know about the beauties of Maine: The tourist eye view. But it's not quite the same if you live here, have to make a living here.

The people who came here, 300 years ago, to make this nation, saw nature as the enemy.

Here it still is. It threatens man's survival. He has to fight it to survive. That's why he built his machines, to help him survive.

In America, we've always believed in "progress". Technology would make us free.

That's deep in our culture: Western, Puritan, American.

It's how we created this nation.

We learned to control some of nature with our machines. And that control made some of us rich, and most of us comfortable. We have more "things" than anyone else ever had.

But we began to lose control of the machines.

We began to run short of those resources we thought were endless. The skies and the rivers and the land began to disappear under the smoke and litter of our industrial waste.

The cities technology built were scarred with poverty, crime, racial violence.

It's easy to see why we are nostalgic now for places like Machiasport. But now that nostalgia is threatened.

Change is coming! Industry. Technology.

Why let it happen here? Why not preserve this place as it is now?

The answer, as we shall see in this next hour, is not easy, not uncomplicated.

Begin with this seemingly unrelated fact: we need oil in this country to run our machines.

LOUIS REAM. Total petroleum product demand in the United States is in 1970, going to be something like 600 million gallons a day.

Now that's a terrible figure to try to understand. Perhaps some prospective can be put on it if we understand that there are about 200 million people in the United States.

And this means that every man, woman, and child in the United States is in effect, consuming something like 3 gallons of petroleum products every day.

Over the decade, up to 1980, this will grow to about 800 million gallons a day.

McGEE. What has all this got to do with Machiasport, Maine?

We can find one part of the answer half way around the world, in Japan.

Because we need more oil, we need bigger tankers to carry it. Super tankers, displacing up to 300,000 tons, are being built in Japan. Because of this, Machiasport is being dragged into the affluent, polluted world the rest of us live in.

The reason is this. The super tankers need deep water ports.

This bay, at Machiasport, is one of the deepest on the East coast of the United States. One of the few that can accommodate the super tankers.

This is also part of the answer: a continent away on the north slope of Alaska . . . a great oil strike has been made.

The first tanker has broken through the ice of the Northwest Passage.

It could carry oil from the Alaska fields to the East coast. From the Alaska fields to Machiasport.

The oil companies see Machiasport as a great oil port of the future.

With the super tankers would come refineries, pipelines, petrochemical plants. The affluence of the age of technology.

And the pollution. Pollution that could destroy Maine's beaches, summer boating.

The lobster and shell fishing industries.

Oil could pollute the land and air and water.

Why would anyone want to take a chance on that happening here?

ROY SPRAGUE. Well, because there's no work around here for nobody.

The little, the little lumber company up here, they keep going in the summertime but in the wintertime there no, there's nothing here to do. For the people that lives here. They have to struggle for a living. I know because I've struggled.

ALAN LOOK. Unless that oil refinery comes in, I don't look for any industry to come in because it costs so much to transport the stuff. And without a world port, we've got nothing.

NORMA WOOD. Do we, do we think enough of the scenery to give up a good living out of an oil refinery or another industry. Would we rather have the scenery or would we rather have food on the table.

McGEE. Why should anyone want oil in Machiasport, Maine? Because this is a fact!

Life outside the technological society is not so idyllic as it seems if you are a tourist. Fourteen per cent of the people in this county receive food surplus packages from the government because their income is below the poverty level. Oil would bring jobs . . . perhaps 3,000 in ten years.

New industry. Money for schools and roads. And pollution.

SONG

"Everybody talks about a new world in the morning.
New world in the morning, so they say.
I myself don't talk about,
A new world in the morning.
New world in the morning, that's today.
And I can feel a new tomorrow coming on.
And I don't know why,
I have to make a song.
"Everybody talks about a new world in the morning.
A new world in the morning, takes so long.
"I met a man who had a dream, he had since he was twenty.
I met that man when he was eighty one.
He said too many folks just stand and wait until the morning.
Don't they know tomorrow never comes.
And he would feel a new tomorrow coming on.
And when he'd smile,
His eyes would twinkle at them."

McGEE. In this county, there is no air pollution. But eleven per cent of the people are unemployed. The water is clean but two thirds of the farmers make less than $3,000 a year.

There is no race violence. No organized crime. No ugly slums. But there is poverty. There is isolation. And for many, not much hope.

The young are leaving to go to live in the cities. The polluted, decaying cities, where the jobs are.

This is the dilemma of Machiasport. And, in a larger sense, of all of us. We need what technology creates for us. But we're being destroyed by the waste it spews out or wherever it comes. We are being oppressed by the ugliness and depersonalization it brings into our lives.

In the next part of this program, we're going to look at the ways people in other parts of the United States are facing this issue, and with what results.

The jet . . . Visible and audible symbol of the age of technology.

Around every city airport, the struggle between progress and quality of life is joined.

Here in Florida that struggle threatened *this* wilderness. The Everglades. A swamp larger than the state of Rhode Island.

Inhabited by no people. The Miami Port Authority wanted to build the world's largest airport on the edge of this swamp. Conservationists said the airport would destroy the Everglades. They were able to keep it from being built.

So they were able to preserve for one moment, at least, this wilderness. For one moment the progress we have believed in and lived by stopped. The birds won over the jets.

But if it was victory, it was only a symbolic one.

And perhaps only temporary. Nothing was finally solved.

For while the environment of the Everglades is being temporarily preserved, the environment of many people in Miami is being destroyed.

ARTHUR PATTEN. Now as a result of the heated controversy, the Federal government invoked a 5,000 minimum altitude criteria over the entire Everglades National Park region. People don't live there. There are no people.

It was evidently important to keep airplanes 5,000 feet from the ground over this vast wasteland. But yet, the same agencies are perfectly willing for commercial airliners to fly over any city of this nation at a thousand feet, but over the Everglades now, 5,000 feet.

MCGEE. The Miami airport is the seventh busiest in the country. It is dangerously overcrowded. And that overcrowding is going to get worse.

ARTHUR PATTEN. Miami is one of the most rapidly growing urban areas in the country. We have doubled our population in the greater Miami area every ten years. The transportation projections for our aeronautical future indicate that in the year 1985, this community will be called upon to handle 65 million airplane passengers annually.

SONG

"Everybody's talkin' at me.
I don't hear a word they're saying.
Only the echoes of my mind.
People stop and starin'.
I can't see their faces.
Only the shadows of their eyes.
I'm going where the sun keeps shinning,
Through the pouring rain.
Going where the weather suits my clothes.
Banking off of the northeast wind
Sailing on a summer breeze,
Skipping over the ocean like a stone."

MCGEE. Nobody argues about the need for a new airport. But nobody wants to live near *this*. People want the convenience of air travel. The prosperity it creates. But not the damage it does to the quality of their lives.

WOMAN. This is a wonderful neighborhood here. Clean. The people are all very nice. And they all keep their properties as you can see. In order. Their grass is cut and everything kept nice and clean around here. And the neighbors are wonderful. Couldn't be a better neighborhood. But it's that noise up there. And you should hear that

That dirt that comes from these airplanes. That soot on my patio. I gotta clean that everyday.

MCGEE. It took two years to find a place for the new airport. Seventy one sites were considered.

This was the site they chose. Fifty miles west of Miami. Eight miles north of the Big Cypress Swamp.

One of the last untouched wilderness areas. Here in depressed, lightly populated Collier county, they were going to build the largest airport in the world.

The Everglades is particularly vulnerable. Conservationists have lost battles here before.

For Florida's growing population is pressing against the borders of the swamp. With canals, with houseboat and trailer colonies. With roads. A drainage district. Only a few miles away they are drilling for oil.

What man is threatening here is this: A unique environment that nourishes twenty-two almost extinct species of wild life.

A sanctuary.

A rare place of solitude in a world of noise and crowds.

Its survival is threatened by a flood control system constructed by the Army Corps of Engineers. The idea was to be able to control the water supply of South Florida by dumping excess water into the park during floods and holding water to use for irrigation during droughts.

The result, for the Everglades, was instant flooding, and instant drought destroying the slow, even flow of water needed to sustain the wild life.

FOREST RANGER. Well, it'll just about make you sick. You go on to a head and you see a fawn, a deer, in there and they look real bad and you come back three hours later and they're dead. You come back three hours later and the hogs have just about consumed them. You can't find anything but a skull and maybe a few pieces of hair.

MCGEE. This is what happens when the delicate balance of nature is altered by man.

The airport is only the latest threat by man. It was to expand around this training runway, already in operation. It would occupy forty square miles across the path of the already damaged waterways of the Everglades. It would endanger the water supply, conservationists said, of all south Florida.

Airline and port authority officials promised rigid pollution restrictions. But the airport would create 70,000 new jobs. In time, a community of a million people would grow up around it.

There would be industry, prosperity, "progress". No one knows how to control the kind of pollution that would bring.

Detergents, pesticides, sewage, industrial waste pouring into the water. The sound of jet engines ripping through millions of years of silence. Exhaust fallout polluting the air. Jet oil spills polluting the water. How long would the swamp survive with man as its neighbor?

SONG

"You got to change your evil ways, baby.
Before I start loving you.
You got to change, baby,
And every word that I say is true.
You got me runnin', and hidin',
All over town.
You got me sneakin' and peepin',
And runnin' you down.
This can't go on.
Lord knows you got to change, baby."

MCGEE. This battle, for the moment, is over. There will be no airport on the edge of the Everglades.

But the problem is bigger than an airport and a swamp.

Nothing is finished. Nothing is really solved.

There is still no airport. One has to be built. It will interfere with the environment wherever it is built.

Florida is growing. It needs room. For industry, for housing, for recreation.

The demands of technology are as greedy as ever. No one seems to want to give up the affluence technology creates. No one has yet worked out how to keep producing more babies, more goods and services, and still protect the environment.

But here, in the Everglades, time has been gained. And, at least, a symbolic victory. Here, we chose beauty over progress. We decided there is a quality to life beyond affluence.

In the next part of this program we may see more clearly why such a victory is not to be underestimated.

PART III

MCGEE. This is Gary, Indiana. Its business is to make steel.

SONG

I'm not scared of dyin and
I don't really care
If it's peace you find in dyin
Well then let the time be near
If it's peace you find in dyin
And if dyin time is near
Just bundle up my coat
Cause it's cold way down there
I hear that it's cold way down there
Yea, crazy cold way down there
And when I die
And when I'm gone
There'll be one child born in this world
To carry on
Carry on
Now troubles are many
They're as deep as . . .

MCGEE. At the turn of the century this was a beach. There were sand dunes here, and beach grass.

Now there are 2500 acres of blast furnaces, and slag heaps.

This mill makes more than 7 millions of tons of steel a year, for cars and so forth. It pays salaries that support 30,000 families.

It dumps 36,000 tons of soot a year on the people who live here.

Mrs. RENE RISBASIN. Oh the dirt's terrific. You send the kids outside to play and you have to wipe all the toys off before they can play. And cleaning in the house is miserable. You can't even pick up that black goop. It just, you just move it from one place to another.

JIM BALANOFF. A lot of people working are walkin around the mill who are sick. They know there's something wrong. They know that breathing this dirt and dust, washin with that dirty, filthy water is not doin' them any good. But what the hell can they do about it.

STEEL WORKER. You live around so long like I've lived here all my life and you don't pay much attention to it really. You get accustomed to it. But I know when my mother-in-law comes up to visit me she, she's just amazed. She doesn't know how you can live here, and breathe this, and smell this for all day long.

MCGEE. Gary . . . East Chicago . . . Hammond—these are the towns technology built. They were created for producing, not living. For machines, not people. To fill the demands of an endlessly hungry consumer society. This is the price we've been willing, up to now, to pay for first survival, then affluence.

ANOTHER STEEL WORKER. Well, the place I left was a small farm town. Basically there was no cash. You harvest. If you had a good harvest you made good that year. You just about cleared expenses, and what not. And this wasn't enough I figured for my family.

Mr. ALEX BAILEY. When you've been down at the bottom of the economy scale, and you've come out of the ghetto and you're extremely low in earnings and practically nothing that you've worked your way up to a certain standard of living. Well, no one wants to go back down to the ghetto again

and nobody wants to go back to earnin nothin.

Mr. BALANOFF. Nobody comes out here because they like it out here. They come out here because they make a living, they can make some money. That's the only reason they come out here.

Mr. BAILEY. I went to the steel mill because my family worked there. My fathers, my brothers, all of my friends. It's a sort of romantic existence, a manly existence. You know you feel like this is the thing to do.

Like in my family, it seemed that if you worked in any where other than the steel mill it, you were sort of like a sissy. You know, ah you could barely wait to get into the steel mills because Dad was there, he worked there until he died. My brothers worked there and so . . . you sorta got kidded a little bit. They made fun of you. Why don't you get a man's job. Why, so eventually you wind up in the steel mills.

McGEE. But even here these traditional answers to the questioning, how can you live like this?—no longer seem enough. We are caught in a dilemma of our own making. We consume in this country two and a half billion tons a year. Thirteen tons of things consumed by every man, woman and child in the United States.

We demand more and more every year. To produce them has a price. The destruction of our environment is the price we're now paying. Consider this: to provide the electric power we need to run our refrigerators, air conditioners, television sets . . . we strip-mine and destroy a hillside in Kentucky. We pour tons of dirt and slate into a river and pollute it. We burn carloads of coal in power generators and contaminate the skies over a city.

We demand more and more electric power. We sometimes demand more than we have. No one wants a power plant near where he lives. Conventional power plants pollute the skies. Nuclear power plants overheat the water and kill the fish. Still nobody is willing to give up his air conditioner either.

CHARLES LUCE. Now, are people prepared to have less of what we thought of as the comforts of life. Are they prepared to have a somewhat less high standard of living as we thought of standard of living . . . in terms of economic goods. I think that until people are willing to ride in small cars in New York thirty five horsepower is enough to get you around.

CONGRESSMAN. Can you really expect the individual though to make that choice?

CHARLES LUCE. I'm not suggesting that laws aren't necessary and that more laws are not necessary. What I'm saying is that the basis for laws has to be an individual commitment and a willingness to accept less of the luxuries of life or what we thought of as the luxuries of life.

McGEE. We produce. We consume. Our resources grow scarce. Our demands increase. The only thing that's free is air, and water. So this is where industry saves money.

And this is the price. This is the hard reality of the crisis of our environment here. There will be more publicized issues. More dramatic issues. Somewhere another wilderness threatened.

But for most of us in the 70's, in this urban society, this will be our personal crisis.

For this is how more and more of us are likely to have to live in the 70's.

SONG (UNDER NARRATION)

"Thrill is gone
The thrill is gone away
The thrill is gone, baby
The thrill is gone away
You know you done me wrong, baby
And you'll be sorry some day
The thrill is gone away
Is gone away from me
The thrill is gone away
Is gone away from me
The thrill is gone, baby
The thrill is gone away
Although I'll still live on
But so lonely around me."

McGEE. Caught in a landscape of our own making. Air we cannot breathe. Water we cannot drink . . . A landscape of noise and dirt and tension.

The technology that makes us prosperous has become so uncontrolled that it threatens to destroy us.

We will either find a way to control our technological waste or we make this whole nation unlivable from sea to shining sea.

SONG

"The thrill is gone
The thrill is gone away for good
Oh, the thrill is gone
Baby, gone away for good."

McGEE. In this century, we've consumed more of our resources than in all man's previous time on earth.

Before the end of this century, our population will increase by a hundred million.

A hundred million more consumers. More factories, airports, roads, houses, power plants.

We cannot go back to what we were a century ago. This is one of the facts that is going to change forever the terrain and quality of life of places like Machiasport, Maine.

We cannot go back to that simpler, pretechnological time. We cannot keep the landscape exactly as it is.

We cannot conserve all our resources.

What is inescapably clear is that Machiasport and places like it are going to change in the next few years, unless we stop having babies, or give up our machines. It does not seem likely that we will do either.

What is also clear is that we do not have to do *this*. That there is a point where technology no longer serves us. Where it may in fact destroy us . . . May destroy . . . our health, the quality of our lives, our sanity . . . our existence as a species.

In the future we're going to have to decide what we really mean by "progress". We are learning that it is not necessarily more. It is not necessarily what is new or big. We're going to have to select that technology that serves us, reject that, that does not. This is what we're really talking about.

This is a decision the people of Machiasport have begun to try to make. The details of how and why Machiasport may become an oil port are complicated. Nothing is completely settled.

What is important is why some of the people of Machiasport want oil to come here. And why others don't.

OSSIE BEALS. I'd like to go on record for the M.L.A. Incorporated in the town of Beals, that we would oppose an oil refinery in the town of Machiasport.

McGEE. For we may be able to see here, in this small, isolated New England community, what the real issues of our environmental crisis are, how they relate to the other unresolved crises of our society.

BEALS. About a month ago, we had a Greek tanker here, go ashore down in Canada. In Nova Scotia and they had 1600 tons of crude oil. It's ruined our beaches and it's been a major threat to their fishing industry.

AUDUBON SOCIETY SPOKESMAN. The coming of oil to Machiasport does not mean prosperity for any of us. But instead will bring a disaster more terrible than I wish to contemplate.

UNIDENTIFIED MAN. I am concerned about the crime and the way of life that will be thrust upon us here. Well, we're very simple people and we live very close to nature. We're not used to violent crime and that sort of thing.

REGGIE SAWTELLE. I am a laborer, jobber, snow shoveler, whatever you want to call it.

I just don't know what our trouble is but I think it's chronic unemployment. I wonder how much longer the other people that is paying you in unemployment the year round is going to keep carrying the load. Someday they're going to wise up and just decide that they don't want the unemployment any more.

McGEE. When we talk about environment we must understand this: For the poor, a better environment may be a job. To them a job is more important than an unspoiled view. An unspoiled view can not feed, clothe, and house a family. The middle class have jobs. For them a better environment is a better setting in which to enjoy their affluence.

Thus, the question of how to preserve and improve our physical environment is becoming in some places, a class issue.

NORMA WOOD. The poor people didn't dare to get together and say anything like they do now.

MAN. I think we were poorly represented last night.

NORMA WOOD. I think we was definitely.

MAN. Because the people with money done the talking . . . I sat there and listened to them.

NORMA WOOD. Right.

ANOTHER MAN. We was licked before we ever went in.

MAN. But . . . he said that these poor people, our poor people can't work in that place. I got news for em. We got boys sittin' in this room right here tonight that's gone and melted metal. They set dye setting . . . great accuracy. We can run them mills.

NORMA WOOD. Yes, but the ones that come in are going to mean more, it's going to bring more in to the county anyway. They're going to have to have more of everything more stores, more stations. More everything.

MAN. The rich people can't see this. I say the rich . . .

NORMA WOOD. The rich can see it but they're scared of it.

MAN. They're going to be more homes. These people ain't going to live in homes like we live in.

NORMA WOOD. That's right. They wouldn't live the way we have to live.

MAN. . . . for people like them that just. . . .

[People laugh]

Them that have the money are more or less trying to run the community themselves.

ANOTHER MAN. They're afraid of getting something in here so that these starvation salaries they're paying downtown. . . They'll have to raise them. That's what they're afraid of. Paying the workers some money.

WOMAN. I'd like to see some of these that oppose getting industry in here and getting some of these people in here, to come and live with some of these families for one week and see the children go without shoes and without clothes and without food and without medicine. And just live a life for one week and they'd vote industry in here. They'd get something in here for the people to do.

NORMA WOOD. That's right.

REGGIE SAWTELLE. Where's the income. There is no income. When we're standing in a bread line and they say you're going to slip downhill in oil I believe we're pretty near the bottom.

McGEE. John Cole is editor of the Maine Times. John, clearly there is a basic conflict here.

JOHN COLE. Here the conflict is between how to make a living and how to avoid destroying the place where you live. The two big words of course in the Machiasport situation are oil and poor and the oil people want in because the deep water harbor is here. Some people want the oil people to come because they're poor people here who need the work. On the other hand you have a whole group of people both in Maine and now in the Nation who say oil on the Coast of Maine is like a fire in an oil barn. By

bringing in an oil industry you may give the people who are starving here the kind of jobs they need to make a living, but you run a very high risk of destroying the place where they live.

McGEE. But the Maine legislature or so it's claimed has passed some of the toughest anti-pollution laws of any State in the Union.

JOHN COLE. Well, they are tough laws but they're really only as good as the men who made them. And the men who will have to live by them. In other words, if the oil people want to disregard these laws, they can spill oil out here and nobody is really going to do anything about it.

The only thing that the law says is that the oil companies will have to pay for it. But that doesn't prevent the spill, and a, goodness knows, America and Maine should know what oil spills do.

McGEE. The decision has not yet been made in Machiasport to accept what we have always called progress, or to reject it because the price is too high. It is a decision we are all going to have to make, one way or the other.

Some of what we've done to our environment is irreversible. What is left to us is to try to find a sane balance between technology and a livable environment in the world as it now exists.

We cannot escape to the past. We cannot solve our problems by breaking the machines.

We cannot allow environment to become a hobby of an elite. We cannot solve this expensive complex problem by taking it up as a fad this year and dropping it next year. The threat of destruction by pollution has united us as nothing else has for a long time. The danger is real. But we cannot use it to avoid the devisive, unresolved problems of the 60's.

These too are problems of environment. Problems growing out of our technological society.

What happens here in Maine, is a test case to see if we can use our technology to fill our needs while we control what it does to the quality of our lives. A nobel laureate, George Wald, has said: "Life on this planet is a tender thing". That tender thing is now threatened.

We have only begun to think about how to preserve it, and have yet to ask ourselves some difficult questions.

What quality of life is possible in an industrialized society? Do our institutions, created for simple times, have the vision, the power to control technology?

What are we willing to give up to clean up our environment? Are we willing to drive fewer or smaller cars? Have fewer television sets, fewer air conditioners? Have fewer comforts?

Are we willing to pay for the cost of cleaning up our air and water? Are we consumers willing to pay higher prices for cleaner engines and those who produce them, to take lower profits? Are we willing to have fewer babies, accept more rigid government controls? Would we dare set limits on our scientific and technological development?

We know that a species survives only as it adapts to its environment.

We know that unless we adapt, we may disappear from this earth like the dinosaurs before us.

"Everybody talks about a new world
in the morning
New world in the morning, so they say
I myself don't talk about
A new world in the morning
New world in the morning, that's today
And I can feel a new tomorrow coming on
And I don't know why
I have to make a song.

"Everybody talks about a new world in the morning
A new world in the morning
Takes so long."

MODEL CITIES FUNDS

Mr. KENNEDY. Mr. President, I ask unanimous consent that a statement prepared by the Senator from Connecticut (Mr. RIBICOFF) and an insertion by him be printed in the RECORD.

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

Mr. RIBICOFF. Mr. President, I am dismayed by recent news reports that the Nixon Administration will meet the President's commitment to spend an additional $500 million on education in the United States by slashing existing urban programs.

More money must be provided to improve the schools of our central cities and to facilitate integration in the North as well as the South. However, I cannot believe that the only source for this money is other social programs.

In particular, I am disturbed by reports that much of the money is to come from the Model Cities program. This program has always been starved for funds, notwithstanding its great promise. Mayors, other city officials, and citizens across the country have spent long hours preparing applications and programs in their cities. We cannot renege on our commitment to them now.

There has been much talk about reallocating our priorities and our resources to deal with the critical domestic problems facing our country. No one intended this reallocation simply to be a shifting of critically needed funds from one urban program to another. The President will continue to spend billions of dollars on the war in Vietnam, useless farm subsidies and other projects of questionable value such as the SST. If we're looking for $500 million for aid to education, those are some of the programs that should be cut.

We are in deep trouble in this country if our response to requests for additional aid for one domestic program is to take this money from another critical program. I include articles from the Washington Post of April 28 and the New York Times of April 26.

[From the Washington Post, Apr. 28, 1970]

DESEGREGATING SCHOOLS IN LINE FOR BULK OF AID

(By Eric Wentworth and William Chapman)

The bulk of the special school funds that President Nixon wants to spend in the next two fiscal years should be used to help school systems in the process of desegregating, administration policy-makers have agreed.

Schools in "racially impacted" areas where de facto segregation persists because of housing patterns would receive less than half the total outlays, according to this approach.

Officials disclosed yesterday there is also general accord that this smaller sum for schools with de facto segregation should be used as much as possible for special racially integrated programs.

Mr. Nixon, in his school desegregation statements of March 24, proposed spending $500 million in the next fiscal year and $1 billion in fiscal 1972. He has not spelled out publicly whether helping schools in the process of desegregation or upgrading schools with de facto segregation should get the greater emphasis.

Meanwhile, the Nixon administration has confirmed that it would take the needed funds out of existing social programs, principally the Housing and Urban Development Department's Model Cities program. That news brought complaints from mayors worried that the embryo Model Cities effort would be held back just as it was getting off the ground.

At Mr. Nixon's request, Vice President Agnew's Cabinet Committee on School Desegregation and the Health, Education, and Welfare Department have been developing criteria for spending the $1.5 billion. The policy-makers have been working on drafts for legislation that the President is expected to send to Congress soon.

The disclosure by official sources that the policy-makers have decided to emphasize aid for desegregating schools differed from at least one published report. Money for this purpose would go largely to school systems in the South which are under court orders to end legalized "de jure" segregation.

These funds, in the words of the President's statement last month, would help meet the desegregating school systems' "special needs—for classrooms, facilities, teachers, teacher training . . ."

The lesser outlays for upgrading schools with de facto segregation would help ghetto children in both North and South. Officials said there was agreement in principle against spending money just to "gild the ghetto"—helping schools that fail to make any efforts at integration.

Still at issue, the officials said, was how much if any money for ghetto schools proposing special integrated programs could be spent at the same time on other needs in these schools.

Mr. Nixon in his statement called generally for improving education in such schools as well as for sponsoring "innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools."

Meanwhile, the office of U.S. Education Commissioner James E. Allen Jr. distributed a recent Allen statement saying he would continue stressing "the educational value of integration, and the educational deprivation of segregation regardless of cause." Informed sources firmly denied Allen was taking issue with President Nixon's distinction between "de jure" and "de facto" segregation.

While the administration plan would be financed to a great extent with funds drawn from the Model Cities program, the White House Press Secretary Ronald Ziegler said the administration would not "gut" that program. The budget for Model Cities includes some "carry-over" funds not actually to be spent in the coming fiscal year and some of them may be used, Ziegler added.

The U.S. Conference of Mayors and the National League of Cities immediately issued a statement deploring the proposed diversion of Model Cities funds.

"We call on the President to reassure local officials and citizens across the country who have spent years planning the Model Cities programs that their efforts have not been in vain," they said.

Such a move would be inconsistent with President Nixon's "New Federalism" concept which relies heavily on decisions locally made, the officials argued. The main feature of Model Cities is its provision that the spending of federal grants should be up to the localities.

"We are distressed that the President might propose taking funds from Model Cities programs in order to emphasize a priority decided at the federal level without local consultation and in a manner which is totally inconsistent with the New Federalism," they added.

The Model Cities program was a Johnson Administration concept which has received ambivalent treatment by the Nixon administration. The White House has blown both hot and cool on it, but has not raised budget requests for it to levels anticipated by the former administration.

Its supporters in Washington acknowledged yesterday that, technically at least, there would be unspent Model Cities funds in the next fiscal year, because some cities are not prepared to use all that might be available. But they argued that local planning for the programs will be interrupted if the funds are not appropriated and set aside

in Washington. The result, said one source, would be a "quick slowdown" in Model Cities planning.

The White House also reportedly was considering using urban renewal funds for the new education program. That would provoke an even stronger outcry from the mayors, who have been waging a year-long fight to get funds for urban renewal projects actually under way. There is an estimated backlog of more than $2 billion for urban renewal funds.

Other agencies, including the Office of Economic Opportunity, have been instructed to comb through their budgets to locate funds that could be diverted next year to the educational desegregation program.

[From the New York Times, Apr. 26, 1970]

NIXON MAY DIVERT MODEL CITIES AID FOR SCHOOLS' USE—EHRLICHMAN SEEKS HOUSING DEPARTMENT'S OPINION ON SHIFTING OF $500 MILLION—HIGH LEVEL REVIEW SET—MONEY WOULD PROVIDE THE HELP PRESIDENT PROMISED FOR EDUCATION OF BLACKS

(By John Herbers)

WASHINGTON, April 25.—The Nixon Administration is seriously considering diverting money from the Model Cities program to provide funds that the President promised for school desegregation and for improving the quality of education in black schools.

Authoritative sources said today that a memorandum had gone from John D. Ehrlichman, the President's chief adviser for domestic affairs, to the Department of Housing and Urban development asking about the feasibility of taking $500 million from Model Cities for the next fiscal year for the education effort.

The move has caused considerable alarm within the department and among urban interests that have learned of it. It is understood that the matter is now under high level review.

Richard C. Van Dusen, undersecretary of the housing department declined to comment on the report.

In his statement on school desegregation March 24 President Nixon pledged to seek $1.5-billion over the next two years for improving the quality of education in racially isolated schools and for helping school boards to achieve integration in situations where extensive busing would not be required to bring about integration.

NEW MONEY ALSO SOUGHT

He said that $500-million would be diverted from other unspecified programs for the fiscal year beginning July 1 and $1 billion in new money would be requested for the 1971–72 fiscal year.

Since that time, a controversy has developed over how much of the money would be used to foster integration and how much for compensatory education in the black urban schools that cannot be integrated under Mr. Nixon's policy. White House sources said that the bulk would go for integration, but other sources said that the matter was far from settled.

The possible move on Model Cities raises another level of controversy. Model Cities is a Johnson Administration program in which 150 towns and cities across the county coordinate local, state and Federal funds for services and construction to improve the quality of life in blighted neighborhoods.

Mr. Nixon's budget for the next fiscal year calls for $575-million that the local Model Cities boards would use in a variety of ways to supplement existing programs.

OTHER TRANSFERS DISCUSSED

If $500-million were diverted to the education effort, the program would continue but on a greatly reduced level. City officials have already been complaining that Model Cities is being funded at about half the level projected by the Johnson Administration.

It was also learned that there had been discussion within the Administration of the possibility of tapping funds from urban renewal and the Office of Economic Opportunity, the antipoverty agency, for the education effort. Those programs, along with Model Cities, have been subjected to cutbacks and reviews since the Nixon Administration took office on Jan. 20, 1969.

These structured, inner-city programs, while vigorously defended by mayors, do not fit Mr. Nixon's emerging policy, which has favored programs such as welfare reform over grants in aid to the cities.

Before the Administration took office, a panel appointed by Mr. Nixon recommended that Model Cities be kept and expanded as a means of coordinating Federal programs and increasing local control. Floyd H. Hyde, then mayor of Fresno, Calif., was brought to Washington as an assistant secretary of H.U.D. to run the program.

But it soon ran into high level opposition within the White House, and another panel, headed by Prof. Edward C. Banfield of Harvard, a critic of Federal grant programs, was appointed to evaluate it, the panel recommended late last year that the program be continued but that local officials be given more discretion in running it and red tape reduced.

Until Mr. Ehrlichman's memorandum came down, Mr. Hyde spoke enthusiastically of the future of Model Cities as a means of decentralizing authority and achieving institutional change at the local level.

Mayors looked to Model Cities for funds that could not be provided locally for a variety of purposes within the model neighborhoods—from health, education and housing to garbage collection and rat extermination.

Informed sources said, however, that Mr. Hyde had constantly encountered opposition to Model Cities from within the White House. Among those dubious about the program, was reported, were Daniel P. Moynihan, counselor to the President, and Arthur F. Burns, former Presidential counselor who was recently appointed to the Federal Reserve Board.

Although much of the Model Cities money now goes to education and can be used in accordance with policy laid down by the President March 24, it is restricted to the 150 cities, many of them very small, and to the model neighborhoods within them. It has been expected that the $1.5-billion promised by the President would be used under broad policy guidelines laid down by the Department of Health, Education and Welfare and the Cabinet-level committee on desegregation headed by Vice President Agnew.

SENATOR TOWER ADDRESSES OFFSHORE TECHNOLOGY CONFERENCE

Mr. HATFIELD. Mr. President, recently the distinguished Senator from Texas (Mr. TOWER) spoke before the Offshore Technology Conference in Houston. His address on April 22 was a highlight of a successful conference, and his remarks point up the need for a renewed focus on developing the resources of our oceans.

My interest in this topic stems from my long involvement in oceanography and my belief that this Nation must have a strong oceanographic program. I am a cosponsor of the Tower NOA bill. Recently, Senator TOWER, Senator MURPHY, and I were briefed on administration oceanography plans.

In his speech, Senator TOWER offers a good discussion of topics of concern to those of us who are interested in strengthening our oceanography effort.

I ask unanimous consent that Senator TOWER's speech be printed in the RECORD.

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

SPEECH OF SENATOR JOHN G. TOWER

It has daily become more apparent that we can no longer ignore the oceans in any way leaving them to get along as best they can amid a welter of regulatory and prohibitory institutions. The issues before us are too strong and too impressive, and they will not disappear when this meeting is over.

The first issue we must concern ourselves with is the orderly development of submerged resources. It is common knowledge that about 16 percent of the world's present oil and gas production takes place on the continental shelves, and that within the decade this production could rise to as high as 33 percent. Each year larger quantities of sulphur, tin, phosphates, sand, gravel, and other minerals are extracted from the seabeds and the water column. More and more we hear of efforts being made to extract manganese nodules from the deep sea and reduce them economically to useable components. These are important facts, and place upon us all a heavy responsibility. There is a crying need for more research action now in this area.

Likewise, it is no secret that all across this land there are new and powerful moves to assure that this magnificent potential is developed in a manner to harmonize with other uses of the seas and coastlines, particularly in the Nation's deltas, estuaries, bays, and gulfs, which bear a direct relationship to the life cycles of much of our essential living resources.

This thrust contains a great deal that must draw our careful attention. Almost three-fourths of the surface of our planet is covered by water. The overwhelming nature of that fact leads us to overlook its true importance: water is the single distinctive feature which sets the earth apart from all other planets that are known to us, and it is the basis of life as we know it. It demands, therefore, our serious attention.

The renowned oceanographer, Jacques Cousteau, speaking recently at the U.S. Naval Academy, drew an interesting comparison. As I recall it, he said that if one would visualize the earth as being the size of an egg, then all of the oceans taken together would appear as a single drop of water spread thinly over most of its surface. That, to me, is a sobering thought. Because our supply of water is limited, we must take immediate steps to make certain, that our offshore resources are conserved and well used. The time, again, is now.

There is another issue I would mention. It is a matter of public record that the United States is involved in a series of debates in the United Nations with regard to the struggle to define the outer limits of national jurisdiction to explore and exploit the natural resources of the subsoil and seabed, and the nature and composition of the governing regime to be recognized beyond that point. These are matters of crucial interest to you, and to America, but we seem to lack an effective mechanism for voicing our opinions on this subject.

At the present, we do not even know what, in fact, lies beneath our extensive Continental Shelf. We should not begin serious consideration of relinquishing sovereignty over this area, until we at least know more about it. This could very possibly be the most vital area to the continued growth and security of our Nation. We simply must have more information.

Finally, I would point out that despite the good efforts of many of us in Congress, there remains a bewildering array of agencies with some relation to the oceans who are involved in a continual struggle for status and funds.

I have said before, and I say again, that this fragmentation of effort within the Federal house is inexcusable.

The need for a truly National program should be so clear that it need not be stated. We must press harder to organize so that we may accelerate the program without further delay. Lacking a national organization, we will never, I fear, see an adequate solution for the myriad of institutional obstacles that are presently strewn in the road to the sea, nor will we ever have enough coordination to assure a balanced program between exploitation and conservation of the last great resource.

The need for a coordinated National Agency is readily apparent to those who have ever dealt with the myriad bureaucracies who have a "piece of the action" in our Offshore area. For example, suppose a Texas oil company wants to drill a well in the submerged lands of the state. That company must obtain a lease from the Texas General Land Office for the State Tract; apply for a Corps of Engineers permit and abide by the recommendations of the Bureau of the Sport Fisheries and Wildlife, Commercial Fisheries and Outdoor Recreation, the National Park Service, and the Federal Water Pollution Control Administration. Furthermore, it must comply with the regulations of the Bureau of Mines and the Coast Guard, and, if this is not enough, there are still the needs of various other State, County, and Municipal institutions to be met.

A federal focus for marine affairs, having a strong voice in the Nation's Capitol, would be an effective first step toward lightening such burdens. Not only that, but it would provide an interface wherein programs could be developed for coherent uses of our coastal zones. These guidelines must be Federally instituted for State benefit.

What kind of a Federal focus do we want? Let me speak of it in terms of functions, if I may. To be effective, the focus must be attuned to the need to develop resources sensibly. It must be structured to provide our Nation with an economical and effective program for developing the living resources of the oceans. And it must be structured to give leadership and visibility to the oceanic enterprise. This leadership and visibility is now largely lacking. It is needed to assure that the oceanic community has a meaningful voice in the creation and implementation of domestic and international policy concerning the allocation and use of ocean space.

I believe that there is another important criterion. We must be careful that this new focus is not placed within an institution which is already bogged down in the performance of traditional missions, or we will run the risk that marine affairs will quickly assume a role secondary to the normal affairs of that institution. The control of the new focus, it seems to me, must be placed firmly in the hands of the people who have been involved in the oceans these many years, and who know where the problems are and who have a pretty good idea of how to go about solving them.

Must we have an independent agency? I believe this is the question usually asked. I would call that question misleading. The way to go about this job is to identify the functions we want done, and the manner in which they need to be accomplished, and then examine the alternatives to see how well they are equipped to handle them. If an independent agency is the only route, then we should take it. If we can receive assurances that the functions will be adequately served within another structure as well, then that alternative ought not be arbitrarily rejected. The question, then, is not independence, but impact.

A strong and effective focus of management is what we seek. To make but a gesture, or to subordinate oceanography to other more traditional goals, would disappoint and discourage the private sector, drive out capital, and waste the taxpayer's money.

I think you all know where I stand. In November of last year, I wrote a letter to President Nixon joined by my distinguished colleagues Senators Murphy and Hatfield on the subject of such a national focus. I would like to read you a short portion of that letter:

"Mr. President, we are convinced that only an agency with the power to determine the national policy will be able to assure that our efforts in the field of oceanography will be successful. The situation now is too fraught with duplicated authority and lack of a direction to lend itself to an effective organization. What is needed is a National Agency that will direct the exploration of the ocean and its environment much as the National Aeronautic and Space Administration does in the exploration of outer space."

Today, I am as firmly convinced of the need expressed in that letter as I ever was, and I will continue to work toward its resolution.

The real question that remains is what is to be done and who is going to "put the bell on the cat".

First, and foremost, the Federal government must provide impetus. As you know, Vice President Agnew made a significant start in the right direction when he announced his five-point program for marine affairs last October. As you also are aware, the President demonstrated his sensitivity to the pulse of the oceanographic community by directing the Ash Council. (The Advisory Council on Executive Reorganization) to take prompt action on the report of the Stratton Commission (The Commission on Marine Science, Engineering and Resources). He took the further step of seeking the advice of a distinguished panel of experts by designating Dr. James Wakelin as the Chairman of a Presidential Task Force on Oceanography and asking him to recommend a new oceanographic posture for the United States.

These were good and necessary steps. Yet the results of these efforts have not yet come to fruition. Therefore, I once again urge the President to move forward and provide his support for the marine affairs program of the United States. I think that the actions of the concerned Subcommittees in both the House and Senate clearly demonstrate that the mood of the Congress is one of readiness to move ahead without further unnecessary delay.

While the President must furnish leadership, I believe that the Congress would be remiss if it permitted its initiative and momentum to die. I will pledge my best efforts to see that this does not occur.

Now we come to you. What role or roles must you play? I would emphasize two, and impress upon you that these are essential. First, you must, each in your own way, accept the challenge of living together in the oceans. You must use all of your skills and initiatives to solve problems of conflicting use. I believe that industry has demonstrated its capacity to do so. The establishment of shipping lanes in the Gulf of Mexico was a cooperative effort of the oil and shipping industries designed to assure adequate ocean space for each of their endeavors. This is an excellent example of the ability of enterprise to come to grips with these problems on its own. Recent efforts on the part of the private sector show promise for pollution abatement and control. Such efforts are in our own best interests and must be encouraged and accelerated.

Secondly, you must decide whether you really want "a piece of the action" or not. That phrase implies responsibilities, and that is the thought I want to leave you with today.

In the final analysis, it is up to you, the people most concerned with the use of our Offshore Resources, to see that a strong, workable plan is activated. The Government will be no better than the people it represents and no stronger than the best its people can devise. The constituent members of this Offshore Technology Conference will, for the most part, be the ones involved in the day to day activities of our Oceanographic effort. I urge you to let your voice be heard in that way that most becomes your individual positions. The Record for action must be clear and the impetus to act must be maintained.

In conclusion, I feel certain that a new, national policy is emerging that will lead the United States to pre-eminence in the field of Offshore Technology. In the many conferences which I and my staff have had with persons within the Administration most concerned with the direction that the new policies will take, I have been most impressed with the sincerity and the dedication of these people. They are truly interested in a strong, efficient national program. If I had to guess as to what shape the new policies would take, I would say that a National Agency with a strong voice will emerge in the very near future.

In fact, as most of you know, the Ash Council made its still secret report to the President on April 15, and he is currently personally reviewing it. It is well known in Washington that when President Nixon personally reviews the action of a study group, a strong, efficient policy will emerge. I look forward to receiving these recommendations with the full expectation that they will be a policy which we can all accept; a new, reorganized effort, perhaps even at the Cabinet Level, could well emerge. However, I am not a prophet, and we will all have to await, even though most anxiously, the release of the recommendations. I do pledge to you, nevertheless, to accept nothing less than the vigorous program which I have outlined to you today.

CAMBODIA

Mr. MUSKIE. Mr. President, I share the concern of Senators at the administration's decision to commit military assistance to Cambodia. Following yesterday's announcement, I made a statement expressing my grave reservations about this new escalation of the war in Southeast Asia. I ask unanimous consent that the text of that statement be printed in the RECORD.

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

MUSKIE SPEAKS ON CAMBODIAN DEVELOPMENTS

(Statement by Senator EDMUND S. MUSKIE of Maine on the news of U.S. military actions in Cambodia, April 29, 1970)

The Administration's decision to commit military assistance to Cambodia is a cause for gravest concern. This is the first widening of our military involvement in Indo-China since President Johnson halted the bombing of North Vietnam in 1968.

This may be a good time to recall the President's statement of April 20—just nine days ago:

"We have now reached a point where we can confidently move from a period of 'cut and try' to a longer range program for the replacement of Americans by South Vietnamese troops. . . . I am, therefore, tonight announcing plans for the withdrawal of an additional 150,000 American troops to be completed by the spring of next year. . . . This far-reaching decision was made after consultation with our commanders in the

field. It has the approval of the government of South Vietnam. . . . The decision I have announced tonight means that we finally have in sight the just peace we are seeking. We can now say with confidence that pacification is succeeding. We can say with confidence that the South Vietnamese can develop the capability for their own defense."

Did the President have in mind the military action announced today, when he spoke to the nation nine days ago?

If not, what has happened in Vietnam and Cambodia in the past nine days to require such an escalation of the war?

North Vietnamese troops and the Vietcong have been operating in eastern Cambodia for years. They have had virtual freedom of action in that country. The President's statement to the nation indicated no grave concern, and news accounts since then have suggested that the South Vietnamese were having some successes along the border.

The President has chosen military action which can only lessen the chances for a negotiated settlement at this time, and increase the probability of an escalation in the war. He took this action against the bi-partisan urgings of members of the Senate Foreign Relations Committee, other members of the Congress and a substantial number of American people.

When President Nixon spoke to the nation, April 20, he stressed the importance of seeking a "better, shorter path to peace—through negotiations." There is a serious implication in today's news that he has moved, instead, toward a military effort on a wider front.

MEXICAN AMERICANS

Mr. KENNEDY. Mr. President, tomorrow afternoon, men and women, some young and some not so young, will begin a 30-mile march from Columbia, Md., to the Department of Agriculture, in the District of Columbia.

But the march did not begin in Columbia nor will it end in Washington. It began with the cry of "Huelga" 5 years ago in the dusty grade vineyards of Delano, Calif., and it will end when farmworkers throughout this land have won the right to organize and to bargain collectively for decent wages and for better working conditions. Finally, it will end when employers and workers learn to live with each other and communities learn to live with and respect the men who work in the fields.

Cesar Chavez will lead the marchers tomorrow, just as he led the first tiny group of men and women who dared to demand the radical fruits of our society: a living wage, a decent home, a chance for their children to be educated.

It has been 5 years, and the cry of "Huelga" no longer sounds strange to our ears. But it has been hard and it has meant suffering.

Yesterday, the U.S. Commission on Civil rights confirmed some of the reasons for that suffering. In a report entitled "Mexican Americans and the Administration of Justice in the Southwest," the Commission found "widespread evidence that equal protection of the law in the administration of justice is being withheld from Mexican Americans." It also found evidence of "widespread patterns of police misconduct against Mexican Americans."

The report found that Texas Rangers and local law enforcement officers had harassed union organizers, abused them physically and verbally, and acted on behalf of the growers in attempting to break the strike.

Cesar Chavez faced those injustices and never once faltered from his ethos of nonviolence in seeking to attain his goals. He said 2 years ago, after a 25-day fast:

I am convinced that the truest act of courage, the strongest act of manliness is to sacrifice ourselves for others in a totally nonviolent struggle for justice.

He has shown that courage, and he has directed that struggle. The march tomorrow will celebrate the first hopeful sign of an end of the 5-year struggle for a better life for the Nation's migrant workers. The United Farmworkers Organizing Committee, AFL–CIO, recently signed contracts with the first table grape growers in California, and the union label will soon be visible to show those grapes that were picked by union labor. But the march also bears witness that the final victory still lies ahead. Many growers still refuse to recognize the right of their workers to organize.

These men and women of the United Farmworkers have shown a rare courage and they deserve our support and our respect. It has been said:

Each time, a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance . . .

I ask unanimous consent that an article on the subject 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. 30, 1970]

U.S. UNIT REPORTS POLICE BRUTALITY—MEXICAN-AMERICAN ABUSE CITED

(By William Greider)

The U.S. Commission on Civil Rights painted "a bleak picture" yesterday of abusive and violent treatment that Mexican-Americans receive from law enforcement agencies in the five Southwestern states, ranging from casual insults to brutal beatings.

As a result, the commission warned, Mexican-American citizens are "Distrustful, fearful and hostile. Police departments, courts, the law itself are viewed as Anglo institutions in which Mexican-Americans have no stake and from which they do not expect fair treatment."

The commission's survey of police and courts covered Arizona, California, Colorado, New Mexico and Texas where the more than 4 million residents with Spanish surnames constitute the largest minority group.

Federal agencies, particularly the FBI and the Justice Department, also drew criticism in the report both for not employing more Mexican-Americans and for not pursuing their complaints of police brutality more vigorously.

The commission cited a general pattern of under-representation for Mexican-Americans in the legal machinery—trial juries and grand juries, police forces and sheriff's departments, courts and prosecutor's staff. The report recommended federal legislation both to insure better representation on juries and grand juries and to strengthen the hand of federal officials in halting discrimination by local and state police.

In the four-year period from 1965 to 1969, the report said, the Justice Department received 256 complaints of police abuse from Spanish-surname residents in the five states. In the last two years, 174 complaints of "serious police brutality" against Mexican-Americans were also filed with the American Civil Liberties Union of Southern California.

While the commission said it cannot assert that each complaint was valid, it cited example after example from recent years to suggest that a serious problem exists.

In Denver, an elderly man complained that a police beating resulted in a broken jaw. A Los Angeles resident testified that when he protested the arrest of his children, he was hospitalized by a police beating. In San Antonio, a women said her 13-year-old son had 40 stitches in his scalp from a clubbing by police.

In addition to the lack of local review boards which might act against police brutality, the commission complained that federal officials should strengthen their enforcement "by more intensive investigations." In recent years, the report said, only two prosecutions have resulted from the 256 complaints.

In one case cited by the commission, a San Antonio resident was shot and killed by a city policeman, but two years later the Justice Department closed its investigative file with the notation that "prosecution of a white police officer for the shooting of a Mexican would have little chance of successful prosecution in the Southern District of Texas."

The commission concluded, "More aggressive investigations, taking into account prior complaints against the same officer and showing less deference to local action, can make this sanction (of federal prosecution) more effective." It also recommended new federal legislation to permit the Justice Department to seek civil injunctions against local authorities who display a pattern of discrimination against minorities.

The picture of Mexican-American representation varied sharply from community to community, but a survey of 243 police departments in the five states found only 5.7 per cent of police employees were Mexican-Americans, though they make up 11.8 per cent of the population.

On the federal level, 7.3 per cent of the Justice Department employees in the five-state area were Mexican-Americans, according to the report.

However, none of the legal division employees from GS12 to 18—the lawyers and top professionals—was Mexican-American. The Federal Bureau of Investigation had 1,137 employees in GS9 to 18 in the five states, but only six of them were Mexican-Americans.

PRESIDENT MUST ACT ON TRUCK EMERGENCY

Mr. SMITH of Illinois. Mr. President, 1 week ago today I called upon President Nixon to act within the means at his disposal to end the transportation crisis which threatens the welfare of the Nation and the livelihood of hundreds of thousands of Americans.

Thus far the President has failed to act.

The effects of the transportation crisis are speading.

The facts have not changed. But the effects have worsened.

The 425,000 Teamsters and thousands of trucking companies across the country had been operating under a national contract which expired March 31. Negotiations on a new contract continued through April 2 when a tentative agreement between the International Brother-

hood of Teamsters and company representatives was announced.

But before ratification ballots could be mailed, certain local teamster unions and members struck trucking companies to protest the tentative agreement. One source of the dissatisfaction was a separate agreement reached by the Illinois Motor Truck Association and two Chicago area locals providing for a higher wage settlement.

Although only a small number of drivers and trucking companies were directly affected by that agreement, drivers across the country began to walk off the job to demand a national contract in line with the Chicago agreement. The remaining Chicago area trucking associations then closed their doors to show their unwillingness to follow the lead of the Illinois Motor Truck Association.

Right now approximately 75,000 truckers are either on strike or locked out.

Scattered incidents of violence directed at both Teamsters and trucking companies have occurred and in some areas trucks are traveling in convoys of up to 30 for the safety of cargoes and drivers.

The weekly Truck Index is still down by more than 40 percent. Moreover, an estimated 250,000 workers have been idled as a direct result of the strikes and lockouts. Automobile manufacturers have been forced to lay off employees. Rubber companies suffer from the same problem and virtually no business is free from the pernicious effects of this combination strike-lockout.

Teamster headquarters has not yet mailed ratification ballots to union members.

And yet, the President has failed to act.

The mail and telegrams I have been receiving are true indication of the severity of the strike. It is clearly imperative that the President act.

One week ago I said in this Chamber:

> The time to prevent an emergency is now. The President has the authority to act. I urge him to do so.

Today the Nation is still faced with an even greater transportation emergency. The effects spread daily. The President does have the authority to act. He should hesitate no longer.

I ask unanimous consent that a sampling of telegrams and newspaper clippings received in my office be printed in the RECORD.

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

CHICAGO HEIGHTS, ILL.,
April 25, 1970.

Hon. RALPH T. SMITH,
Senator, Senate Office Building,
Washington, D.C.:

At the request of the Chicago Heights Area Transportation League, the Manufacturers Assn. of the Chicago Heights area, representing a substantial cross section of diverse industries, both large and small, hereby requests immediate action on your part concerning the present emergency crisis created by the trucking tieup. A recent survey of our participating members indicates a considerable number are being forced to curtail their operations and very shortly will be completely closed, thereby seriously disrupting the economy not only of this immediate area but nation-wide. Thousands of loyal workers and employees are being laid off, and many, many more will be laid off within the next week unless drastic action is taken. Contrary to general opinion, the national economy is affected by the Chicago situation and we feel it is a serious impairment of interstate commerce. We strongly urge that you use the facility and persuasiveness of your office to bring about the early conclusion of this serious crisis.

W. W. THORSNESS,
Executive Director, Manufacturers Association of the Chicago Heights Area.

DEKALB, ILL.,
April 24, 1970.

RALPH T. SMITH,
Senate House,
Washington, D.C.

DEAR SENATOR: The mayor of Sycamore and the greater Sycamore Chamber of Commerce request that you exert the appropriate influence of your office to bring about an equitable settlement in the trucking labor dispute. Industry and business in our community is being seriously hampered including our larger industrial firms of Anaconda, Barber Green, Duplex Products, Holub Industries, Ideal Industries, Turner Corp.—Divn. of Olin and Dekalb Agresearch. Unless a quick settlement is reached our community will undoubtedly suffer economically through industrial layoff and lost business.

Hon. HAROLD L. "RED" JOHNSON,
Mayor of Sycamore.
JERRY B. HENDERSON,
President, greater Sycamore Chamber of Commerce.

KANAKEE, ILL.,
April 24,1970.

Hon. RALPH SMITH,
Congress of United States,
House of Senate,
Washington, D.C.:

Roper Corporation of Kankakee urges the immediate invocation of any and all legal, legislative and administrative devices at your colleagues' command to bring about an immediate settlement or termination on the Teamster strike. Two major Roper plants in Illinois employing over 2,000 people are on layoff as a result of this dispute. Within one week 4,000 more people will be on layoff. If the strike is not terminated, Roper believes the Chicago Teamsters demands to be totally unreasonable, unconscionable, and against the public interest.

C. M. HOOVER,
Chairman of the Board, Roper Corporation, Kankakee, Illinois.

CHICAGO, ILL.,
April 21, 1970.

Senator RALPH SMITH,
Senate Office Building,
Washington, D.C.:

Really don't know what to say about present truck strike situation in Chicago, St. Louis, Cleveland and many other areas around country except that the facts are that truck drivers are presently already amongst highest hourly paid workers and that national settlement not yet voted upon by Teamsters of $1.10, plus about .25 cents in fringes, makes them more highly paid.

Even with present rates the truck drivers serving Ryerson's 25 plants across country are well paid and make more than our internal plant force which consists of non-union people, Teamster warehousemen, steel workers, and electrical workers, and an additional .10 cents threatened in Trenton, N.J., would be just twice as inflationary as the apparent national agreement even though national agreement has not been voted upon by Teamster locals yet. Protestations of union leaders that this is non-inflationary are honestly and patently ridiculous. Somehow, someway, common sense and reasonableness must be brought to bear upon Chicago Teamster officials and others across the country who support them and are just waiting for them. If allowed to continue another week, the number of people out of work because of this obstanacy will be fantastic. In talking with many of our Chicago truck drivers last Friday, most of them as individuals would be happy to accept the national settlement. As I said that's already inflationary enough as it now exists. I pray that you will use your influence in all fashions possible to you to bring reason to the Teamsters before our economy and the people lose so much more without just cause.

JOS. T. RYERSON AND SON, INC.,
RAYMOND N. CARLEN, *President.*

SCHILLER PARK, ILL.,
April 21, 1970.

Senator RALPH SMITH,
U.S. Senate,
Washington, D.C.:

This corporation and hundreds of others in the Chicago metropolitan area are being strangled out of existence by inability to bring materials in or ship our products out due to teamster strike. I am unable to understand the total lack of action by the Government in the face of this very severe crisis. Please prevail on the administration to come to our help.

WILTON CORP.,
A. J. VOGL,
President.

DECATUR, ILL.,
April 21, 1970.

Hon. RALPH T. SMITH,
U.S. Senate,
Washington, D.C.:

Intimidation and violent tactics adopted by teamsters in connection with current labor negotiations seriously endangering the safety of our drivers and property.

Urgently request you take such steps as are available to put an immediate end to these practices.

A. E. STALEY MFG. CO.
REEDER C. MILLER.

CHICAGO, ILL.,
April 21, 1970.

Hon. RALPH SMITH,
Senate Office Building,
Washington, D.C.:

America is being seriously crippled by trucking strike. Respectfully request immediate adoption Taft-Hartley 80-day cooling-off period. Intensify Federal mediation reach a reasonable settlement.

TEMPEL STEEL CO.,
TEMPEL SMITH,
President.

ELK GROVE VILLAGE, ILL.,
April 29, 1970.

Senator RALPH SMITH,
Washington, D.C.:

Chicago truck strike is critical. Spreading to other States. Very damaging to small business. Some action must be taken.

K. & M. RUBBER,
L. C. KLENG,
President.

OAKBROOK, ILL.,
April 29, 1970.

Senator RALPH SMITH,
Washington, D.C.:

Strongly urge your immediate attention to prolonged truck strike in Chicagoland area. Thousands out of work in this area with more factories closing.

Suggest immediate Taft-Hartley action. Business factors plus truck strike could bring about drastic economic reaction. Thank you for your help.

HERBERT ENGLEHARD.

JOLIET, ILL.,
April 24, 1970.

Senator RALPH TYLER SMITH,
Washington, D.C.:

We have wired President Nixon asking immediate backing of your statement of the Teamsters strike. Congratulations on the action. Please continue to pursue problem very serious.

Respectfully,

JOHN R. MINZING,
Executive Director, Will Grundy Manufacturing Association.

SKOKIE, ILL.,
April 29, 1970.

Hon. RALPH TYLER SMITH,
U.S. Senator, Senate Office Building, Washington, D.C.:

Representing 230 industries and businesses in area, we urge you take immediate steps towards settling current local and national truck strikes. We urge efforts be made to stop this unjustified abuse to public and business. Situation more acute daily.

GENE DENNING,
Executive Director, Skokie Valley Industrial Association.

PARK FOREST, ILL.,
April 30, 1970.

Senator RALPH T. SMITH,
Senate Office Building,
Washington, D.C.:

We respectfully request an investigation and action to be taken against Local Unions 705 and 710 headed by Louis Pieck and Fenner who have caused tens of thousands of people to be out of work by lock out and strike as a result of their exorbitant and inflationary wage demands. These demands are only for the purposes of their personal prestige and gain; their present demands will cause many trucking firms to go out of business thus causing permanent unemployment in our industry.

MR. AND MRS. HAROLD CURTIS.

SKOKIE, ILL.,
April 24, 1970.

Hon. SENATOR CHARLES PERCY,
Senate Office Building
Washington, D.C.:

Strike of truck drivers in Chicago area constitutes very critical crisis with almost one quarter million out of work and growing worse by the hour. State Chamber of Commerce wired the President on Monday to invoke cooling off provision of the Taft Hartley Act. To prevent a complete shut down to local industry, why hasn't he acted in this serious situation. I speak for many hundreds of companies about to close up.

R. H. PERSON,
President, American Vaccum Co.

CHICAGO, ILL.,
April 29, 1970.

SENATOR RALPH T. SMITH,
Senate Office Building,
Washington, D.C.

DEAR SIR: Is not the trucking strike/lock out now of significant national concern to warrant governmental action? By allowing this gross disruption to our economy to continue, you are destroying small businesses and those dependent upon it for a livelihood.

Sincerely,

JERRY D. PTAK,
Vice President, Russ Stonier, Inc.

ARLINGTON HEIGHTS, ILL.,
April 28, 1970.

Hon. RALPH SMITH,
Senate Office Building,
Washington, D.C.:

National and local trucking strike causing considerable hardship to our company and employees. Please act immediately to stop this foolish strike and situations like it in the future.

R. W. HILL,
President, Micro Plastics, Inc.

LAKE BLUFF, ILL.,
April 24, 1970.

SENATOR RALPH SMITH,
Senate Office Building,
Washington, D.C.:

I think it appropriate that our Senators return to Illinois to help us out in the trucking situation. Your voices are needed immediately.

MAL KAUFFMAN,
President, Plantation Baking Co., Inc.

CHICAGO, ILL.,
April 28, 1970.

Senator RALPH SMITH,
Washington, D.C.:

We respectfully request that immediate action be taken regarding the trucking strike. Our industry representing in excess of $500,000,000 in home furnishing sales is rapidly grinding to a halt. Urgent action is imperative to prevent massive employee lay-off.

KANDEL, INC.,
HAROLD PURCELL.

LAKE BLUFF, ILL.,
April 28, 1970.

Senator RALPH SMITH,
Senate Office Bldg.,
Washington, D.C.:

The truckers strike is becoming disastrous to small businessmen. I urge you to contact the President to invoke the Taft-Hartley Act to alleviate the pressure on the Chicago area business community.

REMO PICCHIETTI,
PRODUCTS, INC.

JOLIET, ILL.,
April 28, 1970.

Senator RALPH SMITH,
Senate Office Building,
Springfield, Ill.:

Please exercise the power of your office to at least bring about round the clock meeting to effect a settlement of the truck strike. Slashout the middle west if crashed industry is shut down. Shelf is bare. I have three plants running with a skeleton force. Many of our full time employees are past 65. We cannot hold out much longer. Please help.

CHICAGO, ILL.,
April 28, 1970.

Hon. RALPH T. SMITH,
Washington, D.C.:

Present motor truck strike is contrary to public interest. It must be settled immediately. Recommend you propose legislation outlawing all strikes during negotiations. Further recommend executive director Chicago Furniture Mfg. Assn.

[From the St. Louis (Mo.) Post-Dispatch, Apr. 24, 1970]

TEAMSTERS, CARRIERS MEET; "NO STALEMATE"

Representatives of the Motor Carriers Council met for two hours last night with Teamsters vice president Harold J. Gibbons in an effort to end the 24-day work stoppage of Local 600 that has curtailed freight movement here.

The content of the meeting was not divulged.

"But we are not stalemated," stressed Mitchell Campbell, executive secretary of the Motor Carriers Council, which represents large over-the-road trucking firms with terminals here.

The site of the meeting was not disclosed.

Another meting will be held at a time to be arranged within the next three days, it was said.

Last night's meeting was the first between the truckers and Teamsters since the walkout began April 1.

Local 600 is one of several locals in the country that refused to send drivers and dock hands back to work after a $1.10 wage-increase package was negotiated at the national level. Local 600 apparently hoped to align with Chicago drivers, who negotiate independently, and are seeking larger increases on a three-year contract.

"I can only say that we are negotiating to get the men back to work," said Campbell. "I cannot divulge anything else except that the national agreement and the local supplements are not being included in our discussions."

This was interpreted to mean that the sides are discussing specifically the recent legal actions brought by the carriers in United States District Court against Local 600 and its leaders.

Seventy-nine trucking firms have filed a damage suit against Local 600, asking for about $1,200,000 each day of the work stoppage and contending that the present walkout is illegal. In addition, Don Lane, Local 600 president, is under court order to show cause why he should not be held in contempt for alleged failure to heed a restraining order against interference with trucking operations.

As an early "good faith" concession, the Motor Carriers Council did not oppose a one-week continuance of Lane's contempt hearing, originally set for 4 p.m. today. It has been continued to May 1.

Campbell and Gibbons each was accompanied by one associate. Who they were was not disclosed.

Gibbons was unavailable for comment this morning. He reportedly returned for the meeting late yesterday from a New York business trip. On Tuesday, Gibbons had suggested that a meeting be held in an effort to end the walkout.

Carrier members held day-long sessions yesterday to determine the framework of the talks.

The meeting was the first hopeful sign in a paralyzing situation in which more than 50,000 persons have been laid off jobs and business and manufacturing interests have been crippled by the lack of freight movement.

In another development, it was learned that local work supplements to the national contract probably would be completed by negotiators in Washington by Monday. This would pave the way for the mailing of ballots to 425,000 freight Teamsters for ratification.

Although drivers were reported off their jobs in Los Angeles, Rockford, Ill., Cleveland and Akron, O., also, the key trouble spot remains Chicago. A combination strike-lockout has idled more than 40,000 drivers and dockmen there for two weeks. Chicago Teamsters are seeking a $1.65-an-hour increase in a three-year contract.

A few more incidents were reported to authorities here as a result of the walkout. A Consolidated Freightways truck was forced off Interstate 270 near the new Chain of Rocks Bridge yesterday. There were no injuries. Ray Oliver, a Local 600 member from Granite City, was charged with improper lane usage

About 30 members of Local 600 were reported to be stopping drivers in rental trucks coming out of the Republic Carloading Co. in the 1200 block of Thirty-ninth Street this morning. There were no arrests. Drivers continued on after brief conversations with the men in the street.

Windshields of several trucks were reported broken yesterday morning at Strickland Truck Co. in the 3000 block of Chouteau Avenue.

A motion was filed in U.S. District Court yesterday by attorneys for Local 600 asking

that an injunction against Lane and the local be dissolved or dismissed. It was contended that under the Norris-LaGuardia Act only the National Labor Relations Board may seek and obtain an injunction in a labor dispute.

Senator Ralph Smith (Rep.), Illinois, called on President Richard M. Nixon to intervene in the trucking dispute. He said it had cut trucking business nationally by more than 50 per cent.

Meanwhile, the Chrysler Corp. announced that the truck-assembly line at its Fenton plant had resumed operations and that its auto-assembly lines would resume full production Monday.

About 5300 Chrysler employes had been laid off early in the Teamster walkout. Ford Motor Co.'s Mercury assembly plant at Hazelwood was shut down briefly and now is operating with parts supplied by railroad. The Chevrolet-Fisher Body complex will remain shut down "for the duration," it was said. It employs about 7000 persons.

Lane offered yesterday to deliver 1,449,000 boxes of Girl Scout cookies, which have been in a warehouse here since the work stoppage began April 1. The cookies were to have been delivered April 6 to about 900 distribution centers, where individual troops would have picked up the cookies.

Lane said that delivery would be made by the local's business agents on a volunteer basis. The cookie sales make up almost 50 per cent of the budget of the Girl Scout Council of Greater St. Louis.

[From the Centralia (Ill.) Sentinel, Apr. 13, 1970]

EFFECT OF TRUCKING TIEUP CONTINUES TO MOUNT HERE

Depleted raw materials and overstocked manufactured products continued today to force local factory layoffs or work slowdowns as a result of a national trucking tieup.

However, one major local manufacturer, Siegler Heating Division, Lear-Siegler Inc., returned 350 employes to work today. They had been laid off Friday.

The prospect of other return-to-work orders appeared dim locally, as long as the trucking strike continues.

Tallies so far indicate more than 1,000 workers have been or will be laid off by Wednesday.

Those industries most directly affected by the strike are the Illinois Central Railroad Car Shops, effective Wednesday, 350 layoffs; Hollywood Candy Co., Centralia, 450; Hollywood Candy Co., Ashley, 250, Centralia Cartage Co., 150.

Other industries reporting layoffs are Littelfuse, Centralia Container Corp., Hindman Manufacturing and Centralia Engineering.

A spot check with spokesmen for some local industries indicated layoffs or work slowdowns would come this week or next if the tieup is not ended.

Valley Steel Products Co., 960 S. Cherry St., was considering a slowdown to a four-day work week.

Lack of raw materials normally supplied by truck was cited by every one of the major industries as the reason for the layoffs.

Limited local deliveries of merchandise and materials on hand at Centralia Cartage Co., 650 W. Noleman St., started today.

Ralph Sprehe, president, said four trucks were making deliveries to Centralia, Salem, Mount Vernon and points between.

Sprehe said pickets have not appeared in front of the trucking terminal since late Friday morning.

"Now that they know we can't go anywhere, they don't picket," he said. The pickets were from Teamsters Local 600, St. Louis. Cartage Co. employes are not on strike. They were honoring the picket lines.

Charles Mason, vice president of production at Siegler, said today, "All of our employes are back to work and we think we can keep things going this week."

James Hood, director of the Illinois Bureau of Employment Security, Centralia, said today the layoffs "are going to affect everything if they continue. The longer it goes, the more it will affect."

Hood said, however, a check by his office of major industries in Salem indicated no layoffs.

"After that," he said, "they don't know."

Hood said his office was bracing for results of those already laid off last week and this week.

"If the strike continues this week," he said, "the accumulation of layoffs may easily double what we have had up to now (on claims)."

About 32,000 truck drivers today struck an estimated 1,300 Chicago area trucking firms that failed to reach agreement over the weekend with trucking unions, and drivers from North Carolina to California remained off their jobs.

Five Chicago trucking associations which refused to sign contracts with either the Teamsters or the independent Chicago Truck Drivers Union locked out another 35,000 drivers and dockmen.

The more than 1,000 companies which signed contracts agreed to the union's demands for a $1.65 an hour wage boost over three years. The national Teamsters Union leadership and the country's carriers already have settled for a $1.10 increase.

Teamsters in Colorado, Wyoming and Milwaukee already had voted to reject the national contract offer.

[From the St. Louis (Mo.) Globe-Democrat, Apr. 21, 1970]

LINES OF UNEMPLOYED LENGTHEN WITH STRIKE

(By Barney Wippold)

Long slow-moving lines of the newly unemployed waited Monday to file claims for unemployment payments.

From most the story was much the same. They had received notice late last week from their employers that they were being laid off because of the Teamsters strike.

Mondays are usually busy days at the Missouri Employment Security Division office at 505 Washington ave., where unemployment claims may be filed. But the last two Mondays have seen considerably more activity at the office.

"There is no doubt that the increase in the number of claims is due to the truckers strike," Robert Whaley, claims supervisor, said.

Last week, 6,126 new unemployment claims were filed in the four offices in the St. Louis area. Of these, Whaley said, 4,110 were directly attributable to the Teamsters strike.

He said between 200 and 250 was normal for most Mondays, with the total for the week running around 800 claims.

Many of those filing claims said their employers had closed down or curtailed production because they could not make shipments or receive raw materials. Sometimes it was a combination of both.

Some expressed bewilderment at the situation which found them the victims of someone else's labor difficulties, but few expressed bitterness.

Most were cheerful and seemingly unconcerned, but when questioned closely admitted uneasiness over their immediate problems. Some had car or house payments to make.

None seemed to be in fear of where his next meal is coming from. They felt the unemployment compensation checks would provide for this necessity by the time their immediate funds are exhausted.

Whaley explained that those eligible for unemployment compensation would not receive checks before the third week of unemployment. They would receive no compensation for the first week of unemployment and payment for the second week would not be received until about the third week after a claim is filed.

He said the maximum payment is $57 per week.

[From the Carbondale (Ill.) So. Illinoisan, Apr. 19, 1970]

TEAMSTERS WILDCAT: STRIKE AFFECTS AREA

At least 760 employees of Herrin area industries are temporarily out of work because of a continuing Teamsters Union wildcat strike.

One major plant that hasn't yet laid off anyone may have to shut down completely if the labor dispute doesn't end by next Friday, a plant official reported.

More than half the employes at Allen Industries, Inc. west of Herrin have been laid off temporarily.

Company officials said about 450 hourly-wage-employes—virtually the entire automotive division and workers in the carpet underlay section of the fiber division—will be laid off Monday and Tuesday. The plant employs 875 persons.

Vic Reback, vice-president and managing director, said the layoff is due to a lack of raw materials because of the strike. "The plant will resume production on Wednesday, but I don't know how long we can continue to operate unless a greater supply of raw materials are received," he said.

About 50 of the 120 factory workers at Diagraph-Bradley Industries Inc., in the Ordill area have been laid off: effective Monday, a plant spokesman said.

"The truck shortage has affected both incoming and outgoing materials, William Wolff, general plant manager, said. "If this situation continues, it will mean further reduction of our operations."

Central Technology Inc. in the Ordill area, have been shut down since April 10, according to Noel Patton, president.

Patten said nearly 200 persons have been laid off. Only a "minimum" of administrative personnel are at the plant, he said.

A total of 60 employes at two area Smoler Bros. Inc., plants are on layoff status because of the strike according to Mrs. Louise Hamilton, manager of both plants.

About 40 employes at Herrin and 20 at West Frankfort have been laid off. Mrs. Hamilton said. Herrin still has 450 working and West Frankfort about 30, she added.

The length of the strike will determine whether any future layoffs occur, she said.

Herrin's Norge Division plant may have to shut down if the strike doesn't end by next Friday, according to Lawrence Eichler, vice-president and general manager.

Norge currently employs about 1,120. There have been no strike-related layoffs thus far, Eichler said.

The plant is now shipping and receiving materials by air and rail, but if the strike continues beyond Friday, "we'll have exhausted every means of getting our materials in," Eichler said.

The strike apparently won't delay construction of the factory's new dryer addition since most of the materials for this facility are already on hand, he said.

Dryer production began last week in a warehouse section of the existing plant, Eichler said. About 100 new employes were hired and more will be added later, he said.

Olin Corp. at Ordill, which employs about 1,000, hasn't been affected by the strike yet. Company officials don't foresee any effect in the near future, a spokesman said.

John Allan, plant manager at Phelps Dodge Aluminum Products, Murphysboro, said the truck strike "is killing us."

Presently the completed products are being stored at the plant, but Allan said the plant does not have enough room to store much more.

He said the plant has some trucks of its own, but about 75 per cent of the completed duct is carried by other lines.

Shipments are down 50 per cent, he said. He said there has been no layoff, but a layoff is imminent if the strike continues.

Edward Bernhardt, operations manager of Technical Tape Corp., Carbondale, said the firm still is operating as usual as far as production is concerned but that no deliveries are being made.

Bernhardt said the manufactured product will be stored until delivery can be made. He said he could continue to operate in this manner for at least another week.

[From the Carbondale (Ill.) Southern Illinoisan, Apr. 19, 1970]

"GROWNUPS" TURN VIOLENT

A brick goes through a windshield.

A security officer is jeered at and beaten.

A shot rings out and a slug slaps into a vehicle.

More campus violence? More young radicals at work?

No. It is the grownups who are at it this time.

The brick was thrown through a truck windshield on Rt. 51 north of Cairo. A truck was struck by gunfire on Interstate 57 between West Frankfort and Johnston City.

The security officer was pulled from a truck leaving St. Louis bringing food to stock a Carbondale grocery store.

All of the violence is linked to a Teamsters Union walkout in the St. Louis area which has spilled over to affect some Southern Illinois operations.

Whether instigated by a campus revolutionary or a labor goon, violence is violence and has no place in the settlement of disputes.

Just as all students get falsely labeled as without virtue because of the inane acts of a few, so do too many union members get blamed for acts by a handful.

The police should deal fairly but firmly with those who exceed the law in protests on campus. They also should act to round up those who use violence in a labor-management conflict.

We hope the shooters, the beaters and the brickthrowers are caught and penalized.

Southern Illinois could do without any more supposed "grownups" setting the wrong kinds of examples.

[From the Kenosha (Wis.) News, Apr. 20, 1970]

LOCAL TEAMSTERS REJECT MONEY OFFER

Members of Teamsters Local 95 in Kenosha and Local 43 in Racine voted Saturday to reject the national money package offer of $1.10 an hour.

James Morgan, secretary-treasurer of both locals, said drivers will stay on their jobs until a national vote is held.

A referendum mail vote by all Teamsters members will probably be held after supplemental agreements are in final form, Morgan said.

He said it was impossible to predict at this time just when the national vote would take place. In this area, drivers are covered by the Central States supplemental agreement which is still being negotiated, along with several other supplemental agreements.

Morgan said drivers have been requested by the Teamsters's leadership to continue to work until a national vote is tallied.

Morgan did not reveal the vote totals in the Saturday balloting. Voting was by local cartage and over-the-road drivers.

[From the Daily News, Apr. 17, 1970]

TRUCKING PINCH HITS SARAMAR; CLOSES UNTIL MONDAY; OTHERS FACE LAYOFFS; FASH MEETS SUNDAY

(By Jack Darrow)

Stockpiling of its finished products for over a week because of the steel haulers strike today forced the Saramar Aluminum Co., of Warren to furlough 150 employes and shut down the plant until Monday, a company official said.

Some other area industrial concerns, where stockpiling has neared capacity in storage sections will be forced to close down sometime next week if the strike continues, it was reported.

The threat of layoffs and cutbacks in work schedules is imminent if needed materials do not reach area plants in the next few days. One industrialist said that paper shipments were delaying operations.

Most plants have not been experiencing too much trouble in outbound shipments because they are using the railroads, but lack of incoming shipments of raw materials has reduced operations in several plants in the Mahoning Valley.

WILL USE OWN DRIVERS

Saramar plans to use its own drivers over the weekend to move trucks with orders after a nine-day halt because of an incident that occurred in Pennsylvania when a Saramar truck was damaged by a rock-throwing incident which broke the windshield, it was reported.

One area industrial plant has been forced to curtail daily hours of work, but did not reduce the number of working days, it was reported.

Another plant official said that the real pinch is on and if the strike continues another week, the situation will be critical and a mass layoff is likely.

Still another company official said that his firm can't get railroad cars for outbound shipments, material is being stored at the plant and "we're running out of storage area."

One area grocery wholesaler said today that he has had more truck shipments today in over a week but some items are still out-of-stock. He said that business was normal and deliveries were being made.

John Aneglo, business agent for Teamster Local 377 of Youngstown said today that all the members were working except the steel haulers, which represent about 1,000 members.

Officials at the State Employment Service here today said that the claim pattern is normal and that his office has not been informed of any mass layoffs by industrial concerns in Trumbull County.

MEET CALLED SUNDAY

Steel haulers, freight haulers and dump truck operators in the Mahoning Valley have been invited to attend a special meeting of Teamsters Sunday at 2 p.m. at 1 W. Liberty St., Hubbard, to discuss the overwhelming rejection of the national Teamster contracts.

There were no reports of violence in the area during the past 24 hours, but rumors of flare-ups have come to the attention of Mike Boano, local leader of the Fraternal Assn. of Steel Haulers (FASH).

Boano said that the area's Teamsters are expected to discuss the possibility of seeking federal intervention. The local FASH leader also indicated he is asking Teamster local officials across the nation to set similar open meetings.

The National Labor Relations Board has set a hearing in Pittsburgh, Monday on FASH's request to hold a collective bargaining election. Many steel haulers hold dual membership in FASH and the Teamsters. Of the approximately 6,000 Teamster Local 377 members, Angelo said that about 1,000 are also members of the steel haulers group.

[From the St. Louis (Mo.) Globe Democrat, Apr. 23, 1970]

THE 1,449,000 BOXES OF COOKIES—A MONUMENTAL STRIKE CASUALTY

Stacked in a warehouse on North Broadway are unconventional casualties of the Teamsters strike—1,449,000 boxes of Girl Scout cookies.

And the Girl Scouts Council of Greater St. Louis doesn't know how to get them out and into the hands of Girl Scouts to be sold.

Mrs. Charlotte Davis, executive director of the council, said Teamsters Local 600 President Donald Lane had refused to give permission for Local 600 truckers to pull them out of the warehouse.

Permission has been given, however, for Girl Scout leaders to pickup the cookies at the warehouse at 1600 North Broadway.

But, as Mrs. Davis points out, it takes 10 trucks working eight days just to drop the cookies at 900 points around the city and to distribute the cookies individually from the warehouse is an almost impossible task.

The cookies will retail at a total of $750,000.

Their sale is crucial to the Girl Scout program. Proceeds make up 46 per cent of the council's budget and the money goes to more than 2,000 troops, providing many Girl Scouts with camping trips.

Girl Scouts went from house to house last February taking orders for the cookies. Now they can't make delivery and collect the money.

The cookies were hauled in 35 forty-foot vans from Chicago a day before the strike by Local 600 started.

Normally, delivery of the cookies to drop points at churches, schools and other places would have started April 6.

Mrs. Davis said the cookies haven't yet lost the "fresh taste that makes Girl Scout cookies unique."

Mrs. Davis said she had been unable to reach Lane by telephone and had sent a telegram. She was informed of Lane's refusal by Hugh Logan, president of the council, she said.

She said she also has appealed to Harold J. Gibbons, an international vice president in the Teamsters Union.

The executive and finance committees of the council are to meet at noon Thursday to decide what to do.

Mrs. Davis said the only thing that apparently can be done is to start the mammoth job of distribution from the warehouse.

Robert J. Ramshaw, business agent for Local 600, said neither the local nor the men have any objection to Girl Scout leaders picking the cookies up at the warehouse.

But we have 9,000 members running around the street and we couldn't guarantee anything if Local 600 drivers were given permission to deliver the cookies, Ramshaw said.

[From the Chicago (Ill.) News, Apr. 27, 1970]

CHICAGO VOTE: TRUCKERS BALK ON NEW TALKS

(By Les Hausner)

A trucking industry spokesman said Monday that cartage company bargainers have not agreed to reopen talks on a national trucking contract if the Teamsters Union gets a better settlement in Chicago.

Lack of such an agreement could jeopardize a proposed contract between 12,000 trucking companies and 450,000 drivers outside the Chicago area.

Art Shenefelt, public relations director for Trucking Employers, Inc., told of the "misunderstanding on the agreement" as Teamster leaders from around the nation met in Washington to discuss the proposed national contract.

Conducting the meeting was Frank Fitzsimmons, acting president of the International Brotherhood of Teamsters.

Fitzsimmons said Friday that he had agreed to submit the proposed settlement to the rank and file for ratification in exchange for an agreement that talks would reopen if Chicago drivers got a better deal.

"It's not that simple," Shenefelt said.

"But what we agreed to do was this:

"If a substantial portion of the common carriers of Chicago arrive at a higher settlement, we would agree to reevaluate the

situation to determine if that was the basis for reopening the monetary provisions of the national agreement."

The proposed national settlement would provide drivers pay raises of $1.10 an hour over 39 months.

Chicago-area drivers, who bargain apart from the national contract, are insisting on $1.65 an hour over 36 months, plus $10 a week in other benefits.

Although more than 2,000 companies, mostly small firms, have agreed to the $1.65 an hour contract here, Shenefelt said the large over-the-road truckers would never go for it.

"That would boost food prices in Chicago by 25 percent in three years," he said.

Meanwhile, members of Chicago's largest Teamster local have given their leaders a vote of confidence to press for the $1.65 settlement.

William D. Joyce, secretary-treasurer of Local 710, which has 23,000 members, said Sunday's vote "is a mandate not to accept less than the $1.65-an-hour package."

Among members of Joyce's local are 6,000 over-the-road drivers, whose contract is being negotiated in Washington.

"I don't think this national agreement can be ratified," one Teamster source said.

"The men know we started out by asking $3 an hour in a three-year contract. They don't want $1.10 in 39 months," he said.

The strike-lockout, Joyce said, is not curtailing supplies of food and other necessary goods—"just hard items," which are being held up in warehouses.

Industries that are unable to get at those warehouse goods or cannot ship finished products have laid off more than 100,000 employes.

Jones & Laughlin Steel Co. Sunday announced it will lay off 1,500 more workers this week because truckers refused to move steel from the mills.

A company spokesman said layoffs already total 3,000 and J & L warehouses in Chicago and Cleveland have been shut down.

Other steel companies, fast running out of storage space, are considering production cutbacks this week, a move that could result in massive layoffs.

The truck shutdown, which has choked off nearly all outside motor freight normally coming into Chicago, was 18 days old Monday. A similar strike-lockout in 1967 lasted 17 days.

[From the Chicago (Ill.) Sun-Times, Apr. 27, 1970]

TEAMSTERS HERE FIRM ON $1.65 DEMAND

(By James Campbell)

William D. Joyce, secretary-treasurer of Teamster Local 710, said Sunday the membership has instructed him to stand pat on wage demands.

Joyce also predicted that truckdrivers and dockworkers outside the Chicago-Gary area will vote down a national wage pact.

At a press conference in the local's headquarters at 4217 S. Halsted, Joyce announced:

"The membership of Local 710 has given the executive board and the wage-scale committee a unanimous vote of confidence and a mandate to stand pat on the $1.65 wage package."

Joyce said the mandate was rendered by 2,500 truckdrivers and dockworkers in a morning meeting and 1,000 office workers at an afternoon meeting at Plumber's Hall, 1340 W. Washington.

SPEAKS FOR 24,000

Local 710 represents 24,000 over-the-road drivers, dockworkers, local cartage drivers and office workers, Joyce said.

It is one of eight Chicago area teamster locals that, along with the Independent Chicago Truck Drivers Union, is seeking a three-year contract calling for pay increases of $1.65 an hour, plus 42 cents an hour in fringe benefits.

Five area trucking associations have offered the 50,000 workers here 70 cents more an hour over 39 months.

"NO MEETING SET"

The employers locked out nonstriking drivers and warehouse workers April 10 after 31 trucking companies had been hit by selective strikes.

The two sides have not come together in bargaining sessions since that time and Joyce said Sunday, "No more sessions have been scheduled."

A national trucking settlement was reached April 2, providing pay increases of $1.10 an hour over 39 months for 450,000 drivers outside the Chicago area.

A mail referendum for those drivers will be held within the week.

[From the Anderson (Ind.) Herald, Apr. 17, 1970]

WALKOUT BY TRUCKERS IDLES 5,000

The national truckers' dispute has idled more than 5,000 workers this week in Indiana factories.

Bendix Corp. of South Bend announced Thursday it will lay off about 1,400 workers in its Brake and Steering Division Friday and Monday.

Muncie Gear Works, which makes rocket motor components for the U.S. Army, laid off 425 employees Thursday.

Hardy Division of Sheller Globe Corp. furloughed 700 workers Wednesday in Union City.

Reliance Electric and Engineering Corp. laid off 2,550 workers Tuesday in divisions at Mishawaka, Columbus and Madison.

In each case, management said its flow of raw materials and finished products was interrupted by the truck tieup.

Reliance's Dodge Manufacturing Co. at Mishawaka announced Thursday it will resume production at midnight Sunday in hope of progress in negotiations between the trucking firms and the Teamsters Union.

A 24-hour work stoppage ended Wednesday night at the big Marsh Supermarket warehouse center in Yorktown. Both Local 135 of the Teamsters Union and the grocery chain management called the strike a wildcat over unspecified grievances.

Bohn Aluminum and Bronze Co. of Greensburg announced Thursday it would lay off 50 to 60 of its 350 employes, partly because of a lack of orders due to the truckers' dispute and partly to reduce production "in the present economic situation."

[From the Rockford (Ill.) Star, Apr. 16, 1970]

TRUCKERS' STRIKE CAUSES SHUTDOWNS

Closing of a television assembly plant Wednesday and temporary layoffs in the Rockford area resulted from the continuing strikes by truck drivers belonging to the Teamsters.

A spokesman for the Admiral Corp., Harvard, said the closing will idle more than 1,000 employes. Supervisory and maintenance workers will continue their duties in the plant, he said.

Employes are expected to be recalled Monday or Tuesday, the spokesman said. But he added that the shortage of parts may force the closing of the company's appliance manufacturing plant at Galesburg.

TEMPORARY SHUTDOWN

Officials at Chrysler's assembly plant in Belvidere said workers will continue full shift starting this morning and will work on a day to day basis. The plant was shut down Wednesday.

"We'll have to make a survey of stocks after each shift to see how long we can work the full eight-hour shift," a spokesman for the company said. "It will have to be on a day to day basis."

About 120 employes from the Gates Rubber Co., in Rockford may be without work Monday morning, said Chester E. Palmer, plant manager.

"It's still tentative," Palmer said. "If we can find a way to work we will."

EXECUTIVE DECISION

Palmer said plant executives will meet this morning to decide upon the proposed 7 a.m. Monday layoff.

About 75,000 Teamster drivers across the country remain on strike, but trucks began rolling in the Detroit area after a judge declared the week-long strike there illegal.

Dissident Detroit drivers met Wednesday to decide whether to picket their own union headquarters, while Andy Provenzini, head of the Detroit rebels, charged that Teamster leaders "sold us down the river on the last contract and we don't think the one now shaping up is so hot either."

The Detroit dissidents, 15,000 Ohio Teamsters, 10,000 in Los Angeles, nearly 10,000 in St. Louis, and smaller groups elsewhere across the country have been protesting a tentative national settlement reached by union officials and industry negotiators in Washington. It provides average wage increases of $1.10 an hour over three years.

Chicago area drivers and dock workers on strike are represented by two unions there demanding $1.65 increases over three years.

Embargoes were ordered on all piggyback trailer trucks destined for Chicago firms involved in the strike.

Also in Chicago, International Harvester Co. announced the layoff of 4,500 employees in several plants, including 2,500 in Springfield, Ohio.

[From the Raleigh (N.C.) News and Observer, Apr. 15, 1970]

FREIGHT FIRM OFFERS REWARD

CHERRYVILLE.—Carolina Freight Carriers Corp., where truckdrivers have been on a wildcat strike since Sunday, offered a $5,000 reward Tuesday for information that would convict the persons who fired on two of the company's trucks.

Jim Booker, public relations director for the company, said one truck was fired on near Lincolnton before dawn Tuesday and another was fired on near Kings Mountain. There were no injuries.

Police said they were investigating the incidents.

Seventy-five to 100 strikers milled around across the street from the company's main terminal at Cherryville, Tuesday, but there was no picketing.

A group of the strikers are scheduled to appear in Gaston County Superior Court Wednesday to prove they should not be held in contempt for violating an injunction by Judge B. T. Falls barring picketing. They were summoned Sunday, the day the strike started. Falls issued the injunction at the request of the company.

Bookers said trucks were arriving at and leaving the terminal unmolested Tuesday.

Grier Beam, president of Carolina Freight, said about 40 drivers who had been on strike returned to work Tuesday.

The company has threatened to sue the strikers for $175,000 per day as long as they are out. That is the estimated gross daily revenue.

The strike began during national negotiations in Washington between the Teamsters Union and the trucking industry. The union has disavowed the strike.

The strikers say that in addition to being satisfied with the proposed contract at the national level, they want fewer working hours from Carolina Freight.

[From the Canton (Ohio) Repository, Apr. 15, 1970]

TRUCK STRIKE IS STRANGLING ECONOMIC LIFE

The 15-day-old, violence-punctuated Teamsters Union strike, involving more than 10,000 Ohio truck drivers, slowly is strangling economic life here and elsewhere.

Thousands of industrial workers have been laid off in this and other areas because firms can't move material into and out of plants.

A spokesman for a local motor carrier said very little long-distance freight is being moved from or into the Canton area.

Members of Canton Teamsters Local 92 reportedly did not take a strike vote but are idle. They previously had worked on a day-to-day basis.

The union bargains for more than 3,000 long-distance drivers and warehousemen in the Canton area.

The Fraternal Association of Steel Haulers, which is seeking to break with the Teamsters, also has its members idle.

In Cleveland, an estimated 12,000 workers have been idled by the wildcat strikes of the Teamsters.

In Canton, Hercules Engines, Inc., The Timken Roller Bearing Co. and other firms have been forced to make layoffs.

[From the Columbus (Ind.) Republic, Apr. 15, 1970]

TRUCKERS STRIKE IS "BOTHER" TO FIRMS

Reliance Electric company remained out of production today. The company was forced to temporarily shut down Tuesday due to shipping problems connected with a "wildcat" truckers strike which has struck various areas in the country.

Other major Columbus industries said they found shipping problems bothersome, but felt they would be able to continue operations.

A Reliance spokesman emphasized today that only production employees have been laid off at the firm's plants in Columbus and Madison. No indication was given that salaried employees will be laid off.

Cummins Engine company, Arvin Industries and Hamilton Cosco are carrying on operations. A Cummins official stated:

"The current teamster activity had no adverse impact on Cummings other than inconvenience. The company is continuing to meet production and shipping schedules. No near-term problems are foreseen unless the present sporadic Teamster strike evolve into a nation-wide shutdown of all trucking activity."

Spokesmen at both Arvin and Hamilton Cosco said their firms are continuing to meet shipping schedules.

Another major industry here, Como Plastics, has now been shut down for 15 days due to a strike of employees, all members of Local 202 of the United Auto Workers.

The workers were to vote at 5 p.m. today to decide whether not to accept management's new 3-year wage-benefit work contract.

[From the St. Louis (Mo.) Post-Dispatch Apr. 26, 1970]

INCOME LOSS IN WORK STOPPAGES HERE IS PUT AT FIFTY-TWO MILLION FIVE HUNDRED THOUSAND DOLLARS

(By Robert J. Wehling)

Effects of the work stoppages by Teamsters Local 600 and Hoisting Engineers Local 513, now almost four weeks old, will be felt long after work resumes, the Post-Dispatch was told yesterday.

A conservative estimate of income loss of the 50,000 persons either on strike or laid off now totals $52,500,000.

This figure does not take into account the recirculation or "rippling" effect of wages. Much of the money would have been spent on other items or services, and thus would have become wages or salaries of still other workers.

Many other side effects of the work stoppages will be felt later.

LOSS IN TAXES

John K. Travers, city collector of revenue, estimated yesterday that $100,000 in earnings taxes already has been lost to the city. Continuation of the 26-day work stoppage could place a strain on the city's general fund budget, he said. The estimate takes into account only direct wage loss.

The 50,000 area residents reported not working includes 9500 members of Local 600, and about 18,000 construction tradesmen. The latter have been laid off because the hoisting engineers' strike has closed all the area's ready-mix concrete plants.

LOSSES INCREASE $2,200,000 A DAY

Direct wage losses are increasing at about $2,200,000 a day, according to the Associated Industries of Missouri, the Regional Industrial Development Corporation and the Metropolitan St. Louis Chamber of Commerce.

Although hopes of settlement of both work stoppages were buoyed by developments late last week, participants are not voicing optimism.

Business, industrial and construction firms that had anticipated a seasonal upswing in the economy are facing problems for a second successive spring. In 1969, there was a 12-week strike by the Ironworkers Union that shut down virtually all construction.

A sampling by the Post-Dispatch showed that consumers generally were not yet suffering from lack of goods.

Although some items are missing from shelves, groceries generally have near-normal inventories. Most of the grocery items are delivered to warehouses by railroad and then transported to stores by Teamsters other than Local 600 members.

Department stores also have near-normal supplies. All brands of cigarettes still are plentiful with suppliers picking them up at warehouses. "But cigars are somewhere between here and Miami," one tobacconist said. "They are not getting into St. Louis."

Spokesmen for coffee companies voiced some concern, especially for the area they supply outside a 25-mile radius of the city.

Coffee beans are delivered here by railroad. The finished product is being packed and delivered within a 25-mile commercial zone. But because shipments for areas beyond the commercial zone generally are not being made, grocers in outstate Missouri and Illinois will be feeling the impact soon.

BREWERS' PROBLEMS

Although experiencing problems in obtaining cans and bottles and in some cases malt and other brewing supplies, neither Anheuser-Busch nor Falstaff Brewing Corp. expect any immediate shortage of beer.

A break in the Teamster walk-out occurred Thursday night when Harold J. Gibbons, Teamsters International vice president, met with Mitchell Campbell, secretary of the Motor Carriers Council, which represents over-the-road trucking firms. Discussion at the meeting was not divulged, although it was announced that the national wage package of $1.10 an hour over a three-year period could not be negotiated locally.

This indicated Gibbons and Mitchell discussed ways of getting Local 600 members back to work, and the withdrawal of a multi-million dollar damage suit and contempt citations against Local 600 and its president, Don Lane.

Attempts were being made to set up a second meeting, possibly today, between Campbell and Gibbons.

NEGOTIATIONS CONTINUE

Negotiations have continued in the strike of 160 members of Hoisting Engineers Local 513 against the Sand and Gravel Producers Association.

Teamsters Local 682 and Laborers Local 110 negotiators together with representatives of the ready-mix dealers have been meeting jointly with the gravel producers association and Local 513, it was learned. Local 682 and Local 110 contracts with the ready-mix plants and with stone quarry operators expire Friday.

Participants have refused to discuss the status of negotiations. But one source told the Post-Dispatch that E. E. (Gene) Walla, president of Local 682 may schedule a special meeting in the next few days to discuss a new contract with the membership.

In another development, Frank E. Fitzsimmons, acting general president of the 2,000,000 member Teamsters Union, has announced that the tentative national agreement will be balloted upon this week. Members will be mailed ballots.

However, he said that the tentative national agreement would be renegotiated if Chicago truck drivers obtained a better settlement. Chicago drivers and dock hands negotiate separately from the national union. They are seeking a $1.65 an hour wage increase in a three-year contract.

REFERENDUM DELAYED

The national agreement was announced April 2, but a mail referendum on it had to be held up until supplements applying to local conditions would be worked out and prepared for mailing also.

Teamster locals in Los Angeles, Rockford, Ill., Cleveland and Akron, O., also have stayed off the job, demanding the same wage increase obtained in Chicago.

The walkout here reportedly has been related to a power struggle within Local 600. Any kind of settlement over the $1.10 national increase would be considered to enhance the prestige of Gibbons and Lane, whose three-year term expires next year.

Some Teamsters here have said privately that Local 600 members are being held off jobs in a move to obtain a pardon for imprisoned Teamsters President James R. Hoffa.

[From the Detroit (Mich.) News, Apr. 13, 1970]

WILDCAT STRIKES SIGN OF TIMES

Months ago, when the Teamsters first announced their demands for wage and fringe benefit increases, the consensus was that "it looked like trouble." The demands would almost double wages and fringes over three years.

When a "settlement" was announced two weeks ago, most observers were relieved and pleasantly surprised. The increase in labor costs would be steep but at least there would be "peace" in the trucking industry. Or so everyone hoped.

Now wildcat strikes have erupted in many large cities, including Detroit. These strikes are having the same severe effects that have always made the threat of an official nationwide Teamster strike so dangerous. In a network as interrelated as truck transportation, wildcat walkouts in a few places mean the breakdown of trucking operations in many others.

Detroit, already feeling the pinch of sagging auto sales and some of the economic slowdown, is now victimized by auto plant shutdowns due to parts shortages. Other industries are being affected as delivery and shipment operations are interrupted or cut off.

The Teamsters officials are proud of the national contract terms but the members have not been "sold." The shouted turndown of the national contract by Detroit Teamster Local 299 was typical of reaction elsewhere.

"Peace" is one thing the trucking industry does not have today.

In part, the wildcat strikes reflect years-old internal problems which plague the union in such centers as Chicago and in such Teamster groups as the steel haulers. In part, however, the repudiation of the national settlement is a sign of the times: The hangover of inflation psychology and the "showcase" demands of free-talking labor leaders caused a serious miscalculation on the part of union members. They believed their own propaganda and were bitterly disappointed when it turned out to be a pipe dream.

The wildcatters may face reality any time now and the problem may solve itself for the Teamsters. If it does not, the disruption in transportation will turn into an emergency, inviting government intervention. But the lesson of the Teamster troubles will be there for any other union to learn: The "big talk" designed to cow or impress management can mean big trouble if the members take it seriously.

[From the St. Louis (Mo.) Globe-Democrat, Apr. 22, 1970]

FORECAST: TEAMSTER STRIKE TO IDLE 70,000 BY MAY

An estimated 70,000 manufacturing employes in the St. Louis area will be out of work by May 1 if the paralyzing Teamsters strike now gripping the city is not lifted, according to a survey conducted by the Associated Industries of Missouri.

The group, which represents manufacturing firms throughout the state, said the most recent survey indicated that an additional 20,000 workers would be laid off between now and May 1 if the strike continues. Previous estimates indicated that 50,000 employes have already been laid off as a result of the strike.

A stalemate remained Tuesday in efforts to settle the Teamsters strike and a walkout by a second union—which virtually paralyzed trucking and have closed down about half of the $500 million in construction projects in the metropolitan area.

The unions are Teamsters Local 600, which has stopped nearly all truck freight movement in the area, and Hoisting Engineers Local 513, which has idled much of the construction industry. Both unions have been on strike since April 1.

A meeting has been scheduled Wednesday between the Hoisting Engineers and the Sand and Gravel Producers Association.

However, spokesmen for both sides said they could see no immediate prospects for a settlement.

Meanwhile, ready-mix concrete firms, which have been closed down by the strike, have been negotiating with Teamsters Local 682 and some laborers unions. Contracts with these unions expire May 1.

It is hoped that a settlement will be reached with these unions and set an economic pattern for the industry, which would be acceptable to the Hoisting Engineers.

Terms of the Teamsters tentative national freight agreement were reached in Washington April 2.

Under the agreement teamsters would get a $1.10 an hour increase over a three-year contract. Under their expired contract they were receiving $3.93 an hour.

The Hoisting Engineers were paid $4.23½ cents an hour under their contract which expired April 1.

They operate dredging equipment for the production of sand and gravel from local rivers.

Their strike has forced all 15 major ready-mix concrete plants in the area to close down because of the lack of sand and gravel.

About 15,000 persons employed in the construction industry have been idled as a result of the closing of the ready-mix plants.

[From the Rockford (Ill.) Star, Apr. 15, 1970]

CHRYSLER ASSEMBLY PLANT THREATENED BY TRUCK TIEUP

Chrysler's Belvidere assembly plant may be forced to shut down as a result of the strike-lockout of Teamsters and truckers that has reduced the flow of raw materials into the plant.

A plant spokesman said Tuesday that a meeting was set for 9 a.m. this morning to determine if the plant will have to go to short shifts, or shut down.

He added that the plant receives shipments by rail, truck and air, with a "great portion" of the materials arriving by truck.

The plant will continue to run its normal two eight-hour shifts until a decision is made, he said.

"It all depends on if they go back to work," he explained. "Right now that looks dim."

A spokesman for General Motors Chevrolet assembly plant reported it was "business as usual" Tuesday night, and Rockford firms, for the most part, were not seriously affected by the strike.

TWO EMPLOYERS

Two of Rockford's biggest employers, National Lock Co., and Sundstrand Corp., reported they had enough raw materials on hand to continue production, but were having some difficulty finding truckers to ship the finished products.

"You can't really blame the truckers," one spokesman said. "They have nowhere to take it."

Other firms said they had to make some adjustments in their scheduling, but operations were continuing.

Most spokesmen said the problem could become critical if the strike continued.

The Chevrolet employe said, "the Janesville plant had been closed Friday and Monday to balance the books" and that no production slowdown as a result of the strike was expected.

He added most of the Chevrolet parts are shipped by rail.

Several more Rockford trucking terminals were closed Tuesday with all of their drivers laid off. Only those not routed through Chicago reported some operations.

Harold Miller, secretary of Teamsters General Local 325 here, said he and other union officers were in Chicago Tuesday to meet with Teamsters officials.

STALEMATED

Miller described the situation as a "stalemate."

Reports of violence mounted on the nation's highways Tuesday as more than 80,000 drivers kept strikes going from California to North Carolina.

More than 38,000 auto workers and thousands of other industrial workers were laid off as a result of the strike.

Industry sources in Washington said trucking firms would begin filing damage suits against any union leaders or members engaging in or encouraging unauthorized strikes that obstructed operations of their companies.

Four men were arrested near St. Louis for roughing up a guard for a Kroger Co. truck and Michigan State Police said they received "several reports" of bullets being fired at trucks.

Carolina Freight Carriers Corp., target of a walkout by 100 Teamsters, said shots were fired at two of its trucks.

[From the Peoria (Ill.) Journal-Star, Apr. 17, 1970]

THE 350 PEORIA TRUCKDRIVERS OUT OF WORK SO FAR BECAUSE OF TEAMSTER STRIKES

(By Barb Proctor Mantz)

Some 350 Peoria truck drivers have been laid off as a result of wildcat Teamster strikes in other cities.

Smaller local trucking firms which deal almost exclusively with terminals in Chicago or St. Louis have been hardest hit. Strikes there have virtually stopped trucks leaving those cities, and there is no one working to take care of incoming shipments.

Several small trucking firms here were shut down completely last week, and Bellm Freight Lines is still out. Others are working only at 10 or 15 per cent capacity.

Estimates of the number of local men out of work range from 40 to more than 50 per cent of the 700 drivers in the common carrier division of the union.

Most of Peoria's major industries and retailers are experiencing some difficulties in shipping or receiving materials, but so far no layoffs appear to have resulted.

Montgomery Ward & Co. estimates that its shipments are only about 10 per cent of what they should be, and its catalogue department has received no orders all week. The local Sears, Roebuck & Co. store has had to cancel planned promotions of paint sales because it has not received the paint.

WABCO has trucks which cannot be shipped because parts are not available. Keystone Steel & Wire Co. is storing some outgoing shipments and is concerned that they might deteriorate. Caterpillar Tractor Co. has been forced to halt assembly of fork lift trucks at its Cleveland, Ohio, plant because of lack of parts.

Paradoxically, many local terminals for large trucking firms have more work than they can handle, as manufacturers who normally ship through St. Louis or Chicago look to Peoria for an outlet.

"It's tripling our business," said a spokesman for Sturm Freightways Inc. "But we don't have enough equipment available to do it."

So far no Peoria truck drivers have gone on strike, and no firms have staged lockouts, as some have in other cities, said John Waters, business agent for the common carriers division of Local 627.

Waters, however, said he believes local Teamsters are not happy with the tentative settlement reached by the international union, calling for $1.10 an hour wage increase over three years. The strikes in other cities occurred when Teamster locals, not satisfied with the international agreement, decided to make their own deals.

Waters said the tentative agreement was explained to local Teamsters, "and it appears that their reaction would be a rejection of the pact. They haven't voted on it—but it's just a reaction I would assume."

He said he did not expect ballots to be mailed until strike activity in the larger cities settles down.

Charles Schidler, president of Peoria Motors Assn., which represents 36 local trucking firms and 90 percent of the business, said:

"It's slowed down the movement of freight tremendously. Many short-haul carriers that go into Chicago and St. Louis are practically down."

On the other hand, he said, companies that can't dispose of their loads in these cities are trying to ship it through Peoria, but the equipment isn't available.

"Most carriers here are trying to protect their regular local customers" rather than accepting extra loads, he said.

Schidler, who also manages the Peoria terminal of Eastern Express Inc., said, "I've been getting calls from all over the country just begging me to take their freight, and I can't handle it."

The Bellm terminal here has been shut down since April 2, affecting 14 employees. Bellm ships mostly along Peoria to St. Louis routes.

Jones Motor Co. was closed all last week, but is now slowly bringing back its work force because of easing of the Chicago situation. About 15 per cent of the Jones truckers are at work.

Orscheln Bros. Truck Lines, which ships from Peoria to Kansas City, has only three of its usual 11 truckers working, said Joe Brasfield, manager. "It's almost paralyzing us," he said.

"Our catalogue orders, plumbing and air-conditioning supplies are just plumb shut down and people are screaming their heads off," said Howard Ward, merchandising and warehouse manager of the local Montgomery Ward store.

Shipments of small and large appliances have stopped, he added, and this week the store has received no women's fashions or shoes, which would normally come through New York.

If the strike continues and inventories are depleted, layoffs will have to come, he said.

Catalogue shipments at Sears have been curtailed to about one every three days, rather than the customary two a day, said W. A. Jones, operating superintendent. While the store has some paint in stock, it's not the kind which was to be promoted.

J. C. Penney Co. catalogue orders are coming through, but it takes about a week, instead of the usual three days, a spokesman said. Spokesmen for Carson, Pirie Scott & Co. and Bergner's said that the merchandising difficulties have not been serious so far.

Some of the smaller local retailers, have been affected too.

Baker's Shoe Store, which usually gets about four shipments a week, has not received any shoes for three weeks.

James Bates, manager of the downtown store, said that the store had built up a large Easter inventory, and the only real problem is with "fad styles."

Among industries, WABCO, which does a majority of its shipping by truck, has been particularly hard hit.

"We have some trucks waiting here for parts that we can't ship, and we've had to hold up on some of our assembly lines," said Jerome McGillicuddy, public relations manager. "It will affect our April production and shipping to a large extent, and it will take some time to recover."

There have been no layoffs because WABCO was in the process of expanding employment, but that expansion has been cut almost to a standstill, he said.

Donald A. Sommer, president of Keystone Steel & Wire Division, said that some shipments to strike-bound cities have been returned and "as a result we're storing some material that could deteriorate. And there's only so much storage you can do."

Although there have been no layoffs, he said, "we're apprehensive in connection with the strike" and some layoffs could be expected if it continues much longer.

Hiram Walker & Co. has been able to switch to rail for most of its incoming shipments, not for outgoing products.

"We have about five trailer loads today that we're trying to send out, but no one has the equipment to come and pick it up," said Jerry Laffey, traffic manager.

Hyster Co. has several incoming shipments of steel ball bearings and forgings waiting at suppliers' docks in Ohio and the East, but it too has sufficient inventory so production hasn't been affected, said George Weyhrich, purchasing agent.

[From the Business Week, Apr. 25, 1970]

THE TRUCK STRIKE: A TIGHTENING VISE

In Chicago and elsewhere across the country, trucking strikes and lockouts took a costly toll this week, as the BUSINESS WEEK index shows (page 2). No matter when or how the disputes end, it could take weeks to unravel the snarl of undelivered shipments.

Mediators have been trying to work out some solution to an almost chaotic situation that threatens to get worse. Steel haulers are idle nationally. General trucking is down in Chicago. There have been wildcat walkouts in several key areas. International Brotherhood of Teamsters members are increasingly discontented over a tentative settlement at $1.10 an hour in raises over 39 months after some other Chicagoans settled for $1.65 over 36 months.

The general shutdown in Chicago has been in force since Apr. 7. Because the city is a hub of trucking, many long-haul trucks get tied up there.

Some shipments are getting through. Last weekend, Rabbi David Eisenbach of Chicago arranged to get five cases of kosher wine from Israel—out of 285 ordered—in time for Jewish observance of Passover. A picket delivered the wine with the sanction of his union and the trucking company.

But most were not that fortunate. An editor, transferred from Cleveland, wound up in cramped quarters in a motel in Connecticut, waiting for his furniture. Auto companies reduced operations because of parts shortages. Steel piled up in mill yards and in warehouses. Freight car shortages developed in many areas. Retail stores were running low on some items. And factories in Chicago, Cleveland, St. Louis, and elsewhere began layoffs. For most, the situation was not yet critical, but it threatened to become so.

STEEL TIE-UP

More than half of all finished steel normally moves by trucks. But, with the tieup, little is moving.

John E. Gross, general traffic manager of Inland Steel Co., this week said the situation is "desperate" for Inland and its customers. "We've moved nothing out by truck for over two weeks."

George C. Bush, traffic manager at Youngstown Sheet & Tube Co. in Chicago, said that the steel trucking tie-up is "acute, very critical."

[From the Louisville (Ky.) Times, Apr. 16, 1970]

MORE LAYOFFS ARE LIKELY IF TRUCK STRIKE GOES ON

Layoffs of workers in industries critically short of parts and raw materials mounted today as a result of a continuing contract dispute between trucking companies and the Teamsters union.

Some manufacturers predicted the layoffs might reach massive proportions unless a solution is reached before next week in strikes by truck drivers in several key cities.

A return to work by striking dissidents in Teamsters Local 299 at Detroit was an uncertainty after an explosion last night damaged the home of James Leavitt, a leader of the dissidents. No one was hurt.

A court order ended picketing and produced a vote by the strikers to return to their jobs. But a spokesman for the dissidents said the Detroit walkout would resume because of the explosion.

In Chicago, a keystone city in the dispute, federal mediators withdrew from deadlocked talks between trucking companies and drivers. About 35,000 Chicago drivers are involved.

Around the nation, strikes or unauthorized Teamster walkouts continued in Los Angeles, Cleveland, St. Louis, Akron, Ohio, and Buffalo, N.Y. The strikes reflected discontent among many of the nation's 450,000 Teamsters with a contract tentatively agreed on March 31 calling for pay increases at $1.10 an hour.

The settlement must be ratified by union members but Teamster officials have not said when they will mail out ballots.

American Motors Corp. said parts shortages forced it to shut down passenger-car plants in Milwaukee, Kenosha, Wis., and Brampton, Ontario. About 10,000 workers were affected.

Just as other strikes were ending, truck drivers in Richmond, Va., put up picket lines at a trucking firm, protesting having to drive into areas where disturbances have occurred.

Other labor developments:

Schools—Confusion in the Los Angeles schools worsened as the majority of teachers remained off their jobs and the number of students out of school increased.

There were no exact figures on student attendance yesterday but school officials said, "We do know there were fewer kids in schools than on the first two days of the strike."

Official figures on striking teachers again were revised upward.

The latest numbers showed 57 per cent of all secondary teachers had been absent Tuesday. The first official reports put the percentage at less than half, then were increased to 55 per cent.

The strikers claim the figure is closer to 65 per cent in the secondary schools. Officials said figures on elementary school teachers were approximately the same as on Tuesday, about 47 per cent absent.

School officials insist they will not meet with the union, United Teachers of Los Angeles, until the strike is ended, while the union says a condition for calling off the strike is resumption of negotiations.

Airlines—The Federal Aviation Administration (FAA) is acting to restore full volume air travel at New York metropolitan airports following the virtual end of a three-week air traffic controllers "sick-out."

An FAA spokesman in New York said today that manning levels at metropolitan area airports were "normal."

Major airlines said full flight capacity would be reached in several days.

The strikers, members of the Professional Air Traffic Controllers Organization (PATCO), began their "sick-out" to protest what they called inadequate staffing, work loads, obsolete equipment and harassment of some union members by the FAA.

The FAA, which has threatened to punish the strikers, said it was considering sending beginner controllers to an air-traffic facility first, and then to its academy for training, in order to satisfy one of the complaints about staffing.

[From the St. Louis (Mo.) Post-Dispatch, Apr. 21, 1970]

PROMISE BY TEAMSTERS

Teamsters Union Local 600 officers promised today to call a special meeting of its 9500 members "as soon as a complete contract proposal is received." Local members have stayed away from their jobs since April 1, paralyzing truck freight movement in the area.

Don Lane, Local 600 president, and the Executive Board, said they had received no proposed contract "nor any other document protecting the work week, the dock classifications" or the traditional 8:30 a.m. starting time for local drivers and dock hands. Their message to local members was in full page newspaper advertisements.

The Teamsters' old national agreement expired March 31. The local's position has been that without a new contract there would be no work.

LAYOFFS MOUNTING

With freight handling stopped, more and more business and manufacturing operations here are either being forced to close or to curtail operations. Employe layoffs are mounting.

Grocery warehouses, department and discount stores and others fortunate enough to have railroad sidings were able to keep operating but others dependent in whole or in part on the cartage industry were in a critical situation.

Wherever possible, alternative modes of transportation were being used, such as barge, airplane, and even pipeline in certain applicable businesses.

Long lines of unemployed have formed daily at state unemployment compensation offices.

Local 600 was using its hiring hall at 8201 North Broadway for needy members to obtain applications for either surplus food or food stamps. St. Louis and each Missouri county has its own food program. City members eligible were getting food stamp applications at the North Broadway office for food purchases at stores and St. Louis County members were getting applications for surplus food, which then can be obtained at Lambert-St. Louis Field. No food is being dispensed at Local 600 offices in Council Plaza.

Although terms of a tentative national freight agreement were reached in Washington April 2, the local supplements have not been disclosed. These are considered a vital part of the contract package by Local 600 leaders.

The supplements are being completed in Washington and will be contained in a referendum by mail to each member across the country as soon as possible.

Lane was on the Central States supplement negotiating committee until the late stages, when the union's committee was cut to three from eight persons.

"So it's a mystery to us what's in it," a spokesman for Lane said.

PROBLEM OF "CASUALS"

The Monday-Friday work week, the starting time, dock classifications and the problem of "casuals" enter into local supplements. A "casual" is a replacement for a regular employe on vacation, who is not on a company seniority list and thus not eligible for regular Teamster benefits.

It has been reported that the local is hoping for an alignment with Chicago teamsters, who are negotiating independently for a higher wage package than settled upon in the national agreement. The national pact calls for $1.10 an hour wage increases over a three-year period. Striking Chicago drivers seek $1.65.

Besides St. Louis, drivers and dock hands in Los Angeles, Cleveland, Toledo and Akron are off their jobs, others are working.

A PERMIT TO MARCH

Supporters of Lane have obtained a city permit to conduct a march around the Federal courthouse at Twelfth Boulevard and Market Street at 3:30 p.m. Friday. Lane tentatively is due in United States District Court in the building at 4 p.m. to show cause why he should not be held in contempt for allegedly violating a restraining order against interfering with truck operations.

A tractor-trailer containing hospital supplies, earmarked for more than 15 area hospitals, was brought into the Yellow Freight Systems dock at 400 Barton Street yesterday afternoon under police escort. It had been halted at Sullivan, Mo., for the last several days. Local 600 reportedly approved its removal, but did not provide a driver for it.

Mayor Alfonso J. Cervantes was arranging to meet separately with Local 600 leaders and with representatives of trucking firms to see whether he could be of service in settling the current labor crisis.

[From the Waukegan (Ill.) News-Sun, Apr. 9, 1970]

TRUCKERS' DEMANDS HURT THE PUBLIC

Living costs in the Chicago area, from Waukegan to Gary, are due for another inflationary increase because of demands of trucking unions whose members haul food and all other necessities from the Chicago warehouses to the retailers in the surrounding area.

Unsatisfied with the national trucking wage agreement giving the drivers a $1.10 hike per hour over the next three years, the Chicago unions declare they will settle for no less than $1.70 an hour plus $5 more weekly in pension and welfare funds.

Three years ago the Chicago unions broke through the national agreement and won a higher contract than their fellow truckers in other parts of the country, and it appears they will do the same thing again, to push the cost of living in the Chicago area higher than that in other parts of the nation.

Currently the basic wage for truck drivers is $4.15 per hour plus pension and welfare benefits. While a 6 per cent pay hike to cover the increase in the cost of living might be justified, the Chicago unions insist on an increase of about 41 per cent over the next three years which, of course, will be added to the cost of food and other necessities.

Part of the problem stems from the ambition of the teamster union to become top dog in the labor movement.

The union already controls over-the-road truckers, city drivers, dock workers, mechanics, warehousemen, clerks and hospital workers, making the teamsters a labor conglomerate that could paralyze the entire nation in a short time.

The citizenry is caught in the wringer of the teamsters' power play with little hope for any relief from Congress because too many Congressmen are indebted to the unions.

Thus the chance for reasonable control over inflation fades into almost nothing.

Until such time as union wage demands are held to realistic levels, it appears only a depression that brings wholesale unemployment and suffering will restore the nation to fiscal sanity.

[From the Centralia (Ill.) Sentinel, Apr. 13, 1970]

EFFECT OF TRUCKING TIEUP CONTINUES TO MOUNT HERE

Depleted raw materials and overstocked manufactured products continued today to force local factory layoffs or work slowdowns as a result of a national trucking tieup.

However, one major local manufacturer, Siegler Heating Division, Lear-Siegler Inc., returned 350 employes to work today. They had been laid off Friday.

The prospect of other return-to-work orders appeared dim locally, as long as the trucking strike continues.

Tallies so far indicate more than 1,000 workers have been or will be laid off by Wednesday.

Those industries most directly affected by the strike are the Illinois Central Railroad Car Shops, effective Wednesday, 350 layoffs; Hollywood Candy Co., Centralia, 450; Hollywood Candy Co., Ashley, 250, Centralia Cartage Co., 150.

Other industries reporting layoffs are Littelfuse, Centralia Container Corp., Hindman Manufacturing and Centralia Engineering.

A spot check with spokesmen for some local industries indicated layoffs or work slowdowns would come this week or next if the tieup is not ended.

Valley Steel Products Co., 960 S. Cherry St., was considering a slowdown to a four-day work week.

Lack of raw materials normally supplied by truck was cited by every one of the major industries as the reason for the layoffs.

Limited local deliveries of merchandise and materials on hand at Centralia Cartage Co., 650 W. Noleman St., started today.

Ralph Sprehe, president, said four trucks were making deliveries to Centralia, Salem, Mt. Vernon and points between.

Sprehe said pickets have not appeared in front of the trucking terminal since late Friday morning.

"Now that they know we can't go anywhere, they don't picket," he said. The pickets were from Teamsters Local 600, St. Louis. Cartage Co. employes are not on strike. They were honoring the picket lines.

Charles Mason, vice president of production at Siegler, said today, "All of our employees are back to work and we think we can keep things going this week."

James Hood, director of the Illinois Bureau of Employment Security, Centralia, said today the layoffs "are going to affect everything if they continue. The longer it goes, the more it will affect."

Hood said, however, a check by his office of major industries in Salem indicated no layoffs.

"After that," he said, "they don't know."

Hood said his office was bracing for results of those already laid off last week and this week.

"If the strike continues this week," he said, "the accumulation of layoffs may easily double what we have had up to now (on claims)."

About 32,000 truck drivers today struck an estimated 1,300 Chicago area trucking firms that failed to reach agreement over the weekend with trucking unions, and drivers from North Carolina to California remained off their jobs.

Five Chicago trucking associations which refused to sign contracts with either the Teamsters or the independent Chicago Truck Drivers Union locked out another 35,000 drivers and dockmen.

The more than 1,000 companies which signed contracts agreed to the unions' demands for a $1.65 an hour wage boost over three years. The national Teamsters Union leadership and the country's carriers already have settled for a $1.10 increase.

Teamsters in Colorado, Wyoming, and Milwaukee already had voted to reject the national contract offer.

[From the Madison (Wis.) Journal, Apr. 13, 1970]

MISSING COMICS DUE TO TEAMSTER WALKOUT

BILLINGS, MONT.—Most residents here hadn't paid much attention to the truck driver walkouts in the midwest—anyway not until Sunday morning.

But when they went to their doorsteps to get the Sunday paper, something was missing. The comics.

"Your Sunday color comics section is not in today's Billings Gazette because of circumstances beyond our control," the editors apologized in a front page statement. "Last we heard your Gazette color comics were in a truck in Akron, O. The truck didn't have a driver and no one could tell us when it would."

[From the Chicago (Ill.) News, Apr. 23, 1970]

NATIONAL AGREEMENT: TRUCK PACT FADES

(By Les Hausner)

The tentative national agreement between the Teamsters Union and the trucking industry may be tossed out summarily, bolstering the holdout bargaining position of Chicago union leaders in their separate talks with employers here.

Rejection of the tentative national agreement before it ever goes to a ratification vote by rank and file members could touch off a nationwide trucking lockout of 450,000 drivers.

A spokesman for union bargainers in Chicago told the Daily News Thursday that rejection of the national agreement could come early next week at a Washington meeting expected to be called by Frank Fitzsimmons, acting head of the International Brotherhood of Teamsters.

Fitzsimmons is expected to call the meeting of leaders of Teamsters locals from throughout the nation, ostensibly to seek their support for the agreement when it goes

to the rank and file membership for a ratification vote.

Fitzsimmons was asked by trucking company representatives if there was any truth in a published report that a meeting would be called to overturn the national agreement.

"There is not a word of truth to it," he replied.

However, the Chicago union spokesman said dissatisfaction with the tentative national pact because of a 50 percent higher settlement on Chicago is so great that the local leaders may refuse to give Fitzsimmons the approval of the settlement he seeks. Fitzsimmons then would be forced to return to the bargaining table with trucking employers without meeting his commitment to submit the tentative settlement to the members for ratification.

Employers could then charge that Fitzsimmons failed to live up to his bargaining table commitments and launch a nationwide lockout in retaliation.

The national pact was tentatively reached between the Teamsters and the Trucking Employers at Washington negotiations April 9.

It would provide wage increases of $1.10 an hour over 39 months to drivers.

Chicago Teamster leaders, bargaining jointly with the independent Chicago Truck Drivers Union, have held out for higher wage hikes over a shorter period in their talks with employers here.

They have already achieved contracts guaranteeing $1.65-an-hour increases over three years with about 2,000 trucking companies employing about 20,000 drivers, and are holding out for the same settlement with other employes here.

Achievement of the higher wage goals in Chicago has angered Teamsters in St. Louis, Seattle, Oakland, Calif., and elsewhere over the $1.10 an hour pact that Fitzsimmons has agreed to for them.

Teamsters in other large cities, including Los Angeles, Minneapolis, Cleveland, Detroit and Philadelphia also are expected to reject overwhelmingly the $1.10 proposal if they get the chance to vote on it.

The holdout union bargainers in Chicago would then have substantial support in their contention that even increases of $1.10 an hour would not satisfy their membership and that employers must shell out much more to achieve a settlement.

The last offer made by trucking employers here was for wage increases of 70-cents an hour over 39 months.

The Chicago negotiations, held separately from the national bargaining, are at an impasse.

About 40,000 drivers and dock and warehouse workers are on strike or locked out here, and an even larger number of workers from throughout the general labor force have been laid off by industries dependent on truck shipments.

[From the Chicago (Ill.) News, Apr. 23, 1970]

IDLE DRIVERS IN PINCH: "LITTLE MAN SUFFERS"

(By Barry Felcher)

"It's the small man who suffers. Never the big shot."

Edward Hull, 61, of 6319 S. California, made this comment as he and hundreds of other workers made idle by Chicago's truck strike-lockout applied for unemployment compensation.

The Illinois Department of Labor set up six emergency offices throughout the area to handle the steadily increasing number of persons out of work because of the truck dispute.

Hull was laid off from his job as a scaler at Gary Steel Supply, 3600 W. 127th St., Blue Island. The truck tieup has prevented shipments moving in and out of the plant.

"I wasn't going to apply for compensation," Hull said Wednesday.

"But everyone told me to come out. They said the strike might last until next year."

Most of the men applying for assistance have been out of work since April 9 or 11, when 1,300 trucking companies locked out their employes in retaliation for selective strikes by two truck drivers' unions.

"Last week I went to the unemployment office at 22d and Cicero," said Walter Hehr, 48. "It was so crowded that you couldn't get near the place."

Hehr, of 8523 S. Menard, Oak Lawn, said he gave up after he was unable to find a parking place within walking distance of the unemployment office.

Then he read in The Daily News about the special temporary offices "and I figured I'd have nothing to lose by trying again."

Hehr, a truck driver, was locked out April 9 by his employer, Spector Freight Lines, 200 N. Mannheim, Hillside.

"Either this lockout had to happen or we would have had to strike," he said.

"If we win our point, I'm all for this no matter how long it takes."

Charles Randolph, 29, of 1732 W. 33d., a spotter for Gordon's Transport, 5300 W. 47th, isn't content to wait long for a settlement.

"I think this situation is ridiculous. I can't see it. I will be broke in two to three weeks," Randolph said.

John Czochra, 52, of 3833 W. 67th St., a dock worker for Gateway Trucking, 103d and S. Harlem, Chicago Ridge, said his layoff "is hurting. There's nothing coming in and you have bills to meet."

Tarance Etheredge, 52, of 7747 Chapel, a driver for Monarch Supply, a plumbing supply company at 1330 S. Kostner, said he hasn't worked since April 6.

"We're trying to hold out each week by thinking we'll go back to work soon. There's nothing coming in," Etheredge said.

His wife, who accompanied him to the unemployment office added:

"We can't last. That's why we're here now. "We've got to eat. We've got (two) kids in school."

[From the Chicago (Ill.) News, Apr. 23, 1970]

END THE TRUCKING TIEUP

The trucking tieup in Chicago grows ever more critical, while visible progress toward a settlement is absent. Everybody, it seems, is waiting on everybody else to make a move, and the possible key to the impasse lies in a vote on a national trucking contract that is still a couple of weeks away from decision.

The Illinois State Chamber of Commerce reflected the growing concern in its telegram to President Nixon urging that he invoke the Taft-Hartley Act and declare an emergency in order to get the trucks rolling again. "Economic disruption in Illinois is already acute and becoming more serious daily," said the chamber's president, William J. Crowley, and available figures amply support his statement.

In addition to the more than 100,000 directly affected by the lockouts and strikes, more thousands are hurt by cutbacks in factory workweeks, loss of overtime or forced "vacations." The lines are growing longer at the unemployment compensation offices.

While Chicago is apparently hardest hit, similar strike-lockouts have affected St. Louis, Cleveland, Los Angeles, Kansas City and other key shipping centers. The loss to the economy in Illinois, affected in the St. Louis area as well as Chicago, is now estimated to cost the state itself about $1 million a week in lost income-tax collections.

Whether the Nixon administration could consider this a "national" emergency suitable for Taft-Hartley measures is still unknown. Certainly, with such key cities hit, the effect spreads widely through the whole economy. But if the federal machinery can not yet be brought into play, state and local efforts toward a settlement should be multiplied immediately.

Mayor Daley and Gov. Ogilvie should bring every ounce of city-state persuasion to bear toward ending this impasse. The pay issues involved are admittedly complex, but one thing is increasingly clear: The welfare of Chicago and the entire region demand an early resolution.

INDUSTRY AGREES TO REOPEN U.S. TRUCK TALKS—IF

(By Fred Frailey)

The trucking industry agreed Friday to reopen national wage talks if Chicago teamsters can obtain higher wage increases than those contained in the national pact.

The agreement, announced in Atlantic City, N.J., by Frank E. Fitzsimmons, acting president of the International Brotherhood of Teamsters, opens the way to immediate mailing of ratification ballots to 450,000 drivers outside the Chicago-Gary area.

Fitzsimmons said ballots could be placed in the mail within a week.

Only if leaders of the 50,000 Chicago drivers and dockmen sign "a substantial segment" of the common carrier trucking companies here to better wage agreements than contained in the national contract will the Washington talks be reopened.

CENTER SHIFTED

The national contract provides for 1.10-an-hour wage increases over 39 months. Chicago drivers, who bargain separately, are seeking 1.65 in three years.

The effect of the reopener agreement will be to shift the center of the trucking dispute to the shoulders of Chicago teamsters while helping the chances of ratifying the national contract.

If the Fitzsimmons-industry plan works smoothly and the national pact is approved by drivers, the trucking dispute would be isolated to Chicago.

In Chicago, a spokesman for the large common carriers involved in the local negotiations said trucking lines would remain closed "until the snow flies" in order to prevent a higher wage pattern.

UNION LEADERS CONFIDENT

But union leaders said Friday's development concerning the national contract will have little effect on their campaign to gain industry acceptance of the $1.65-an-hour wage demand.

"I don't care what they do in Washington," said Louis F. Peick, secretary-treasurer of Teamsters Local 705 and chief IBT negotiator here. "We've got enough problems here without worrying about the national contract. Already we have a lot of common carrier companies and more of them sign up every day."

Ratification of the national contract has been delayed for almost a month because of the need to finish negotiations on work-rule changes for 37 regions of the country.

Wildcat strikes in several dozen cities have plagued the teamsters president since the wage portion of the master contract was revealed April 2. Many of the wildcat strikers said they would not vote approval of the national package so long as Chicago teamsters stood a chance to get higher wages.

The strike-lockout in Chicago ended its second week Friday with each side claiming success.

The eight IBT locals in this area and the independent Chicago Truck Drivers Union claimed to have obtained contracts for the $1.65 amount with 2,000 employers of 20,000 drivers.

But the five industry associations here that locked out drivers and dockmen rather than meet the $1.65 demand contend that only about 3,000 drivers now working under new contracts are employed by common carrier firms.

"These are either one-truck companies or private firms which do business only with one company which have signed," said Robert

Baker, labor co-ordinator for the Central Motor Freight Assn.

PROPOSED AGREEMENT FOR CO-OPERATION WITH FINLAND FOR CIVIL USES OF ATOMIC ENERGY

Mr. GORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise Senators that in compliance with section 123c of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission on April 10, 1970, submitted to the Joint Committee a proposed agreement for cooperation between the Government of the United States and the Government of the Republic of Finland. The Atomic Energy Act requires that such a proposed agreement lie before the Joint Committee for 30 days while the Congress is in session before becoming effective.

The proposed agreement provides for cooperation between the two nations in both research and power applications of nuclear energy for civil uses. As is customary with such agreements, the term is for 30 years. It provides that the United States will make available enriched uranium for two nuclear power reactors presently planned as part of Finland's nuclear electric power generation program adopted as a result of the exhaustion of available hydroelectric power sites and the lack of domestic fossil fuel resources.

The terms of the agreement reflect modifications to the Atomic Energy Act relative to private ownership of special nuclear materials. They also provide for the application of safeguards by the International Atomic Energy Agency by virtue of a trilateral agreement between the parties and that Agency and assure U.S. consideration of any agreement for IAEA safeguards control over Finland's atomic energy program in keeping with the Treaty on the Nonproliferation of Nuclear Weapons in negotiating such a trilateral agreement.

In keeping with the general practice of the Joint Committee, I ask unanimous consent to have printed in the RECORD, for the information of interested Members of the Congress, the text of the proposed agreement for cooperation together with supporting correspondence.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 10, 1970.

HON. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. HOLIFIELD: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter copies of the following:

a. a proposed "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Finland Concerning Civil Uses of Atomic Energy";

b. a letter from the Commission to the President recommending approval of the agreement; and

c. a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the agreement and authorizing its execution.

The agreement with Finland provides for long-term cooperation in research and power applications of atomic energy. As in the case of similar Agreements for Cooperation, the term of the enclosed agreement will extend for thirty years. Its major purpose is to provide for the supply of enriched uranium to Finland for fueling the two 750-MWe power reactors identified in the appendix to the agreement. These reactors are scheduled to be placed under construction by 1972 and 1974, respectively. Finland has decided to embark on a nuclear power program in view of the approaching exhaustion of available inexpensive hydro sources and the high costs of importing conventional fuel. The projected installed nuclear capacity by 1991 is to be between 5,500 and 7,000 megawatts, with the second and third projects in this program being the two reactors covered by the proposed agreement.

The net quantity of U–235 estimated to be necessary for fueling the two projects over the period of the agreement is 25,000 kilograms. This quantity, together with an additional 200 kilograms to be available for other purposes allowed under the agreement, comprise the overall net ceiling of 25,200 kilograms established in Article IX. Other significant features of the agreement are discussed below.

Article VI permits either party or authorized persons under the jurisdiction of the other party to make arrangements for the transfer of special nuclear material. Such transfers will be for uses specified in the agreement and will be subject to the abovementioned quantity limitation on U–235 established in Article IX.

Article VII provides for the supply by the United States of enriched uranium for fueling of the two planned power projects and for use as fuel in the Finnish research program. Toll enrichment will be the preferred method of supply of enriched uranium for power reactor fuel; sale will be possible at the election of the United States. Fuel for research and materials testing reactors and reactor experiments is to be supplied on agreed terms, subject to a U.S. option to limit supply arrangements to toll enrichment in the event a transfer of title is involved. Article VII also permits the transfer, under agreed terms, of special nuclear material for performance in Finland of conversion or fabrication services for third countries. Such provision is contained in several other Agreements for Cooperation, e.g., the Danish, Norwegian, Swedish, United Kingdom, and Euratom Agreements.

Terms and conditions governing fuel supply are contained in Article VIII and include the following: (a) fuel transferred under the agreement may be enriched to greater than twenty percent in the isotope U–235 if technically or economically justified; (b) reprocessing may be performed in Finnish facilities upon a joint determination that safeguards pursuant to the agreement may be effectively applied, or in other mutually acceptable facilities; (c) prices for enriched uranium supplied by the Atomic Energy Commission, as well as the advance notice required for delivery, will be the same as for domestic users; and (d) special nuclear material produced through the use of material transferred to Finland may be transferred beyond Finland's jurisdiction only with the approval of the United States.

Under Article X, Finland guarantees (a) to use for peaceful purposes the material, equipment and devices transferred to it under the agreement, including special nuclear material produced from the use of such transferred material or items, and (b) not to transfer material, including equipment and devices, to unauthorized persons or beyond Finland's jurisdiction unless the Commission determines that such a transfer is within the scope of an Agreement for Cooperation between the United States and the other nation or group of nations involved and the Commission agrees to the transfer. At Finland's request and also as reflected in the 1968 Japanese and 1969 Argentine Agreements, the United States gives a similar guarantee. With respect to the peaceful uses undertaking, however, the U.S. guarantee (as in the above-mentioned agreements) specifically permits substitution of an equivalent amount of the same type of such material as that transferred by Finland through the use of Finnish-supplied material, equipment and devices.

Article XI records the agreement of the parties promptly to request the International Atomic Energy Agency to assume safeguards responsibilities respecting materials and facilities subject to the safeguards set forth in Article XII. Article XI provides for such transfer of responsibility to the Agency pursuant to a normal safeguards transfer agreement among the United States, Finland, and the IAEA, which may provide for suspension of United States' safeguards rights during the time and to the extent Agency safeguards apply. Article XI also envisages an alternative method of safeguards transfer, which would accommodate plans being considered by the Government of Finland. If Finland, prior to the implementation of a trilateral safeguards agreement and in the spirit of the Treaty on the Non-Proliferation of Nuclear Weapons, should enter into an agreement with the IAEA for the application of the Agency's safeguards system to Finland's atomic energy activities, the United States would undertake to consult as to the extent that the Finnish-IAEA agreement might be accepted as satisfying the objectives of the referenced trilateral agreement. This alternative was designed to achieve U.S. objectives while allowing Finland discretion to place its total nuclear program under Agency safeguards at the earliest opportunity. Discussions looking toward such an agreement have already been initiated with the Agency by Finland.

Article XII establishes the standard comprehensive U.S. safeguards rights for ensuring the peaceful uses of material, equipment and devices transferred to Finland under the agreement.

The agreement will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

———— ————,
Chairman.

THE WHITE HOUSE,
Washington, March 28, 1970.

Memorandum for: Dr. Glenn T. Seaborg, Chairman, Atomic Energy Commission.
Subject: Proposed Agreement for Cooperation with Finland Concerning Civil Uses of Atomic Energy.

I have reviewed the new "Agreement for Cooperation Between the United States of America and the Republic of Finland Concerning Civil Uses of Atomic Energy" which you submitted for my approval with your letter of February 13.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed Agreement, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

b. Authorize the execution of the proposed Agreement on behalf of the Government of the United States of America by appropriate authorities of the Department

of State and the Atomic Energy Commission.

RICHARD NIXON.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 13, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Finland Concerning Civil Uses of Atomic Energy." The agreement has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Commission recommends that you approve the proposed agreement, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

As in the case of similar recently negotiated long-term power Agreements for Cooperation, the proposed agreement would extend for thirty years. Its major purpose is to provide for the supply of enriched uranium to Finland for fueling the two 750–MWe power reactors identified in the agreement's appendix, which are scheduled to be placed under construction by 1972 and 1974, respectively. Finland has decided to embark on a nuclear power program in view of the approaching exhaustion of available inexpensive hydro sources and the high costs of importing conventional fuel. The installed nuclear capacity by 1991 is projected to be between 5,500 and 7,000 megawatts, with the second and third projects in this program being the two reactors covered by the proposed agreement.

The net quantity of U-235 estimated to be necessary for fueling the two projects over the period of the agreement is 25,000 kilograms. This quantity, together with an additional 200 kilograms to be available for fueling research and materials testing reactors and reactor experiments, as well as for other purposes allowed under the agreement, would comprise the overall net ceiling of 25,200 kilograms established in Article IX. Other significant features of the agreement are discussed below.

Article VI would permit either party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other party to make arrangements for the transfer of special nuclear material. Such transfers would be for uses specified in the agreement and would be subject to the above-mentioned quantity limitation on U–235 established in Article IX.

Article VII provides for the supply by the United States of enriched uranium for fueling the two planned power projects and for use as fuel in the Finnish research program. The preferred method of supply of enriched uranium for power reactor fueling would be toll enrichment; sale would be possible at the United States' election. Fuel for research and materials testing reactors and reactor experiments would be supplied on agreed terms, subject to a United States option to limit supply arrangements to toll enrichment in the event a transfer of title is involved. Article VII would also permit the transfer, under agreed terms, of special nuclear material for performance in Finland of conversion or fabrication services for third countries. Such provision is contained in several other Agreements for Cooperation, e.g., the Danish, Norwegian, Swedish, and Euratom Agreements.

Terms and conditions which would govern fuel supply are contained in Article VIII and include the following: (a) fuel transferred under the agreement may be enriched to greater than twenty percent in the isotope U–235 if technically or economically justified; (b) reprocessing may be performed in Finnish facilities upon a joint determination that safeguards pursuant to the agreement may be effectively applied, or in other mutually acceptable facilities; (c) prices for enriched uranium supplied by the Atomic Energy Commisssion, as well as the advance notice required for delivery, would be the same as for domestic users; and (d) special nuclear material produced through the use of material transferred to Finland could be transferred beyond Finland's jurisdiction only with the approval of the United States.

Under Article X, Finland would guarantee (a) the peaceful uses of material, equipment and devices transferred to it under the agreement, including special nuclear material produced from the use of such transferred material or items, and (b) not to transfer material, including equipment and devices, to unauthorized persons or beyond Finland's jurisdiction unless the Atomic Energy Commission determines that such a transfer is within the scope of an Agreement for Cooperation between the United States and the other nation or group of nations involved and the Commission agrees to the transfer. At Finland's request and also as reflected in the 1968 Japanese and 1969 Argentina Agreements, the United States would give a similar guarantee. With respect to the peaceful uses undertaking, however, the United States' guarantee specifically would permit substitution of an equivalent amount of the same type of such material as that transferred by Finland to the United States or special nuclear material produced through the use of Finnish-supplied material, equipment and devices.

Article XI records the parties' agreement promptly to request the International Atomic Energy Agency (IAEA) to assume safeguards responsibilities respecting materials and facilities subject to the safeguards set forth in Article XII. Such transfer to the Agency could be accomplished by a normal safeguards transfer agreement among the United States, Finland, and the IAEA, which may provide for suspension of United States safeguards rights during the time and to the extent Agency safeguards apply. Article XI also envisages an alternative method of safeguards transfer, which would accommodate plans being considered by the Government of Finland. If Finland, prior to the implementation of a trilateral safeguards agreement and in the spirit of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), should enter into an agreement with the IAEA for the application of the Agency's safeguards system to Finland's atomic energy activities, the United States would undertake to consult as to the extent that the Finnish-IAEA agreement might be accepted as satisfying the objectives of the referred trilateral agreement. This alternative was designed to achieve United States objectives while allowing Finland to advance its national policy of supporting application of IAEA safeguards, including submission to Agency safeguards at the earliest opportunity, whether before or after the coming into force of the NPT. Discussions looking toward such an agreement have already been initiated with the Agency by Finland.

Article XII would establish the standard comprehensive United States safeguards rights for ensuring the peaceful uses of material, equipment and devices transferred to Finland under the agreement.

Following your approval, determination and authorization, the proposed agreement will be formally executed by appropriate authorities of the United States and Finnish Governments. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the agreement will be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

———— ————.
Chairman.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF FINLAND CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of the Republic of Finland desire to cooperate in the peaceful and humanitarian uses of atomic energy, including the design, construction, and operation of power-producing reactors and research reactors, and the exchange of information relating to the development of other peaceful uses of atomic energy; and

Whereas the Government of the United States of America and the Government of the Republic of Finland are desirous of entering into this Agreement to attain the above objectives; and

Whereas the Government of the United States of America and the Government of the Republic of Finland have ratified the Treaty on the Non-Proliferation of Nuclear Weapons signed on July 1, 1968;

The Parties agree as follows:

ARTICLE I

For the purposes of this Agreement:

(1) "Parties" means the Government of the United States of America, including the Commission on behalf of the Government of the United States of America, and the Government of the Republic of Finland, including the Ministry of Commerce and Industry or other authorized governmental agency on behalf of the Government of the Republic of Finland. "Party" means one of the above "Parties".

(2) "Commission" means the United States Atomic Energy Commission.

(3) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(4) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(5) "Equipment and devices" and "equipment or devices" mean any instrument, apparatus, or facility, and include any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(6) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

(7) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(8) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons, (2) the production of special nuclear material, or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

(9) "Safeguards" means a system of controls designed to assure that any materials, equipment and devices committed to the peaceful use of atomic energy are not used to further any military purpose.

(10) "Source material" means (1) uranium, thorium, or any other material which is determined by the Commission or the Government of the Republic of Finland to be source material, or (2) ores containing one or more of the foregoing materials, in

such concentration as the Commission or the Government of the Republic of Finland may determine from time to time.

(11) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission or the Government of the Republic of Finland determines to be special nuclear material, or (2) any material artificially enriched by any of the foregoing.

ARTICLE II

A. Subject to the provisions of this Agreement, the availability of personnel and material, the applicable laws, regulations, and license requirements in force in their respective countries, and their respective policies concerning the application of international safeguards, the Parties shall cooperate with each other in the achievement of the uses of atomic energy for peaceful purposes.

B. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate.

ARTICLE III

Subject to the provisions of Article II, the Parties agree to exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article may be accomplished through various means, including reports, conferences, and visits to facilities, and shall include information in the following fields:

(1) Development, design, construction, operation, and use of research, materials testing, experimental, demonstration power, and power reactors, and reactor experiments;

(2) The use of radioactive isotopes and source material, special nuclear material, and byproduct material in physical and biological research, medicine, agriculture, and industry; and

(3) Health and safety problems related to the foregoing.

ARTICLE IV

A. Materials of interest in connection with the subjects of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties may be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time.

ARTICLE V

The application or use of any information (including design drawings and specifications), and any material, equipment and devices, exchanged or transferred between the Parties under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment and devices for any particular use or application.

ARTICLE VI

A. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of equipment and devices and materials other than special nuclear material and for the performance of services with respect thereto.

B. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles IV and VII and subject to the relevant provisions of Articles VIII and to the provisions of Articles IX.

C. The Parties agree that the activities referred to in paragraphs A and B of this Article shall be subject to the provisions of Article II and to the contracting policies of the Parties with regard to transactions involving the authorized persons referred to in paragraphs A and B of this Article.

ARTICLE VII

A. During the period of this Agreement, and as set forth below, the Commission will supply to the Government of the Republic of Finland or, pursuant to Article VI, to authorized persons under its jurisdiction, under such terms and conditions as may be agreed, requirements of the Republic of Finland for uranium enriched in the isotope U–235 for use as fuel in the power reactor program described in the Appendix to this Agreement, which Appendix, subject to the quantity limitation established in Article IX, may be amended from time to time by mutual consent of the Parties without modification of this Agreement.

(1) The Commission will supply such uranium enriched in the isotope U–235 by providing, to the same extent as for United States licensees, for the production or enrichment, or both, of uranium enriched in the isotope U–235 for the account of the Government of the Republic of Finland or such authorized persons. (Upon timely advice that any natural uranium required with respect to any particular delivery of enriched uranium under such service arrangements is not reasonably available to the Government of the Republic of Finland or such authorized persons, the Commission will be prepared to furnish the required natural uranium on terms and conditions to be agreed.)

(2) Notwithstanding the provisions of paragraph A(1) of this Article, if the Government of the Republic of Finland or such authorized persons so request, the Commission, at its election, may sell the uranium enriched in the isotope U–235 under such terms and conditions as may be agreed.

B. As may be agreed, the Commission will transfer to the Government of the Republic of Finland or to authorized persons under its jurisdiction uranium enriched in the isotope U–235 for use as fuel in defined research applications, including research, materials testing, and experimental reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance, it being understood that, in the event of transfer of title to uranium enriched in the isotope U–235, the Commission shall have the option of limiting the arrangements to undertakings such as those described in paragraph A(1) of this Article.

C. The Commission may also transfer to the Government of the Republic of Finland or to authorized persons under its jurisdiction, under such terms and conditions with respect to each transfer as may be agreed, special nuclear material for the performance in the Republic of Finland of conversion or fabrication services, or both, and for subsequent transfer to another nation or group of nations in accordance with the provisions of Article X, paragraph A(3). It is understood that, in the event of transfer of title to uranium enriched in the isotope U–235 by the Commission, it shall have the option of limiting the arrangements to undertakings such as those described in paragraph A(1) of this Article.

ARTICLE VIII

A. With respect to transfers by the Commission of uranium enriched in the isotope U–235 provided for in Article VI, paragraph B and Article VII, it is understood that:

(1) Contracts specifying quantities, enrichments, delivery schedules, and other terms and conditions of supply or service will be concluded on a timely basis between the Commission and the Government of the Republic of Finland or persons authorized by it.

(2) Prices for uranium enriched in the isotope U–235 sold or charges for enrichment services performed will be those in effect for users in the United States of America at the time of delivery. The advance notice required for delivery will be that in effect for users in the United States of America at the time of giving such notice. The Commission may agree to supply uranium enriched in the isotope U-235 or perform enrichment services upon shorter notice, subject to assessment of such surcharge to the usual base price or charge as the Commission may consider reasonable to cover abnormal costs incurred by the Commission by reason of such shorter notice.

B. If the total quantity of uranium enriched in the istope U-235 which the Commission has agreed to provide pursuant to this Agreement and other Agreements for Cooperation should reach the maximum quantity of uranium enriched in the istope U-235 which the Commission has available for such purposes, and should contracts covering the adjusted net quantity specified in Article IX not have been concluded, the Commission may request, upon appropriate notice, that the Government of the Republic of Finland or persons authorized by it concluded contracts for all or any part of such uranium enriched in the isotope U-235 as is not then under contract. It is understood that, should contracts not be concluded in accordance with a request by the Commission hereunder, the Commission shall be relieved of all obligations with respect to the uranium enriched in the isotope U-235 for which contracts have been so requested.

C. The enriched uranium supplied hereunder may contain up to twenty percent (20%) in the istope U-235. A portion of the uranium enriched in the istope U-235 supplied hereunder may be made available as material containing more than twenty percent (20%) in the istope U-235 when the Parties agree that there is a technical or economic justification for such a transfer.

D. It is understood, unless otherwise agreed, that, in order to assure the availability of the entire quantity of uranium enriched in the istope U-235 allocated hereunder for a particular reactor project described in the Appendix, it will be necessary for

the construction of the project to be initiated in accordance with the schedule set forth in the Appendix and for the Government of the Republic of Finland or persons authorized by it to conclude a contract for that quantity in time to allow for the Commission to provide the material for the first fuel loading. It is also understood that, if the Government of the Republic of Finland or persons authorized by it desire to contract for less than the entire quantity of uranium enriched in the istope U-235 allocated for a particular project or terminate the supply contract, the remaining quantity allocated for that project shall cease to be available and the maximum adjusted net quantity of U-235 provided for in Article IX shall be reduced accordingly, unless otherwise agreed.

E. Within the limitations contained in Article IX, the quantity of uranium enriched in the isotope U-235 transferred under Article VI, paragraph B or Article VII and under the jurisdiction of the Government of the Republic of Finland for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Parties, is necessary for the efficient and continuous operation of such reactors or reactor experiments.

F. When any special nuclear material received from the United States of America requires reprocessing or any irradiated fuel elements containing fuel material received from the United States of America are to be removed from a reactor and are to be altered in form or content, such reprocessing or alteration may be performed in Finnish facilities upon a joint determination of the Parties that safeguards pursuant to this Agreement may be effectively applied, or in such other facilities as may be mutually agreed.

G. Special nuclear material produced as a result of irradiation processes in any part of the fuel leased by the Commission under this Agreement shall be for the account of the lessee and, after reprocessing as provided in paragraph F of this Article, title to such material shall be in the lessee unless the Commission and the lessee otherwise agree.

H. No special nuclear material produced through the use of material transferred to the Government of the Republic of Finland or to authorized persons under its jurisdiction pursuant to this Agreement will be transferred to any other nation or group of nations, except as the Commission may agree to such a transfer.

I. Some atomic energy materials which the Commission may be requested to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials, the Government of the Republic of Finland shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any source material or special nuclear material or reactor materials which the Commission may lease pursuant to this Agreement to the Government of the Republic of Finland or to any person under its jurisdiction, the Government of the Republic of Finland shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source material or special nuclear material or reactor materials after delivery by the Commission to the Government of the Republic of Finland or to any person under its jurisdiction.

ARTICLE X

The adjusted net quantity of U–235 in enriched uranium transferred from the United States of America to the Republic of Finland under Articles IV, VI and VII during the period of this Agreement for Cooperation shall not exceed in the aggregate twenty-five thousand two hundred (25,200) kilograms. The following method of computation shall be used in calculating transfers, within the ceiling quantity of twenty-five thousand two hundred (25,200) kilograms of U–235, made under the said Articles:

From:

(1) The quantity of U–235 contained in enriched uranium transferred under the said Articles, minus

(2) The quality of U-235 contained in an equal quantity of uranium of normal isotopic assay,

Subtract:

(3) The aggregate of the quantities of U-235 contained in recoverable uranium of United States origin either returned to the United States of America or transferred to any other nation or group of nations with the approval of the Government of the United States of America pursuant to this Agreement, minus

(4) The quantity of U-235 contained in an equal quantity of uranium of normal isotopic assay.

ARTICLE X

A. The Government of the Republic of Finland guarantees that:

(1) Safeguards provided in Article XII shall be maintained.

(2) No material, including equipment and devices, transferred to the Government of the Republic of Finland or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement, and no special nuclear material produced through the use of such material, equipment or devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(3) No material, including equipment and devices, transferred to the Government of the Republic of Finland or to authorized persons under its jurisdiction pursuant to this Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Republic of Finland except as the Commission may agree to such a transfer to another nation or group of nations, and then only if in the opinion of the Commission, the transfer of the material is within the scope of an Agreement for Cooperation between the Government of the United States of America and the other nation or group of nations.

B. The Government of the United States of America guarantees that:

(1) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement, and no special nuclear material produced through the use of such material, including equipment and devices, or an equivalent amount of material of the same type as such transferred or produced material substituted therefor, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(2) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction pursuant to this Agreement, and no special nuclear material produced through the use of such material, equipment or devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the United States of America, except as the Government of the Republic of Finland may agree to such a transfer to another nation or group of nations.

ARTICLE XI

A. The Government of the United States of America and the Government of the Republic of Finland, recognizing the desirability of making use of the facilities and services of the International Atomic Energy Agency, agree that the Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities subject to safeguards under this Agreement. It is contemplated that the necessary arrangements will be effected without modification of this Agreement through an agreement to be negotiated among the Parties and the Agency which may include provisions for suspension of the safeguards rights accorded to the Government of the United States of America by Article XII of this Agreement, during the time and to the extent that the Agency's safeguards apply to such materials and facilities.

B. If the Government of the Republic of Finland, before such time as the provisions of paragraph A above have been implemented, has at its request, in the spirit of the Treaty on the Non-Proliferation of Nuclear Weapons, entered into an agreement in accordance with Article III, paragraph A5 of the Statute of the International Atomic Energy Agency whereby the Agency's safeguard system for the time being in force is applied or is to be applied to the Republic of Finland's activities in the field of atomic energy, the Government of the United States of America undertakes to consult as to the extent that the provisions of such agreement between the Government of the Republic of Finland and the Agency may be accepted as satisfying the objectives of paragraph A of this Article.

C. In the event the Parties do not reach a mutually satisfactory agreement on the terms of an arrangement as envisaged by paragraphs A or B of this Article, either Party may, by notification, terminate this Agreement. Before either Party takes steps to terminate this Agreement, the Parties will carefully consider the economic effects of any such termination. Neither Party will invoke its termination right until the other Party has been given sufficient advance notice to permit arrangements by the Government of the Republic of Finland, if it is the other Party, for an alternative source of power and to permit adjustment by the Government of the United States of America, if it is the other Party, of production schedules. In the event of termination by either Party, the Government of the Republic of Finland shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement and still in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of the Republic of Finland or the persons under its jurisdiction for their interest in such material so returned at the Commission's schedule of prices then in effect in the United States of America.

ARTICLE XII

A. The Government of the United States of America and the Government of the Republic of Finland emphasize their common interest in assuring that any material, equipment or devices made available to the Government of the Republic of Finland or any person under its jurisdiction pursuant to this Agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards rights provided for in this Agreement are suspended by virtue of the application of safeguards of the International Atomic Energy Agency, as provided in Article XI, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

(a) reactor, and

(b) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available under this Agreement to the Government of the Republic of Finland or to any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission;

(2) With respect to any source material or special nuclear material made available to the Government of the Republic of Finland or to any person under its jurisdiction under this Agreement by the Government of the United States of America or any person under its jurisdiction and any source material or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or devices so made available:

(a) source material, special nuclear material, moderator material, or other material designated by the Commission,

(b) reactors, and

(c) any other equipment or devices designated by the Commission as an item to be made available on the condition that the provisions of this paragraph B(2) will apply,

(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials; and

(ii) to require that any such materials in the custody of the Government of the Republic of Finland or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article X;

(3) To approve facilities which are to be used for the storage of any of the special nuclear material referred to in paragraph B(2) of this Article which is not required for atomic energy programs in the Republic of Finland and which is not transferred beyond the jurisdiction of the Government of the Republic of Finland or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

(4) To designate, after consultation with the Government of the Republic of Finland, personnel who, accompanied if either Party so requests, by personnel designated by the Government of the Republic of Finland, shall have access in the Republic of Finland to all places and data necessary to account for the source material and special nuclear material which are subject to paragraph B(2) of this Article to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

(5) In the event of non-compliance with the provisions of this Article or the guarantees set forth in Article X and the failure of the Government of the Republic of Finland to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment and devices referred to in paragraph B(2) of this Article;

(6) To consult with the Government of the Republic of Finland in the matter of health and safety.

C. The Government of the Republic of Finland undertakes to facilitate the application of safeguards provided for in this Article.

ARTICLE XIII

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of thirty (30) years.

In witness whereof, the undersigned, duly authorized, have signed this Agreement.

Done at Washington, in duplicate, in the English and Finnish languages, both equally authentic, this eighth day of April, 1970.

For the Government of the United States of America:

MARTIN J. HILLENBRAND,
Assistant Secretary of State for European Affairs.

GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of the Republic of Finland:

OLAVI MUNKKI,
Ambassador E. and P., Embassy of Finland.

Certified to be a true copy:

BARBARA H. THOMAS.

FINLAND'S ENRICHED URANIUM POWER REACTOR PROGRAM

Reactors	Scheduled start of construction	Criticality date	Total kgs. U-235 required
(1)	(2)	(3)	(4)
A. 750 mw. e.	1972	1978	13,000
B. 750 mw. e.	1974	1980	12,000
Total			25,000

LEGAL SCHOLARS OPPOSE DIRECT ELECTION OF THE PRESIDENT BEFORE JUDICIARY COMMITTEE

Mr. ERVIN. Mr. President, for 3 days, 2 weeks ago, the Judiciary Committee heard a number of distinguished witnesses testify on the various proposals for reforming the manner in which we elect our President. I have previously placed in the CONGRESSIONAL RECORD of last Wednesday, April 15, 1970, the testimony of Prof. Alexander Bickel, of the Yale Law School.

Following Mr. Bickel, the committee heard from two other outstanding legal scholars, Mr. Ernest Brown, of Harvard Law School, and Mr. Charles Black, of Yale Law School. All three of these leading constitutional experts have doubts about direct election, and all three support the so-called Katzenbach proposal which I have introduced. This proposal, Senate Joint Resolution 191, with an accompanying statement, appears on page 10492 in the CONGRESSIONAL RECORD of April 7, 1970.

In his statement, Professor Black, of the Yale Law School, had the following to say about the magnitude of the change which the direct election proposal would cause our Government:

I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States. . . .

Assuming a proposed change of such magnitude, Professor Black definitely thinks the burden of proof should be on those who desire the change. He put it this way:

But I do not think that it is up to the opposition to this proposal to establish beyond a doubt what will happen in the future. We are dealing with a system which has been brilliantly successful, the whole solar system, as the late President, then Senator, Kennedy called it, of the allocation of power in the United States. It is up to those who would effect a major and radical change in it to dispel very positively the doubts as to the wisdom of that change.

* * * * *

But again, I emphasize that we are dealing with a system which has, up to now, been quite successful. And when we see the possibility, the good, solid possibility of these kinds of shoals and rocks in another system that is untested and may develop worse defects than even those that Bickel and I and Professor Brown are able to think of in advance, it puts us on a kind of chartless ocean in a new kind of presidential politics that we ought to be very, very careful of.

In their statements, both Professors Brown and Black warned us of the dangers in recounts and contested elections under the direct election proposal. As Professor Brown, of the Harvard Law School, said:

Close elections lead to contest. And with direct election, the contest would be nationwide. Every ballot box, every voting machine, would be subject to contest.

Professor Brown illustrated how nationally contested elections would develop under the direct election plan. He said:

If one candidate contests a certain area, his opponent, to protect himself, warns of a contest where he thinks something might have been adverse to him. And in a little while, the whole electorate is involved.

In continuing his warnings that contested elections could paralyze governments, Professor Brown said he thought that under direct election "the mere fact of contest is a disaster." Of course, Mr. President, there can be contested elections and recounts under any system but as Professor Brown reminded us:

But the present system insulates the states. When the vote is counted by states, those lines insulate the area of contest and keep it local, and they insulate the significance of contest.

Professor Black testified at length on the protections which the present system, and the present system as modified by my proposal, offers against the possibility of recounts and contests. He said:

We have now a compartmentalization of the recount problem, like the compartmentalization of a ship. If it springs a leak in one part, that part is sealed off from the others. The recount problem is an infrequent incident, because very often the state in which fraud is charged or error is charged will be one which, on inspection of the electoral totals, does not matter anyway.

Professor Black amplified the testimony about the dangers of recounts by mentioning that—

It would become the duty of the manager of anybody's campaign that might be advantaged by a recount to search very carefully, in good faith, for fraud, irregularity, and the sort of technical objections to voting that you refer to, so that even without this willful obstruction element, I should think that in a close election, it would be almost inevitable that the vote everywhere would be scrutinized and contested, and every possible irregularity sought after, whereas, under the present system, it usually does not matter and people just do not bother with it.

Mr. President, both of these outstanding scholars point out the contradictions in reforming the electoral college but doing nothing about the nomination process. Both of these experts feel that

if drastic changes are proposed in our election machinery, we will, of necessity, have to consider changing the nominating procedures which now follow along State lines. This change in the nominating procedures has not been considered, and both of these men see dangerous possibilities arising from the contradictions inherent in having a nominating procedure along State lines and a direct election system.

In addition to the problems with recounts and contested elections, both of these constitutional experts foresee similar problems with fraud under the direct election procedure and they both feel that the present electoral method "insulates" us from this fraud. I do not feel this greatly increased chance of fraud under a direct election system has been adequately explored, and this possibility should be considered by every Senator before voting on direct election. Now each State election under the present system that is not close is "sealed off" from fraud. Thus, under the present system, only close contests in an individual State makes it profitable for ballots to be stolen. Under direct election, all States, the entire Nation, would be inviting fraud because even though a candidate lost a State by a large margin of votes, fraud in that State under direct election could still affect national elections. I will have more to say about the issue of fraud when I place in the RECORD the testimony of Mr. Theodore White and Mr. Richard Goodwin.

Mr. President, I believe that the testimony of Professors Brown, Black, and Bickel is an excellent analysis of the issues at stake in reforming the electoral college. I sincerely hope that all Senators will read the objections of these constitutional experts before voting on these proposals. With the stakes so high, I hope that the Senate will agree with me that the proponents of direct election have not met their burden of proof.

I ask unanimous consent that the complete texts of Professor Brown, of Harvard Law School, and Professor Black, of Yale Law School, be printed in the RECORD.

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

STATEMENT OF ERNEST J. BROWN, PROFESSOR OF LAW, HOWARD UNIVERSITY

I am, for the record, Ernest J. Brown, at present visiting Professor of Law at the University of Pennsylvania, on leave from Harvard Law School, where I have been for the past 20-odd years.

I think I can best introduce my statement by saying something that is certainly neither original nor novel. That is that on any legislative statement, as Senators certainly know well, it seems to me that, to make a judgment, we have to isolate the pluses and the minuses and then evaluate them. On almost everything, there will be both pluses and minuses. Nothing is perfect. So my function today, as I understand it, is to look at the pluses and minuses, particularly with reference to the proposed direct popular election, but in passing, at least, with some of the other aspects in mind.

But perhaps I can first consider very briefly the present system, which has served us on the whole very well for almost 200 years.

There are certainly some limitations to it. People have expressed concern over the so-called faithless elector problem. People have expressed concern over the reference to the House and the necessity of voting by states. Whether those concerns are great or small, I do not think I have to decide, because there does not seem to be any plus with reference to either one of them. I heard Mr. Martin this morning say he would like to preserve individual electors, but not many people have and I can see very slight function that they have. Those changes can be made very easily without changing our institutional structure, and the resolution which I understand you have introduced, Senator Ervin, will do that, eliminating the individual electors, eliminating the voting by states in the House should there be a reference to it.

Another fault, if it is a fault, that the direct election supposedly addresses itself to is the possibility that in some election, a candidate will get a majority of the electoral vote but trail in the popular vote. That is a possibility. It happened in 1888. Whether it is a serious danger, I do not know. It does not seem to be. As my friend and colleague, Professor Bickel, has pointed out, that will happen only when the popular vote is largely a standoff, and it provides us a mechanism for resolving what is in effect a tie. It serves well there.

But if that is a difficulty, then the Senate Joint Resolution 1 solves that in its fashion and to that extent, we must give it a plus. To my mind, that is the only plus I see in favor of Senate Joint Resolution 1.

The minuses seem to me very important. I see them on three different levels and I would like to discuss those three. The first is the provision for runoff.

Now, I think I should make it clear that it is not a necessary concomitant of direct popular election that there be a runoff system. As I am informed, Senator Tydings has introduced an amendment which would eliminate the runoff and make a vast difference in that proposal. But as direct election has been proposed, as the House has passed it, and as I understand, Senator Bayh is still supporting it, it has the runoff provision in it. We must judge it on that basis. To my mind, that is much the most serious obstacle to acceptance.

We might have runoff provisions in other schemes. There might be a popular runoff with the electoral college. We have a limited runoff as it is, by the reference to the House. If I were originating my own particular scheme, I think I would join what I heard Mr. Goodwin say this morning in that I would prefer just a simple plurality. That is how Senators are elected, that is how governors are elected, and representatives and it seems to me a good system. But we have the limited runoff. And at least with the electoral scheme, it is very limited, very hard to achieve.

Now, the difficulties the runoff may create are the encouragement they give to minor candidates and, to others to come into the field; the possibility of fragmenting a field so that possibly, an otherwise hopeless candidate might win. But more important, and of greater significance, because it is more practical, is the lure it creates toward a bargaining position and achieving a powerful influence on the second primary. It was pointed out this morning that some of the people who swing their support end up in other offices. And indeed historically, in our one runoff, we know that Henry Clay, who swung his support to John Adams, ended up as Secretary of State after the 1824 election. So it is great incentive to come in and then, if that incentive exists, to seek to guarantee a runoff.

Now, the best way to guarantee a runoff is to fragment the electorate as well as you can. The best way for that, as history has demonstrated, is to slice off segments of the electorate along doctrinaire, one-issue lines. And I think we can be sure that that would be done. I think we would have had more candidates in 1968 if we had had a runoff provision. In this time, it seems to me particularly unfortunate that we could even think of anything that could multiply doctrinaire parties.

If you will pardon a little wandering, which I do not think is wandering because I think it is relevant, I have worked professionally with young people for quite a number of years—since 1930s, really, and without break, since the mid 40s—studying in professional school. During most of that time, one thing that has impressed me, among the people I have known, is their open mindedness, their willingness and eagerness to understand the factors of accommodation that hold our society and our country together.

One of the startling changes in recent years is that that atmosphere has just gone and we see young people now who come to professional school with a set of preconceived ideas and what they seem mostly interested in—this is not universal, but it is enough to set a very significant tone—is something to feed those prejudices and those dogmas. And the idea that we could do anything that would encourage the spirit of dogmatism and doctrinaire groups in this country rather than the spirit of accommodation is just inconceivable to me.

Now, I see this mechanism of the runoff as producing this result. I am sorry Senator Bayh is not here, because I overheard an exchange with Mr. Goodwin this morning that seems to me to indicate a lack of understanding. I am sorry Mr. Goodwin could not supply what was the proper answer.

Senator Bayh referred to the studies of the group of the American Bar Association. I will join you, Senator, and others whom I heard this morning, by saying I, too, have been a member of that association for quite a number of years. But at least on this issue, it certainly does not speak for me.

Now, Senator Bayh said, and he listed a lot of names—Key and Schattschneider and Du Verger, a number of others—that they agreed and that the Bar Association study had shown that the electoral college mechanism had nothing to do with the third party growth or lack of it. And indeed, that is correct. But what they do show is that the runoff provision is what induces third and multiple parties. I am sorry Mr. Goodwin could not make that answer, because he could have gone down the list of Key, whose Southern Politics is explicit on the effect of the runoff system. And he could have taken Schattschneider and he could have taken Du Verger, who studies the governmental organization of the whole world. The broader their focus, the clearer they are that a runoff system, a second election, encourages multiple parties.

Now, I can understand Senator Bayh's transference of that, because with deference, it seems to me that the studies of the Bar Association on this are highly confused. And I have both of the publications that they have issued—it seems the statement that Mr. Gossett made a year or so ago and then the pamphlet that was put out earlier. I do not know Mr. Ferrich, but he apparently had some part in this.

I think, A, they misunderstand the people whom they quote, and then they transfer to rather irrelevant considerations the facts. I will take any of those people and read page by page from Key and Du Verger and Schattschneider and see what they say.

And it is true, it is not the electoral college system, it is the runoff. Our electoral system, with the quasi-runoff to the House, does encourage third party candidates. Except it is very hard, as history shows, to get any significant electoral vote. It has not been

since 1824 that anyone has succeeded in sending an election to the House. And as we know it takes a regional candidacy to have any chance of doing it.

Senator ERVIN. My recollection of the history of the 1824 election is somewhat shaky, because I have not read it for a while, but we did not really have a party. The Federalist party had sort of passed out of existence and about the only political party then in existence was the Jeffersonians.

Mr. BROWN. Yes.

Senator ERVIN. And they had a number of different men contesting for the presidency in that election.

Mr. BROWN. Senator, if I may interrupt myself on this, you are a busy man, I know, but I know also your interest in these matters. Let me recommend to you very highly a book by Professor Nichols, of the University of Pennsylvania, as it happens, Roy Nichols, called the Invention of the American Political Parties. What Nichols does is trace the effect of the election mechanism on the growth and structure of the parties as adapting themselves to work within that mechanism. And he shows in what I think is a beautiful system that it took between 50 and 60 years of trial and error for the party structure to adopt itself to this mechanism. And he thinks it was only in the mid-19th Century that the party structure realized what it worked with.

But as you say, there was almost no party organization in 1824. We had four candidates, and of course, there was the reference to the House. Since then, even in the 1860 election, we avoided a reference to the House, though the country was greatly fragmented.

So it is not the electoral system that causes, that invites or does not invite the multiplication of candidacies. It is the runoff provision. And every one of the people whom Senator Bayh mentioned this morning to some degree states—Mr. Schindler, whom he mentioned, is the one who is less clear than any of the others—that a runoff is such an invitation. But every one of the others that he mentioned is perfectly clear and perfectly explicit that a second election, a runoff system is an invitation to multiple candidacies.

I will sit down with Senator Bayh and anyone from the American Bar Association or Mr. Ferick and read paragraph by paragraph and demonstrate. There is much that is confused and irrelevant, but that I think we can be perfectly sure of.

Now, if we suffer this multiplication of parties, as I say, this should be the last time in the world that we should want it.

The whole structure—as I said, Mr. Nichols indicates very well that changes in government are slow—but the structure will adapt to the electoral mechanism. And it is perfectly clear that all of our political institutions over a period of a few years will simply radically change. All of the forces for accommodation will be gone, because there is no magic in the two party system, except that a plurality two party system works to get accommodation and compromise, because the premium is to get together forces to come out first on the one shot election—that is the great thing, the one election. If on the other hand, you are going to have a second election and a runoff, then you invite separatism.

Now, I think there are even worse aspects than tearing down the party structure. You, and of course others here, know how second elections work, how runoffs work. We have seen them in this country. I am a native of a state where they have them. I am a fellow Louisianan with Mr. Martin originally. Just within the past couple of years, we have seen runoffs in mayorality elections as well. It has been my observation that the second election in a runoff is likely to be very bitter and very divisive. I know that has been true. I still watch the primaries in Louisiana and Mississippi. Down there, and I have seen the so-called moderate tone of the first contest. But this is the situation that you then face: The man who comes in second in the first race has usually had the strength of other candidates located. And if you have five candidates, some of them appealing to extremists and racial or dogma groups, he has this vote established. His only chance to win is to go after that vote and to change the whole tone. And that is what has characterized the runoff election. It is the second man going after these coherent groups united on racial, other grounds such as that.

It gives a bitter second election.

I do not think this country—I do not think we would ever want to encourage that. But as of now, 1970, that seems to me the last thing we should even contemplate any possibility of having.

The second aspect is suppose, as often happens, the second man does win—and it seems to me that is an advantageous place in the runoff, to come in second rather than first. The second man does not have a very powerful mandate. He is obviously pledged and in hock, if I may put it that way, to the people who have done it. It is shown in the first election that he cannot top as a matter of first choice the man who has run first.

So he has a very weak mandate. He is obligated beyond common occasions to the people who have switched to him for the second.

We have had a runoff President. Senator Bayh this morning mentioned not getting the high vote. John Quincy Adams got the second vote. His presidency was not a very fortunate presidency. There was the shadow of Jackson, who had been the first man, looming over him and his administration was discredited. And he lost, of course, at the end of four years. Senator Bayh's amendment would make it not probable but highly possible that the second man would come in by virtue of the runoff provision.

The talk that in 1824 as well as 1876, the second man was elected is nothing as compared with prospects under a runoff system, because it might be every four years that the second man would be elected. This amendment is an invitation to it. I do not think the presidency should be limited and so pledged to sharply defined dogma groups as that.

One can go on, but I hope at least I have indicated why I think the runoff system that here happens to be joined—is not necessarily but happens to be joined—to the direct popular election, is the greatest misfortune that we could face. I would be opposed bitterly to any runoff attached to any system—district, proportional, the present system, or direct popular election. That is, to my mind, a prescription for the gravest misfortune that this country could suffer. Without it, we enter another basis for judgment.

Now, the second level of minus considerations. Twice in the last three elections we have had a very close vote. We have not known the result of the popular vote for weeks, literally. And it is rather important in today's world that the result be known and not wait until absentee ballots from overseas posts filter in for counting. So just as the matter of knowing the results quickly—and this is not idle curiosity; the world waits while the US President is chosen. The US waits, too.

Senator ERVIN. The whole country, in a sense, I have noticed in Presidential election years tends to stand still for a few months.

Mr. BROWN. That is right. We all remember that one of the things that the division into state segments, of course, lets us know simply that the distribution is such that though the aggregate popular vote may be very close, no state may be close, so that we know the result while we are still waiting over weeks to find out what the aggregate popular vote was.

So that in itself is a significant fact. But more significant is the fact that close elections—and as I say, we have had two out of the last three in popular vote terms—close elections lead to contests. And with direct popular election, the contest would be nationwide. Every ballot box, every voting machine would be subject to contest.

Now, I have heard Senator Bayh say, well, it does not have to. No, you could cut the cost down to the ballot boxes in—what shall I say—West Kankakee or any place you want to choose. But we all know that is not the way election contests go. If one candidate contests a certain area, his opponent, to protect himself, warns of a contest where he thinks something might have been adverse to him. And in a little while, the whole electorate is involved.

We have seen state contests in recent years that have paralyzed state governments. And we had one contest in 1876. Without going into detail, I think the mere fact of contest is a disaster.

Then how would it be conducted? Who would conduct it? I think it would be a misfortune to throw the federal judiciary into this. But if it were a court, there is no court that would have nationwide jurisdiction other than the Supreme Court. And if I may put it that way, heaven preserve us from throwing the Supreme Court into that arena.

Congress, I suspect, would supervise the contest. I do not think that would be very happy, either. But bear in mind, too, it would be the outgoing Congress, because the incoming Congress would not have taken office. And the outgoing Congress might have been greatly changed—we might put it in terms of repudiated—at that same election.

Now, at least under the text of the proposal that passed the House, the outgoing Congress could determine who won the election, because it provides that the Congress shall provide how the President shall be determined. So the incoming Congress, with perhaps wholly different majorities, could face a legislative determination by, if I may put it, a defeated Congress. I realize, of course, that does not mean every individual, but a very significant change. The incoming Congress could face a legislative determination by a defeated Congress that candidate A, rather than candidate B, after a bitter contest, was the President of the United States. The incoming Congress might have other ideas and often would.

I do not think I need develop the possibilities that might then come.

There is no guarantee against election contests. We can have them under the present system, we can have them under any. But the present system insulates the states. When the vote is counted by states, those lines insulate the area of contest and keep it local, and they insulate the significance of contest. It has happened more than once that there might well have been contests in a given state that an election where the aggregate popular vote was quite close. But generally, the electoral majority is somewhat greater in precentage terms than the popular majority. And so a switch of a state or two would not make the difference. So those contests did not materialize. I am not gifted either with prophecy or what might have been hindsight. But I think there are very good chances that under direct popular election, we would have had damaging contests in both 1960 and 1968. We did not have them, very fortunately.

So these elements, it seems to me, these are related to direct election, the invitation to contest and the unfortunate aspects of what a contest would involve.

My third-level minus is the matter of nomination. I heard Mr. Goodwin this morning say also, though I did not hear all of his testimony, that indeed, the nominating procedure is perhaps more significant than the election because the choice is narrowed there.

Whether it is more or less, we would all agree that it is very significant. Now, the television cameras see the nominating conventions as spectacles and perhaps they are not in very good order, but I think they serve very good purposes of accommodation, again, by letting forces from the states meet and perhaps decide then or preliminarily where the strength of their party lies and how it can best be expressed and what forces they can seek to persuade.

If you have direct popular election, the nominating procedure must necessarily follow in some way the election procedure. If there were such a thing as electoral physics, I would be tempted to put this as a law of physics. A nominating procedure that does not in some way reflect the election machinery is pointless. Certainly there would be no point in having your nominating organization organized by states and state delegations when that was to be the end of it, when thereafter the voting was by direct popular election.

Now, I do not know what the nominating procedure would be under this method of election. I know it would be very different from anything we know. And I think before we are cast into the wilderness, we should have some attempt to appraise what that nominating procedure would be.

One possibility, of course, is the primary, the national primaries. And some people are for those. It would be terrifically expensive, and I suppose we would have runoffs in those, too—it would be a terrifically expensive process, draining of energy beyond that that is required now, and that is vastly great. And my judgment is that a primary as a nominating device would eliminate national factors of stability and compromise. I cannot predict, but I think we would have sharp veerings from the right to the left in the primary elections. And then the country would be faced with a choice, with the minor candidates intervening, between non-representative candidates of the major parties.

As I say, I cannot predict what the system would be. I can feel perfectly sure it would be vastly different. And I think we should be at least as concerned about the nominating process as about the electoral process itself.

Now, these are my objections. The last two, as I say, are serious, but not as serious as the first. The runoff to me puts any system beyond the pale. The last two I think are very serious. They are so serious that my own preference is for the method which you have sponsored. I can see close balance between that and, say, the provision which Senator Tydings made, or the provision which Senator Eagleton has introduced and will, I believe, speak about tomorrow. Those at least are in the area of judgment and discussions—their judgment may be better than mine—once that runoff is gone.

There is one last point I wish to make. I am reverting to the runoff simply because to me, it is the overwhelming issue. It would be understandable if the amendment gave Congress authority to provide a runoff if it felt it desirable or necessary. It is incomprehensible to me that it is made mandatory in the amendment.

Now, I may be wrong in my appraisal of the significance of the runoff, but so may the supporters be. And it seems to me the part of wisdom to profit by experience. If the runoff is as unfortunate, or only half as unfortunate as I think it would be, we should not need another Constitutional Amendment to get rid of it. It would serve the purpose to give Congress the authority one way or the other.

Similarly with the 40 percent figure as the runoff margin. There is nothing magic about 40. Maybe it should be 35. Maybe it should be 47 and a half or 50, or 45. But now 40 is the magic figure in the constitution if this goes through. Why are the proponents so rigid? How are they so sure that theirs is the ultimate wisdom, that they cannot allow the flexibility of making this subject to change by legislation? I am not sure I am right. I am not sure they are wrong altogether. I am sure they are wrong in being so rigid and uncompromising.

Thank you very much.

Senator ERVIN. You emphasize the danger of runoff and the second man winning.

Mr. BROWN. Yes.

Senator ERVIN. In the runoff, the high man's task would be largely to get support from those who did not support him. But the second man, to have any hope of winning, is going to have to outbid the top man for the groups which did not support either the first or the second man.

Mr. BROWN. I think those are the tactics.

Senator ERVIN. And you would more than likely have extremist groups supporting the candidates below the first or second. Does that not threaten the government if the second man wins by making promises to extremist groups? He is going to remain in captivity because he made promises for their support to run the government?

Mr. BROWN. I think the record shows that is the standard tactic of the second man in the first race. The vote is plotted for him. This is what the minority candidates do. They plot their areas of strength on this issue, that issue—this issue gets 50,000 votes here, that issue gets 75,000 votes, or put a few more zeros on the nationwide scales, somewhere else. So the second man has his task mapped out for him. He goes after these dogma, one-issue, whatever their identify is, but these defined groups. My observation has been that the second election is usually bitter and divisive on a level unapproached by the first.

I do not think the country can stand it.

Senator ERVIN. That has been my observation in second primaries, you know. The second primary has a tendency to do great injury to the parties where it occurs.

Mr. BROWN. Yes.

Senator ERVIN. I have always had the theory that the reason, since we are a country of vast expanse, with multitudes of people of various racial origins, with a widely divergent political philosophy among our people, with a sharp conflict in economic interests and other things you have mentioned, our government has been able to endure and to function largely—I would say solely—successfully is on account of what you call accommodation. In other words, in order to get a majority of electoral votes, a party has to try to make a broad appeal. I think it has been fortunate for our country that we have had two major parties and that each of the major parties has some people who call themselves liberals who decry the presence of conservatives in that party, and others who call themselves conservatives who decry the presence of liberals in that party. But I have always had the theory that the liberals keep the conservatives from getting reactionary and the conservatives keep the liberals from getting radical, and the necessity of making accommodations of opposing views and opposing economic and other interests has resulted in our government being much sounder than I think it would be otherwise.

This principle of what you call accommodation has made it possible for a country as large as ours, with as many diverse philosophies and as many diverse interests, to really endure and function well.

I think also it has tended to keep our government from getting too extreme, because it has to accommodate these conflicting views.

Mr. BROWN. I agree with you, Senator, and in my more pessimistic moments, I recall, it seems to me, the period of 1850s was marked by the fact that the people lost interest in accommodating and the results were very unhappy.

Senator ERVIN. And it seems to me that the electoral college system, the electoral vote, has tended to make accommodation the necessary way of life for our political parties.

Mr. BROWN. I think so. I think it has certainly demonstrated that the only chance a man has to win the Presidency is to take a relatively central position as it exists at that time and build outward from there. He has no chance of winning if he does not. And when he does that, why, of course, he is working on a principle of compromise and accommodation as much as possible.

Senator ERVIN. And the more proliferation of parties you have, the more you have emphasis placed upon divisive things, rather than on things which tend to, if not unite, at least accommodate.

Mr. BROWN. I agree, sir.

Senator ERVIN. Do you have any choices—I take it that the runoff you would say is the worst possible method of election that could be devised for a popular vote?

Mr. BROWN. I think so.

Senator ERVIN. Do you have any choice between these other proposals?

Mr. BROWN. I supported the proposal which has variously been called automatic, which Attorney General Katzenbach proposed and Senator Bayh sponsored, by the way, a few years ago, and the resolution which you have now introduced. I think that would be still my first choice.

I like Senator Tydings' provision in that it eliminates the runoff completely. There is only one election and it is worked out from there.

The same thing, I think can be said of the provision that Senator Eagleton and Senator Dole have introduced, though the very complexity of that gives me pause. People object to our present system because they said it is so intricate they cannot understand it, I do not feel that way and I am sure you do not. But if people think the present system is complicated, then I think the system which Senator Eagleton and Senator Dole have introduced is even more. But I am attracted by the idea that it eliminates any second stage in the reference to the House.

My own choice would be a simple plurality, but a plurality of electoral votes, as now, without the reference to the Congress.

But of any of the present proposals that have had substantial strength behind them, I think the one which I understand you are now sponsoring would be the one I would now choose, but feel that Senator Tydings' is next and then the Senator Eagleton-Senator Dole proposals are within the area of judgment and weighing in interested opinion. I could not oppose those if they came out of Congress.

Senator ERVIN. Now, to me it seems a weakness in the popular election proposal, even with the Tydings amendment, is the fact that it does nothing to eliminate the difficulty of devising some ways to make the nomination, or the difficulties arising out of the possibility of fraud.

Mr. BROWN. That is right. Those are the minuses which I still see there.

Senator ERVIN. Now, a lot of people are puzzled by the present provision of the Constitution, where the election goes into the House, having the votes cast by states as units. To my mind, the explanation for that provision was the fact that according to history, if I remember correctly, the way the Congress—under the Article of Confederation, the states voted as units. Also the states voted as units under the Constitutional Convention of 1787. The explanation and reason for that is that they were accustomed to that, to the states acting as units. To us, I think it is otherwise so unusual at present, that the whole thing is rather difficult to understand.

Mr. BROWN. I think that is so, Senator, and certainly, they were accustomed. As I understand it, one of the drafts of the Constitution would have referred in case of no electoral majority, would have referred it to the Senate rather than to the House. Then it was objected to in that the Senate had so many powers with regard to treaties and confirming officers nominated by the President, that it was getting too powerful. So it was given to the House, but the idea of the same representation by states came in.

Now, it made a significant differences, because of course, if it had been in the Senate, you would not have had the vote disabled by even division between two Senators, whereas in the House, when you have to get a majority of the states, a delegation can be disabled simply by being divided evenly. So it is rather doubly unfortunate that when it was sent to the House, it was left with this device which mechanically made stalemate much more possible than it would have been had it been in the Senate.

STATEMENT OF PROF. CHARLES BLACK, PROFESSOR OF LAW, YALE UNIVERSITY

I am very happy indeed to be here and honored to be invited to come. It seems to me that the only sadness about my position is having to follow such a wonderful statement and so obviously deeply studied a statement as that of Professor Brown. I do not think I have lived with this problem as closely as he has and I have no hope of being more than corroborative of some of the things that he and my colleague, Alexander Bickel, and others have said.

But if I may be permitted a reminiscence which, though personal, I believe is entirely to the point on the present issue, I spent last summer instructing foreign law graduate students in the Constitution of the United States, teaching a course in constitutional law to young people already lawyers in their own countries, who were to go out after the summer to the many different American law schools and pursue their studies of American law and reside for the year in the United States. I told them at the beginning of the course, "We have nothing to show you here in the way of antiquities. We will show you a house that was built in 1810 and you will laugh when we tell you it it an old house, you will laugh behind your hands because you look at the Arch of Titus every morning when you walk to work. We have in fact only one antiquity that is worth your attention. That is the Constitution of the United States.

"It was put into effect when Napoleon Bonaparte was a young comer. And as the other countries of the world, almost without exception, have rolled through one constitutional revolution after another, this thing has stood there in substantially its present form, has accommodated a whole continent and now reached out to the islands of the Pacific and brought them into a political structure of obvious solidity and strength. It is our antiquity. It is what we have to show you instead of the cathedral at Chartres," I told them, "so let's get to work studying it."

I approach this question with that kind of bias. I approach this question with the feeling, which I believe to be validated historically as well as any can be, that the Constitution of the United States is an almost miraculously successful document and that any change in its structure is to be approached with every presumption against it. It is often said that the electoral college system is antiquated. This is used as a sort of pejorative term for it. "Antiquated" means that it has lasted a long, long time. I do not find that an epithet of opprobrium at all. I like antiquated constitutions. They are the best kind.

So I want to approach this from that point of view. I think that none of the difficulties that I or Mr. Bickel or Mr. Brown or others see in these proposed changes can be proved up to the hilt. These are prophecies. These are suggestions of possible trouble. Some of them seem very convincing. Some of them seem almost inevitable to me.

But I do not think that it is up to the opposition to this proposal to establish beyond a doubt what will happen in the future. We are dealing with a system which has been brilliantly successful, the whole solar system, as the late President, then Senator, Kennedy, called it, of the allocation of power in the United States. It is up to those who would affect a radical change in it to dispel very positively the doubts as to the wisdom of that change.

And it is with that conception of where the burden of argumentation lies that I proceed to say what I have to say.

Senator ERVIN. If I might interject myself, I am glad to find another person like myself, because I think that a thing which has endured is something to its credit, because it takes a good thing to endure.

Mr. BLACK. Sure.

Senator ERVIN. I remember we were debating something on the floor of the Senate one time and somebody suggested that the Senate rules were written by the hand of the Lord. Well, so were the Ten Commandments and so was the Declaration of Independence and so was the Constitution of the United States.

Mr. BLACK. Certainly. When one considers its history, one has a feeling of caution about tampering with it.

I think a case can be made for the proposition that this amendment, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States, looking on that Constitution in its bare bones aspect. A Constitution, primarily, is that which constitutes the government, which creates offices, assigns the powers to the offices, and states the manner in which the officers shall be selected. That is the essence, the center, of a constitution, and I do not think we have ever made a change in this one anything like this deep. The Twelfth Amendment was comparatively a housekeeping amendment. The Seventeenth Amendment committing the election of Senators to popular vote, ratified in part what was already being done one way or another in the states. And in any case, neither of those things struck at what to me is the most conspicuous characteristic of the manner in which the American national government is constituted.

We do not know why this constitution has lasted so well. We do not know for sure wherein the strength lies, what it is that has given it such durability through so many troubles. But I think all of us have—and here I have to be somewhat vague because I do not think precision is possible—I think all of us have a hunch that this strength is somehow connected with the federal system—that is, with the fact that we have divided power between the national government and the states. And I would go farther and say that in constituting the government and selecting both the legislative and the executive branch, we have hitherto dealt with the states one by one as independent entities—weighted in various ways, to be sure, but each one contributing to the result as a state, as a separate entity.

Now, this seems to me to have a lot of symbolic significance and practical significance. What it means now is that in a Presidential election, the concept exists of carrying Connecticut or of carrying New York. This means that you have to go in there and work with the state people. It is the same constituency as in the statewide Senatorial election or the statewide gubernatorial election. I think it very plain that this has a tendency to preserve the concept of the states as semi-independent durable constituent entities in the constitutional plan, both symbolically and practically. It seems to me that an election which pays no regard to state lines, which is simply totally nationwide, something we have never had in our history would tend to obliterate this attention, tend to diminish this attention to the states, one by one, as political entities.

I cannot be sure of that. I cannot pin it down. I cannot read the future in a crystal ball, but it seems to me a very plausible judgment that one of what my former colleague and friend, Herbert Wechsler has called the political safeguards of federalism is our dealing with the states as entities, one by one, in the electoral college system as we know it.

Professor Brown has just reminded us that changes in this regard will run down into the nominating processes. There is, as he pointed out, no reason to continue the organization of that process on state-by-state lines, with the delegation from New York, the delegation from North Carolina, the delegation from Connecticut, if the vote is not going to be of that type. The nominating process surely must mirror the vote.

Now, a second point that I would make again is necessarily conjectural; it never comes clearly to light. But it has long been, as many have pointed out, the assumption of practical people in politics, and has lately received some mathematical corroboration, that the voter in a very populous state, like New York, or my native state of Texas, or California, has more attention paid to him in Presidential politics than the voter in a state like the one wherein I now have the happiness to reside, Connecticut. One feels this. I have lived ten years in New York and 15 years in Connecticut, and when you lived in New York, you felt that you were being attended to more in a Presidential campaign than you do when you live in Connecticut. This is seemingly a natural practical consequence of the enormous importance of swinging this large electoral vote.

Now, if this existed alone in the constitutional system, then it would be unfair. But the fact of the matter is that it does not. It can be viewed, as many people have pointed out (and here I am simply corroborating others) as a compensation for what is first of all the evident disproportion, the intended disproportion, the disproportion to which no one, least of all I, objects in the Senate of the United States where the opposite situation prevails.

This compensation is, incidentally, not carried through dogmatically, all the way, because when you get down to the other end of the scale, there is another thing that comes into the picture.

That is the fact that under the electoral college system, the whole great area of the sparsely populated west, so important to the

future of the country, is, by the present system, somewhat more heavily weighted, I think substantially more heavily weighted, than it would be in a straight popular election and hence presumably has some greater influence in presidential politics.

This is about the degree of complexity, seeming contradiction, that I expect in a healthy political system. I do not think one looks for absolute dogmatic consistency in such a system. This kind of epicycle upon epicycle of compensation, it seems to me, is just the way things run when they run well. And looking on the inquiry in realistic terms, as the search for an answer to the question, "Why has this system worked so beautifully?" I would be inclined to guess that some of these things have had much to do with it.

Well, now, when I turn to the popular election plan, I find in it (and I do not desire to take up the Senator's time with the purely corroboratory) I find pretty much the difficulties that others have found in it.

The radical reorganization of party structures and politics; the pretty certain disappearance or weakening of the two party system seems to me an extremely likely consequence of such reform. Like Professor Brown, I would deplore that. I think these two parties, as organs of accommodation, are important, and that their existence and functioning must be close to the physiological center of health of the United States, for reasons that have already been spread here. I think we would lose that, lose most of it, under a new system.

I would deplore the arising of little parties, and I do not know that there would be just five. Why not 10 or 20, each, as in France, with a special mission, a special issue, instead of the situation we have now, where a reasonable accommodation can be made within a party frame?

I should say parenthetically there that if what we want is a more effective participation, it is to be sought in the process of nomination, I should think, and in the party convention system, which I believe has become somewhat outmoded and not entirely responsive to need. That kind of reform should be looked for, and not this fundamental constitutional change.

I am appalled, as Professor Brown is, by the prospect of recounts. We have now a compartmentalization of the recount problem, like the compartmentalization of a ship. If it springs a leak in one part, that part is sealed off from the others. The recount problem is of infrequent incidence, because very often the state in which fraud is charged or error is charged will be one which, on inspection of the electoral totals, does not matter anyway. Sometimes, though there may have been irregularities, though these may be plausibly charged, the vote will be so one-sided in a state that a recount could not conceivably change the outcome as to that state, and it would still be carried by the person who seems to carry it. In a close election, and I do not care what you mean by close, if it is the difference between 39.99 percent and 40 percent, which is made so critical in any of these proposals, you have to recount every vote in every precinct, not only for the two leading candidates, but for all the others, and be absolutely certain that it was done right. All sorts of things about the propriety of write-ins would become immensely important.

Senator HRUSKA. Professor, in regard to recounts, it has been testified here that if any recount is requested, it would tend to trigger and generate and originate additional recounts. After all, if Ohio has a recount, for example, that will lead Illinois to have one. If Illinois asks for a recount, Pennsylvania will do it, and then New York. Do you see any possibility of that occurring where there is a close election in which a candidate receives 39.9 percent of the popular vote.

Mr. BLACK. I fail to see how it could not occur. It seems to me it would be virtually the duty of the managers of a campaign to search everywhere in a close election. If a recount occurs in one place, even though, let's say, Texas has been carried two to one by one candidate, the votes in Duval County, Texas, will still be important to set off against the votes in Illinois or Vermont. I would think, for reasons on which, of course, Professor Brown is far more expert than I am, it would be almost inevitable that this would happen. So it would seem to me.

I would think that not only would this happen as a response to recount, but that the losing candidate in a very close election would almost be driven to look for a recount. We know that the counting is not all that accurate. We now concentrate on the areas where it matters, which are likely to be few, maybe none, under the present system.

But if there is a 100,000 vote difference nationwide, or if it should happen under the Tydings proposal, which I have just seen today, that the crucial question was whether the man had 39.99 percent or 40 percent of the votes, then I should think it would be inevitable that a recount would be requested.

Senator HRUSKA. There is a distinction between a recount and a contest. After all, a recount simply is a tabulation of the votes for the several candidates is it not?

Mr. BLACK. Sure.

Senator HRUSKA. A contest would bring in allegations of fraud, lack of qualifications, lack of residence, lack of citizenship, a disqualification for conviction of felony and so on.

Is it conceivable, in this age of obstructionism there might be an attempt to disrupt the proceedings as happened in the Chicago seven trial, for example. Could it be envisioned that those who would be interested in stultifying and frustrating the system would challenge each individual vote and each individual voter? After all, in my state, they have to sign a book each time they come into a polling place. They would take each of those and challenge each one of them and call for proof. In that way, there would be such a complete state of chaos and delay that no one would know when we would ever come to a point of reaching a final count and final decision in such court proceedings.

Then the findings would be subject to appeal.

Mr. BLACK. Senator, even granting good faith though I agree with you that this possibility of bad faith exists.

Senator HRUSKA. We know that there is such a thing by our judicial history of the past few months.

Mr. BLACK. But even granting good faith, I think it would become the duty of the manager of anybody's campaign that might be advantaged by a recount to search very carefully, in good faith, for fraud, irregularity, and the sort of technical objections to voting that you refer to, so that even without this willful obstruction element, I would think that in a close election, it would be almost inevitable that the vote everywhere would be scrutinized and contested, and every possible irregularity sought after, whereas, under the present system, it usually does not matter and people just do not bother with it.

Senator HRUSKA. Is it not a fact, however, that under the present system, compartmentalized as it is among the several States, that probability would be reduced and held to a minimum?

Mr. BLACK. It is.

Senator HRUSKA. Certainly, if we judge by past experience, it has been held to a minimum.

Mr. BLACK. It is held to a minimum, I think for the obvious reason that it just really does not matter. In most cases, it will not make a difference whether there are four or five hundred irregular votes in Austin, Texas. Either the Texas electoral vote will not be needed because it will not make a critical difference, or the 500 votes in Austin will not affect the Texas electoral vote because the popular vote is so lopsided in Texas. In either of those cases, there is no occasion for contest or recount.

Our system does, by this compartmentalization, reduce it to a minimum. Also, when it has to happen, it happens on a much reduced scale.

I tremble to think how hard it would be to decide who won in as close an election as 1960 and 1968. I doubt that anyone will finally be satisfied who the winner was. I doubt that the meter really reads that fine, if you scrutinize carefully every single vote, and I again suggest that, even without bad faith, it would really be the duty of those in charge of a campaign to see that this is done.

Senator ERVIN. In a lot of areas in the country, they still use paper ballots. My county uses paper ballots. And my experience has been that the people who count the ballots are normally the same people who have been there all day conducting the business at the polls and, in several instances, people who have been at the polls and worked around the day. They count these ballots under great disadvantages, because they are fatigued and it is a very difficult thing for the mind to keep running on counting ballots; the most honest men can make mistakes.

Mr. BLACK. Certainly.

Senator ERVIN. When you have 183,000 election precincts in the country and you have a very close election, it would make very little difference in that the 183 differences that you could discover that way might make a very substantial difference in the votes. They would not be able to catch it as long as a party is a part of the electoral college system. But when you take advantage of all the possible errors and all the possible frauds in 183,000 precincts to determine who is elected President in a close election, I think it is something that is beyond comprehension.

Mr. BLACK. I fully agree with that, and entirely agree with Professor Brown's testimony. But I would suggest that even in an ideal imagined world, where there are no recount problems, a change of this kind in the structure of the government, with its repercussions in the party system, judged against the presumptions created by the history of success of this Constitution as a whole, simply fails to make a case.

I would make one further observation and then just perhaps say briefly what I would favor—I am not against all change on this—but the goal is never stated, but perhaps there is behind the present proposals a kind of inchoate idea that it is possible to elect as President of the United States the man that most people want as a first choice. I would suggest that that is not attained by any of these proposals.

Let us say you win if you get 40 percent of the vote. It may well happen that the other 60 percent of the voters would have you as their last choice. I think that was probably the case with Abraham Lincoln, that he got about 40 percent—not quite 40, I believe—and that is among the other three candidates, the supporters of any one of them would have voted for any one of the three rather than for Lincoln.

So by such a system, you are not insuring that people get their first choice. The runoff system does not assure it. My earliest poli-

tical experience, as a boy in Texas was in the run-off between Ma Ferguson and Felix Robinson—I very much doubt that either one of them was the first choice of a majority of the people in Texas.

Senator ERVIN. I think there is another consideration that bolsters your position in respect of that point. That is the fact that you have a State in what you might call a one-party State, or one-party area. The local election is all decided in the primary. There is no incentive for those people to come out and vote in the general election.

Mr. BLACK. Yes.

Senator ERVIN. Plus the fact that in some States, sometimes, people come out to vote in large numbers, not because of the candidates for President but because of some acute local issue, some State-wide issue, in that particular State. So the fact that a man gets the majority of the popular vote in a given election does not demonstrate that he is really the choice of the majority of all of the voters that had gone out to the polls.

Mr. BLACK. That is certainly true. That leaves the question of intensities.

I am simply pointing out that the goal of a President who is the first choice of voters, or of those who might vote, either one, is not anything attainable by these proposals necessarily, or perhaps by any proposal. I am just not sure that it is a feasible goal, possibly because such a person will never exist.

We have a way of accommodating and getting candidates in front of the people that pretty well recognize this.

Senator ERVIN. I had a good friend in North Carolina in 1948, when we had President Truman running on the Democratic ticket and Governor Dewey on the Republican ticket, and Strom Thurmond on the State's Rights ticket, and Henry Wallace. I had a friend who said, I am just going to form me a political party of my own and I am not going to let anybody else join it, because, he said, I do not like dissension.

Would not a party tend to proliferate or form splinter parties and some of these parties would be concerned with only one or two issues?

Mr. BLACK. It seems to me that that is a very good forecast. It has been made in such detail and with such plausibility by my colleague, Bickel, that I have not really taken it up here. It is in his book, New Age of Political Reform. I am wholly convinced by what he has to say and what Professor Brown has said on that. We are, of course, prophesying or forecasting, and we cannot be absolutely sure.

But again, I emphasize that we are dealing with a system which has, up to now, been quite successful. And when we see the possibility, the good, solid possibility of these kinds of shoals and rocks in another system that is untested and may develop worse defects than even those that Bickel and I and Professor Brown are able to think of in advance, it puts us on a kind of chartless ocean in a new kind of presidential politics that we ought to be very, very careful of.

If I may presume just a moment more on the Committee's time, I would say that it does seem to me that there are a few problems which I think could be agreed upon as right for solution. None of us, I think, hesitates very much over the case of the faithless elector, whether he would be dealt with by binding him or by simply abolishing the office of elector and substituting a count; that is immaterial. For my part, I like conservatism in style, and I do not see anything particularly damaging about having people assemble in a State Capitol. It is a ceremonial act that is harmless.

But I think they should be bound by the vote of the people, by the expectation of the people who voted for them.

A great deal of the dissatisfaction with the present system stems from the mode of voting in the House of Representatives. That is where the real trouble is. It seems to me that the House of Representatives is an excellent place—a fresh House of Representatives with a new mandate from the people is an excellent place for resolving a deadlocked election. But I do think that a man-by-man vote is needed. To me, there would be hardly a whisper of preference between that and the system of assembling both branches of the Congress in a manner which duplicates the numbers in representation of the electoral college itself for purposes of resolving a deadlocked election.

It seems to me that those reforms would take care pretty much of everything that is really to be feared in the present system, and that the sensible and sound thing to do would be to go about that far from now and see how it works out.

I think that another minor change that might be well would be to have the House of Representatives vote on the first two names in electoral college votes rather than the first three. It seems unthinkable that the House would elect number three in such a vote, and I would look on this as a step strengthening the two-party system and guarding against some possible anomaly that might come up.

Senator ERVIN. I share that view. That is one thing that prompted me to introduce what Attorney General Katzenbach had recommended, because I think it would be quite a shock to the country if you elected a President in the House, or any of them, the House or the Senate, if either of them voted to elect a third man.

Mr. BLACK. Yes, I was not aware that that proposal had been entered. There have been so many proposals, it is hard to keep them straight.

Tht is all I have to say.

Senator ERVIN. Do you have any choice between these—in other words, as I see it, you think we should get rid of the possibility of having faithless electors?

Mr. BLACK. I think so. I think that so far violates what is now the expectation of the country and of all people connected with this that it would be a real shock if an election ever were decided in that way, and I do not think legitimacy would attach to the office of the President who was chosen in that manner, or whose choice was produced by a defection of an elector after he had been elected on the present assumptions.

Senator ERVIN. Do you think, with the elimination of the possibility of having a faithless elector, and with the change in the method of requiring the States to vote in case of a deadlock, that most of the difficulties would be obliterated?

Mr. BLACK. I think if I had my choice, that is what I would do: the minimal possible change consistent with what seems to be an apprehension of general difficulties that one can put one's finger on and say, you can foresee that this really would work very well.

Senator ERVIN. Mr. Katzenbach's proposal, which I have introduced, provides that in the event no candidate received the majority of the electoral vote, the House and Senate sitting together, with each Senator and each Congressman having a vote, would select a President from among the top two candidates.

Mr. BLACK. Yes.

Senator ERVIN. You see no great difference between that method and allowing the House to do it?

Mr. BLACK. I see no great difference, and I think the choice between those two things is a very close one. I do not think either one of them would work out badly.

Senator ERVIN. Really, the only difference between this and letting the House of Representatives elect him would be on the basis of population, and the other would be more on the basis of an electoral college.

Mr. BLACK. The situation of the joint session would exactly duplicate the electoral college, with the exception of the District of Columbia electors.

Senator ERVIN. I used to be much concerned about the fact that in the State, the man who voted for the second candidate or third, fourth, or fifth, his vote was not counted. But sort of mediating on the Federal system, I feel as you stated a while ago, that there are some things you cannot explain why it works or why we get this strength in the Constitution. Reflecting on that, I do not think that is too bad.

Mr. BLACK. I do not, either, because if Mr. Bahnzaf's mathematics are right, if the calculations of practical people in politics for decades have been right, the man in the large State who has relatively less representation in the Senate will at least be attended to with respect to the next election more than elsewhere, and this effect of which I spoke, this compensating effect, would work out as to him.

Another thing, of course: Somebody always loses his votes, somebody wins. You could argue that the man who votes for a loser in a congressional race—the winner takes all in that case—loses his vote.

Senator ERVIN. Yes.

Mr. BLACK. I think the concept of your vote being lost has been insufficiently thought to the depths, perhaps, because if you lose, you always lose your vote in a sense, but you have had a chance to win it.

Senator ERVIN. I am glad you made that observation, because I think it is a sound observation, and does away with the conclusion that it is a great tragedy, because he certainly loses if he votes for the losing candidate for governor or for any other office.

Mr. BLACK. Right, and you have to decide whether this compensating effect is, which prevails with the winner take all system, is enough to justify this. My conclusion would be that it is.

As I say, it is a conclusion I made against the background of the demonstrated success of this whole constitutional system.

Senator ERVIN. I would infer, and if I am wrong in this, perhaps you will correct me, I would infer from your testimony that you would come to the conclusion that the Katzenbach proposal which I have introduced substantially meets what you think should be done in this case?

Mr. BLACK. I believe, as I understand it, yes, Senator, I think that is correct.

Senator ERVIN. I would like to ask you this question. You may answer if you wish to, and need not if you do not.

My proposal essentially is that we retain the electoral vote, we abolish electors. We keep the principle of winner take all. We abolish electors and do away with the possibility of faithless electors. Then provide that in the event no candidate gets the majority of the electoral vote, the Senate and the House, sitting together, each Congressman and each Senator having a vote, would elect the President out of the top two candidates. The Bayh proposal provides for a runoff—for a popular election, with a runoff in the event no candidate gets the top ten percent of the popular vote.

Senator Tydings' proposal provides that we keep the popular election principle, that provides that should we have a runoff, we then provide for an electoral vote in case the

candidate does not receive the majority of the votes.

Which of those is preferable?

Mr. BLACK. You mean of the latter two?

Senator ERVIN. Yes.

Mr. BLACK. I would say yours is greatly preferable to any of them. But of the latter two, I think the Tydings proposal, because it avoids the terrible runoff business and avoids this fractionating.

Senator ERVIN. Do you agree with me that the Bayh amendment, amended by the Tydings amendment, still leaves the problems that arise out of the nominating primary and the problems that arise out of the dangers of a recount or a contested election based on fraud?

Mr. BLACK. Yes, sir, I do.

As to your proposal, I would only note one possible disagreement. That is that at the present time, the custom of "winner-take-all" is decided upon by each State. The mandate is that the elector shall be decided upon in such manner as the legislature of the State shall direct. I do not know why that should not be maintained so that in the future, if a State conceives it to be to its advantage to elect by district or any other way, it can do so. I do not know just what function that might serve at some future time, but I see no need in changing that and completely constitutionalizing the "winner-take-all" rule.

Senator ERVIN. Thank you very much. Despite your opening disclaimer, I wish to say I think you have given us a most illuminating and a most interesting statement on the subject before us this afternoon.

Mr. BLACK. I very much appreciate it. It has been a pleasure.

Senator HRUSKA. I join with the Chairman in thanking you.

INFLATED UTILITY BILLS

Mr. METCALF. Mr. President, investor-owned utilities are substantial contributors to inflation. The IOU's profit records are excellent, their prospects beautiful, according to their own accounts. As the largest and most influential segment of the economy they should set an example in holding the line on inflation. Yet they are asking for record rate increases, totaling more than $2 billion annually.

If the past is any guide, they will receive more than $1.5 billion, because regulatory commissions are not equipped to examine and challenge utility requests.

Mr. President, utility rate increases are substantially more inflationary than the postal workers' pay increase. And they are vastly less justified. The postal workers' 6 percent pay increase amounts to $372 million, on an annual basis. That is about one-fourth of the $1.5 billion which, I predict, the utilities will receive from pending requests, because of our inadequate regulatory procedures.

If the postal workers receive an additional 8 percent, that will amount to $496 million, on an annual basis. The utilities are asking two and a half times the commined total of what the postal workers received and what they would like to receive in the future. And every week new requests for utility rate hikes are being filed, many of them on the order of 20 or 25 percent, despite the high profits and rosy outlook of the utility industries—telephone, gas, and electric.

Under our quaint procedures for utility regulation, no commission, State or Federal, even keeps track of the pending utility rate increase requests around the Nation. Nor does the President's Council on Economic Advisers, whose silence now on the inflationary impact of utility rate increases contrasts sharply with what the Council said 2 years ago, when there was less cause for alarm. Nor do any of the universities, the foundations or the press keep track of this important aspect of inflation. Thus it has been necessary for the Senate Subcommittee on Intergovernmental Relations to obtain this information periodically from the 50 or so commissions, and to supplement this information with what can be gleaned from the trade press.

Such information is rapidly outdated under such mindless, antiquated procedures. For example, this morning's paper reports that yesterday the Maryland Public Service Commission granted an $11.6 million rate increase for Potomac Electric Power Co. Later in my remarks I shall include tables indicating rate increase requests pending and recent settlements. These tables will not reflect the PEPCO action yesterday and may also exclude other recent developments in other States.

IOU rate increase requests now pending, by category, are as follows:

	Million
Telephone	$862
Electric	605
Gas pipeline	441
Gas distribution	250

All of the requests are before State utility commissions, except those for gas pipelines and $3 million in electric wholesale rates, which are before the Federal Power Commission.

Mr. President, the $2,160 million total in pending utility rate increases understates actual requests. This is because some States have no utility commissions. Minnesota, Nebraska, and South Dakota do not regulate electric and gas utilities. Electric facilities are publicly owned in Nebraska. Texas does not regulate electric and telephone utilities. The Indiana commission did not respond to the questionnaire on pending rate increases from the Senate Subcommittee on Intergovernmental Relations.

States where large rate increase requests are now pending include:

	Million
California	$406
New York	343
Ohio	161
Illinois	137
Michigan	108
New Jersey	90
Pennsylvania	80
Massachusetts	68
Florida	51

Some settlements have been made or offered by commissions during recent weeks. For example, the New York Public Service Commission has ordered the New York Telephone Co. to reduce its request from $175 million to not more than $137 million. On the other hand, some rate increases, filed since commissions reported to the subcommittee, may not be included in these totals.

Mr. President, the utility commissions are not equipped to deal with these extraordinary requests for inflationary rate increases. Hearings on S. 607, the utility consumers' counsel bill, revealed that most State utility commissions are quasi-judicial agencies. Utilities make strong and expensive representations to the commissions. The utilities' costs before commissions are part of their operating expenses, passed on to utility consumers.

On the other hand, no provision is made in most States, through either the tax or rate structure, for presentation of the public's case. Therefore, there are no true adversary proceedings before these quasi-judicial commissions. Indeed, counsel for the public, if any, encounters great difficulty in obtaining, from the utilities or the commissions, basic information that is needed in order to present the public's case.

This deficiency could be remedied in part, under existing law, by the hiring of outside consultants by the commissions. However, this technique is not widely used. In fact, according to the State commissions, during the past 10 years all of them have spent, in total, only $1.8 million for such consultants.

Utilities are not required to report all their expenditures on rate cases. However, the hearing record on S. 607 reveals that some individual utilities spend several hundred thousand dollars in one rate case. This is exclusive of tie-in advertising and public relations activities, which are also allowed as an operating expense.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of utility rate increase requests pending before State utility commissions as of January 19, 1970, as reported to the Senate Subcommittee on Intergovernmental Relations:

A table showing final actions taken between June 1, 1969, and January 19, 1970, on utility rate increase requests before State utility commissions;

A table showing total electric, gas, and telephone rate increase requests pending, by State, as of January 19;

A 10-year summary of outside consultants' fees paid, by State utility commissions, during the decade from 1960 to 1970;

A table showing electric rate increase requests pending before the Federal Power Commission as of January 23, 1970;

A table showing pipeline rate increase requests pending before the Federal Power Commission as of January 19, 1970, and

A table showing, by State and company, rate increase requests that have been reported in trade publications since the commissions' responses to the subcommittee earlier this year. This latter table also includes grand totals of known rate increase requests.

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

TABLE 1.—UTILITY RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF JAN. 19, 1970

Commission	Company	Amount requested by category: Electric	Gas	Telephone	Date filed	Status
Alabama Public Service Commission		(1)	(1)	(1)		
Alaska Public Service Commission	Alaska Electric Light & Power Co	$190,000			Dec. 10, 1969	On basis of ratepayers' protests, hearing set.
Arizona Corporation Commission		(1)	(1)	(1)		
Arkansas Public Service Commission		(1)	(1)	(1)		
California Public Utilities Commission	Pacific Gas & Electric Co	67,437,000			Dec. 15, 1969	Hearings to be scheduled.
	Pacific Power & Light Co	877,000			do	Do.
	Southwest Gas Corp.:					
	San Bernardino County phase II		$26,000		Feb. 6, 1969	Action subject to filing of amendment.
	San Bernardino County		1,036,000		Dec. 5, 1969	Hearing to be scheduled.
	Placer County		90,000		Dec. 2, 1969	Submitted.
	Southern California Gas Co		47,500,000		Dec. 19, 1969	Hearing scheduled.
	Southern Counties Gas Co		35,400,000		do	Do.
	Pacific Lighting Service Co		25,100,000		Dec. 13, 1969	Do.
	California-Oregon Telephone Co			$26,000	Apr. 7, 1969	Hearing concluded. Under advisement at Jan. 26 1970.
Subtotal, California		68,314,000	109,152,000	26,000		
Colorado Public Utilities Commission	Public Service Co. of Colorado		1,365,000		July 3, 1969	Hearing concluded under advisement.
Connecticut Public Utilities Commission	Greenwich Gas Co		199,000		Jan. 15, 1970	Hearing scheduled.
Delaware Public Service Commission		(1)	(1)	(1)		
District of Columbia Public Service Commission.	Potomac Electric Power Co	[2] 24,900,000			Feb. 27, 1969	Phase 1 completed. Briefs filed. Oral argument date set.
	Chesapeake & Potomac Telephone Co			13,282,000	Dec. 8, 1969	Company testimony complete. Staff and intervenors to be heard.
Florida Public Service Commission	United Telephone Co. of Florida			2,674,307	Oct. 15, 1968	Interim of $1,872,359 granted. Further hearings Feb. 2, 1970.
	Southern Bell Telephone & Telegraph Co.			32,000,000	Aug. 11, 1969	Hearings completed. Awaiting decision.
	Florida State Telephone Co			153,717	Mar. 4, 1969	Interim of $112,000 granted. Final disposition pending.
	Southeastern Telephone Co			(3)	July 25, 1969	Pending further hearings.
Subtotal, Florida				34,828,024		
Georgia Public Service Commission	Southern Bell Telephone & Telegraph Co.			29,750,000	Aug. 5, 1969	In cross-examination phase.
	General Telephone Co. of S.E.			1,548,632	Mar. 26, 1969	Decision pending.
	General Telephone Co. of Georgia			1,326,491	do	Do.
	Mutual Telephone Co			65,675	do	Do.
	Gas Light Co. of Columbus		936,000		Jan. 19, 1970	In hearing process.
Subtotal, Georgia			936,000	32,690,798		
Hawaii Public Utilities Commission	Kauai Electric Co., Ltd	691,000			Sept. 19, 1968 [4]	Hearings continued until March 1970. Interim rates granted till June 30, 1970, or until final decision.
	Maui Electric Co., Ltd. (Lanai Division)	60,400			Apr. 8, 1965 [5]	Hearings held. Decision and order pending.
	Hilo Electric Light Co., Ltd	870,000			Nov. 21, 1968	Hearings held.
Subtotal, Hawaii		1,621,400				
Idaho Public Utilities Commission	Idaho Power Co	8,672,450			Aug. 13, 1969	Hearings being conducted.
	Intermountain Gas Co		2,280,139		Sept. 23, 1969	Hearing to be held.
	General Telephone of Northwest			909,000	Jan. 7, 1969	Under advisement.
Illinois Commerce Commission	Central Illinois Light Co		1,500,000		Apr. 1, 1969	Order pending.
	Commonwealth Edison Co	45,300,000			Aug. 15, 1969	In hearing.
	Illinois Telephone Co			700,000	Sept. 30, 1969	Pending.
	Central Telephone Co			3,400,000	Dec. 1, 1969	Do.
	Illinois Bell Telephone Co			86,500,000	Dec. 11, 1969	Do.
Subtotal, Illinois		45,300,000	1,500,000	90,600,000		
Indiana Public Service Commission	Hoosier Gas Corp		(6)		Sept. 18, 1969	Do.
	Lawrenceburg Gas		(6)		do	Do.
	United Telephone Co			(6)	Oct. 20, 1969	Do.
	Indiana Natural Gas		(6)		Oct. 29, 1969	Do.
	Southern Indiana Gas & Electric		(6)		Nov. 11, 1969	Do.
	Indiana Bell Telephone			(6)	Dec. 9, 1969	Do.
Iowa State Commerce Commission	Iowa Telephone Co			267,046	Apr. 20, 1967	Hearing scheduled.
	Hawkeye Telephone Co			210,004	Dec. 10, 1969	Audit investigation in progress.
	Ace Telephone Co			8,855	Dec. 22, 1969	Investigation in progress.
	United Telephone Co			559,693	June 1, 1969	Audit of company books.
	Union Electric Co	881,500			Nov. 6, 1969	Pending investigation.
Subtotal, Iowa		881,500		1,045,598		
Kansas State Corporation Commission	Kansas City Power & Light Co	1,701,000			July 28, 1969	Pending.
	The Gas Service Co		4,002,668		Oct. 14, 1969	Do.
Kentucky Public Service Commission	Union Light, Heat & Power Co		1,248,844		Nov. 26, 1969	Hearing scheduled.
	Columbia Gas Co		1,168,000		Nov. 21, 1969	Do.
	Western Kentucky Gas Co		1,322,882		Dec. 3, 1969	Do.
	Cincinnati Suburban Bell Telephone Co			2,132,412	Dec. 11, 1969	Pending.
Subtotal, Kentucky			3,739,726	2,132,412		
Louisiana Public Service Commission	South Central Bell Telephone Co			[7] 24,000,000	Jan. 9, 1969	Scheduled for hearing.
Maine Public Utilities Commission	Nash Telephone Co			32,046	Oct. 10, 1969	Staff investigation.
	Lewiston, Green & Monmouth Telephone Co.			93,780	Nov. 16, 1969	Do.
Subtotal, Maine				125,826		
Maryland Public Service Commission	Potomac Electric Power Co		(8)		Feb. 27, 1969 May 11, 1969	Hearing complete in phase 1. Temporary surcharge of 5 percent granted Jan. 30, 1970.

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF JAN. 19, 1970—Continued

Commission	Company	Amount requested by category			Date filed	Status
		Electric	Gas	Telephone		
Massachusetts Department of Public Utilities.	Berkshire Gas Co		$147,000		July 18, 1969	Suspended.
	Worcester Gas Co		1,192,800		Oct. 10, 1969	Do.
	New Bedford Gas & Edison Light Co	$1,363,500			Sept. 16, 1969	Do.
	Cambridge Electric Co	505,800			Sept. 30, 1969	Do.
	Cambridge Gas Co		179,200		do	Do.
	Cape & Vineyard Electric Co	376,500			do	Do.
	Massachusetts Electric	9,934,000			Nov. 14, 1969	Do.
	Brockton Edison	1,516,712			Dec. 15, 1969	Do.
	Haverhill Gas		491,900		Jan. 12, 1970	Do.
	New England Telephone & Telegraph			53,000,000	July 15, 1969	In process of being heard.
Subtotal, Massachusetts		13,696,512	2,010,900	53,000,000		
Michigan Public Service Commission	The Detroit Edison Co	48,000,000			July 22, 1968	Further hearings scheduled.
	Michigan Bell Telephone Co			59,845,000	Aug. 1, 1968	Do.
	Upper Peninsula Power Co	(2)			Nov. 15, 1968	Do.
	Wisconsin Public Service Corp	(2)	(2)		Aug. 7, 1968	Do.
	Southeaster Michigan Gas Co		(2)		June 19, 1969	Hearings scheduled.
	Michigama Telephone Co			525,876	July 8, 1969	Further hearings scheduled.
	Calhoun Telephone Co			100,000	Nov. 25, 1969	Pending.
	Top O'Michigan Rural Electric Co-op	(2)			Nov. 4, 1969	Do.
	Cherryland Rural Electric Co-op	(2)			Dec. 5, 1969	Do.
	Michigama Western Telephone Co			81,954	July 8, 1969	Further hearings scheduled.
Subtotal, Michigan		48,000,000		60,552,830		
Minnesota Department of Public Service (does not regulate electric and gas utilities).		(1)	(1)	(1)		
Mississippi Public Service Commission	Mississippi Power Co	1,900,000			Dec. 18, 1969	Approved with modifications.
	United Gas Corp		278,000		Dec. 16, 1969	Approved.
Missouri Public Service Commission	Missouri Central Telephone Co			150,000	Sept. 5, 1969	Hearings to be held.
	Missouri State Telephone Co			900,000	do	Do.
	Missouri Natural Gas Co		716,500		Sept. 25, 1969	Do.
	Kansas City Power & Light Co	5,606,000			July 28, 1969	Do.
	General Telephone Co			1,074,000	Nov. 18, 1969	Do.
Subtotal, Missouri		5,606,000	716,500	2,124,000		
Montana Public Service Commission	Montana-Dakota Utilities		1,300,000		July 2, 1969	Further hearings scheduled.
Nebraska State Railway Commission (does not regulate electric and gas utilities).	Lincoln Telephone & Telegraph Co			(2)	Feb. 3, 1970	Pending.
	Clarks Telephone Co			8,553	Dec. 18, 1969	Do.
	Keystone Arthur Telephone Co			5,456	Jan. 8, 1970	Do.
Subtotal, Nebraska				14,009		
Nevada Public Service Commission	Nevada Power Co	2,014,000			Feb. —, 1970	Staff investigation in progress.
	Idaho Power Co	19,000			do	Do.
Subtotal, Nevada		2,033,000				
New Hampshire Public Utilities Commission.		(1)	(1)	(1)		
New Jersey Board of Public Utility Commissioners.	Jersey Central Power & Light Co	12,700,000			Aug. 1, 1969	Hearing in progress.
	New Jersey Power & Light Co	5,750,000			do	Do.
Subtotal, New Jersey		18,450,000				
New Mexico Public Service Commission	Public Service Co	3,603,139			July 30, 1969	Pending.
	Ruidoso Natural Gas Co		22,486		Aug. 18, 1969	Do.
New York Public Service Commission	New York Telephone Co			175,000,000	Mar. 20, 1969	Complete. Awaiting order.
	Rochester Telephone Co			1,054,070	Dec. 5, 1969	Staff investigation.
	Dunkirk & Fredonia Telephone Co			53,000	Nov. 26, 1969	Do.
	Consolidated Edison Co., of New York, Inc.	117,617,700			Aug. 21, 1969	Hearings in progress.
	Long Island Lighting Co	13,365,226			Oct. 3, 1969	Do.
	Brooklyn Union Gas Co		12,669,149		Dec. 24, 1969	Suspended. Hearing to be held.
	Iroquois Gas Corp		8,790,100		Sept. 3, 1969	Suspended to July 29, 1970. Awaiting decision.
	Niagara Mohawk Power Corp		6,393,185		Dec. 22, 1969	Suspended to May 21, 1970. Hearing to be held.
	New York State Electric & Gas Co		756,200		July 9, 1969	Suspended to June 4, 1970. Hearing complete. Awaiting decision.
	Pennsylvania Gas Co., Inc		499,703		Dec. 17, 1969	Staff investigation in progress.
Subtotal, New York		130,982,926	29,108,337	176,107,070		
North Carolina Utilities Commission	Duke Power Co	1,300,000			July 24, 1969	Hearing held Feb. 17, 1970. Decision pending.
North Dakota Public Service Commission		(1)	(1)	(1)		
Ohio Public Utilities Commission	Camden Rural Telephone Co			1,323	Nov 6, 1969	Pending.
	Cincinnati & Suburban Bell Telephone Co.			13,274,287	Aug. 5, 1969	50 percent completed.
	Citizens Mutual Telephone Co. (McClure).			7,587	Sept. 5, 1969	Do.
	New Bavaria Farmers Mutual Telephone Co.			4,200	Aug. 22, 1969	75 percent completed.
	Ohio Bell Telephone Co			79,598,983	Aug 1, 1969	Hearing to be held.
	Orwell Telephone Co			24,414	Oct. 15, 1969	Pending.
	United Telephone Co. of Ohio			13,984,173	Sept. 12, 1969	15 percent completed.
	Cleveland Electric Illuminating Co	17,947,000			Sept. 15, 1969	50 percent completed.
	East Ohio Gas Co		35,681,517		Aug. 11, 1969	75 percent completed.
	West Ohio Gas Co		472,381		Aug. 18, 1969	Do.
	West Ohio Gas Co. (Kenton)		114,629		Aug. 20, 1969	25 percent completed.
Subtotal, Ohio		17,947,000	36,268,527	106,894,967		
Oklahoma Corporation Commission	Allied Telephone Co. of Oklahoma			235,363	May 1, 1969	Hearing scheduled.
	General Telephone Co. of Southwest			1,500,000	Sept. 15, 1969	Do.
	Wallace Gas Co		75,000		Nov. 19, 1969	Do.
	Southwestern Public Service Co	142,023			May 9, 1969	Referee's findings reported; exceptions by utility director set.
Subtotal, Oklahoma		142,023	75,000	1,735,363		

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF JAN. 19, 1970—Continued

Commission	Company	Amount requested by category: Electric	Gas	Telephone	Date filed	Status
Oregon Public Utility Commission	Idaho Power Co	$497,585			Nov. 25, 1969	Tariffs suspended.
	Pacific Power & Light Co	8,949,000			Dec. 2, 1969	Hearing company's direct case set.
Subtotal, Oregon		9,446,585				
Pennsylvania Public Utility Commission	Duquesne Light Co	16,607,819			Oct. 1, 1969	Suspended to Apr. 1, 1970; hearings in progress.
	Metropolitan Edison Co	19,721,904			Sept. 30, 1969	Suspended to June 1, 1970; hearings in progress.
	UGI Corp		$4,528,773		Dec. 30, 1969	Staff report in process.
	Columbia-United Telephone Co			$251,444	Jan. 19, 1970	Do.
Subtotal, Pennsylvania		36,329,723	4,528,773	251,444		
Rhode Island Public Utilities Commission	New England Telephone Co			9,200,000	Apr. 1, 1969	Suspended, hearings completed.
	Newport Gas Light Co		239,000		July 15, 1969	Do.
	Bristol & Warren Gas Co		140,000		Apr. 28, 1969	Do.
Subtotal, Rhode Island			379,000	9,200,000		
South Carolina Public Service Commission.	Duke Power & Light Co	1,957,000			July 23, 1969	Hearing resumed Feb. 25, 1970.
	General Telephone Co			2,041,000	Sept. —, 1969	Hearing completed under advisement.
	Pee Dee Telephone Co			122,000	do	Do.
	Elloree Telephone Co			87,300	May —, 1969	Hearing resumes Mar. 12, 1970.
	Bowman Telephone Co			200,000	do	Do.
Subtotal, South Carolina		1,957,000		2,450,300		
South Dakota Public Utilities Commission (does not regulate electric and gas utilities).	Bison State Telephone Co			128,694	Dec. 15, 1969	Hearing pending.
Tennessee Public Service Commission	Tipton County Utilities		12,516		Dec. 5, 1969	Hearing held; decision pending.
	General Telephone Co			855,512	Nov. 6, 1969	Hearing held; staff investigation in progress.
	Tennessee Telephone Co			210,970	Oct. 3, 1969	Hearing scheduled.
Subtotal, Tennessee			12,516	1,066,482		
Texas Railroad Commission (does not regulate electric and telephone utilities).	Did not respond to questionnaire					
Utah Public Service Commission		(1)	(1)	(1)		
Vermont Public Service Board	Citizens Utilities Co	2,364,000			Mar. —, 1963	Due for hearing on remand from Vermont Supreme Court.
Virginia State Corporation Commission	Virginia Electric & Power Co	25,000,000			Nov. 25, 1969	Hearing scheduled.
	Southwestern Virginia Gas Co		214,511		Nov. 26, 1969	Do.
	Old Dominion State Telephone Co			86,355	Jan. 9, 1970	Do.
Washington Utilities and Transportation Commission.	Pacific Power & Light Co	2,717,000			Dec. 2, 1969	Under suspension; subject to investigation and public hearings.
West Virginia Public Service Commission.	Consolidated Gas Supply Corp		2,000,000		Oct. 30, 1967	Further hearings.
	Cabot Corp		791,000		May 1, 1968	Hearing scheduled.
	Spencer Gas Co		20,000		Nov. 20, 1968	Hearings held.
	Cameron Gas Co		26,200		May 15, 1969	Waiting briefs.
	Man Gas Co		11,500		June 4, 1969	Do.
	Equitable Gas Co		300,000		Oct. 21, 1969	Hearing held.
	Indian Creek Gas Co		22,500		Nov. 5, 1969	Do.
	Preston County Light & Power Co			36,600	May 28, 1969	Waiting decision.
	General Telephone Co. of Southeast			1,150,000	June 17, 1969	Hearing scehduled.
	Chesapeake & Potomac Telephone Co			11,133,000	Oct. 22, 1969	Under investigation.
Subtotal, West Virginia			3,171,200	12,319,600		
Wisconsin Public Service Commission	Northern States Power Co	1,427,000			Oct. 14, 1968	Hearings closed. Filing of briefs completed.
	Central State Telephone Co			63,100	Dec. 4, 1968	Hearings completed. Briefs being filed by company.
	Mount Vernon Telephone Co			37,500	do	Do.
	Wisconsin Telephone Co			21,600,000	Dec. 30, 1968	Staff exhibits and testimony and company rebuttal presented in 7-day hearing in January 1970. Further hearings scheduled for Feb. 23, 1970, for the purpose of cross examination of the company's rebuttal and presentation of staff rebuttal. On Jan. 16 the company reduced its request to $14,850,000.
	Wisconsin Fuel & Light Co		281,293		Jan. 15, 1969	Hearing held June 5, 1969. Hearing held Jan. 27 and 28, 1970, for cross examination of the company's exhibits and presentation of commission staff testimony and exhibits.
	United Telephone Co			212,000	Mar. 14, 1969	Interim order with rate increase of $53,563, issued May 22, 1969. Commission staff presently awaiting completion of toll separation study.
	Valders Telephone Co			22,155	Apr. 14, 1969	Hearing held Sept. 16, 1969. Postponed for 150 days to allow the company time to furnish further information to the commission.
	Waunakee Telephone Co			44,865	May 19, 1969	Hearing held Sept. 25, 1969. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony if deemed necessary.
	Black Earth Telephone Co			12,288	do	Hearing held on Sept. 29, 1969. Awaiting request from the company to revise depreciation rates before staff exhibits can be completed.
	Superior Water, Light & Power Co	295,100	247,800		Aug. 14, 1969	Hearing held Oct. 14, 1969. Staff is reviewing company exhibits and records to result in introduction of staff exhibits and testimony.
	Southeast Telephone Co			90,048	Sept. 8, 1969	Hearing held Oct. 9, 1969. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony.
	Rock River Telephone Co			19,775	Oct. 20, 1969	Hearing held Nov. 25, 1969. Exhibits submitted by the company. Commission staff is in the process of reviewing company exhibits which will result in preparation of staff exhibits.
	Wisconsin Gas Corp		1,022,800			Pending commission action.
	Wisconsin Public Service Corp	6,295,000	2,680,000		Oct. 27, 1969	Hearing scheduled for Feb. 13, 1970.
	Cumberland Telephone Co			44,535	Nov. 5, 1969	Hearing held Jan. 9, 1970. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony.

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASE REQUESTS PENDING BEFORE STATE UTILITY COMMISSIONS AS OF JAN. 19, 1970—Continued

Commission	Company	Amount requested by category: Electric	Gas	Telephone	Date filed	Status
Wisconsin Public Service Com.—Con.	Sharon Telephone Co			$9,692	Nov. 7, 1969	Hearing held Dec. 10, 1969. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony.
	Weyauwega Telephone Co			12,225	Nov. 10, 1969	Hearing held Dec. 9, 1969. Staff investigation in progress with respect to review of applicant's exhibits and records to result in preparation of staff exhibits and testimony.
	Northwestern Wisconsin Electric Co	$49,358			Nov. 14, 1969	Hearing held Dec. 17, 1969. Commission staff recommended the amount requested be granted. Formal order forthcoming.
	St. Croix Telephone Co			17,583	Dec. 2, 1969	Hearing held Jan. 19, 1970. Commission staff awaiting delayed exhibit to be submitted by the company.
	Evansville Water & Light Department	(2)			Dec. 17, 1969	Hearing scheduled for Feb. 4, 1970.
	Tenny Telephone Co			(2)	Jan. 14, 1970	Hearing scheduled for Feb. 11, 1970.
	Amery Telephone Co			(2)	Jan. 15, 1970	Do.
Subtotal, Wisconsin		8,066,458	$4,231,893	22,185,766		
Wyoming Public Service Commission	Cokeville Telephone Co			1,341	Oct. 27, 1969	Hearing scheduled.
Grand total [10]		481,121,716	205,492,176	647,757,879		

[1] None.
[2] Involves three jurisdictions (D.C.-Md.-Va.) according to the Maryland Commission.
[3] Undetermined.
[4] Amended Nov. 11, 1968.
[5] Amended Apr. 16, 1969.
[6] No response relative to amounts.
[7] Amended from $17,000,000
[8] See District of Columbia and footnote 2.
[9] Amount unspecified.
[10] See tables 3 and 7.

TABLE 2.—FINAL ACTIONS TAKEN SINCE JUNE 1, 1969, ON UTILITY RATE INCREASE REQUESTS BY STATE UTILITY COMMISSIONS

Commission and Company	Applications filed by category: Electric Amount requested	Electric Amount granted	Gas Amount requested	Gas Amount granted	Telephone Amount requested	Telephone Amount granted	Date of final action
Alabama Public Service Commission	None		None		None		
Alaska Public Service Commission:							
Golden Valley Electric Association, Inc.	$82,000	Denied					July 1, 1969
Alaska Electric Light & Power Co	130,000	$105,000					June 9, 1969
Glacier Highway Electric Association, Inc	7,000	7,000					July 3, 1969
Subtotal Alaska	219,000	112,000					
Arizona Corporation Commission	None		None		None		
Arkansas Public Service Commission:							
Western Arkansas Telephone Co					$493,600	$83,000	June 1, 1969
Arkansas Western Gas Co			$1,062,877	$794,719			Dec. 1, 1969
California Public Utilities Commission:							
Southern California Edison Co	60,137,000	46,668,000					Aug. 26, 1969
Pacific Gas & Electric Co			33,050,000	16,155,000			Jan. 6, 1970
Pacific Lighting Service Co			5,705,000	5,705,000			Aug. 26, 1969
Southern California Gas Co			5,939,000	5,939,000			Do.
Southern Counties Gas Co			4,310,000	4,310,000			Do.
Southwest Gas Corp. (San Bernardino County, phase 1)			33,000	33,000			June 10, 1969
California-Pacific Utilities					98,000	75,000	Sept. 23, 1969
General Telephone Co. of California					46,300,000	16,600,000	July 1, 1969
Subtotal, California	60,137,000	46,668,000	49,037,000	32,142,000	46,398,000	16,675,000	
Colorado Public Utilities Commission: Mountain States, Telephone & Telegraph Co					30,000,000	5,878,000	July 18, 1969
Connecticut Public Utilities Commission:							
Pequot Gas Co			50,600	29,800			Aug. 27, 1969
Greenwhich Gas Co			290,000	114,200			Aug. 25, 1969
Subtotal, Connecticut			340,600	144,000			
Delaware Public Service Commission	None		None		None		
District of Columbia Public Service Commission	None		None		None		
Florida Public Service Commission:							
General Telephone Co., of Florida					7,751,000	2,589,323	(1)
Southern Bell Telephone & Telegraph Co					5,775,625	3,701,500	July 22, 1969
Winter Park Telephone Co					600,000	341,633	June 23, 1969
Florida Puclic Utilities Co.:							
De Land Division			20,692	20,692			Nov. 20, 1969
Sanford Division			14,128	14,128			Do.
Subtotal, Florida			34,820	34,820	14,126,625	6,632,456	
Georgia Public Service Commission:							
Pineland Telephone Cooperative					43,600	29,200	Jan. 20, 1970
Waverly Hall Telephone Co					34,000	34,000	Oct. 16, 1969
Wilkes Telephone & Electric Co					118,300	42,300	July 11, 1969
Georgia State Telephone Co					31,368	Denied	Oct. 27, 1969
Subtotal, Georgia					227,268	105,500	
Hawaii Public Utilities Commission	None		None		None		
Idaho Public Utilities Commission: Intermountain Gas Co			1,026,409	1,026,409			Oct. 31, 1969
Illinois Commerce Commission:							
Union Electric Co	2,150,000	1,232,000					Oct. 3, 1969
Lakeside Telephone Co					12,000	12,000	Sept. 17, 1969
Prairie Telephone Co					18,000	18,000	Sept. 17, 1969
Rossville Telephone Co					20,000	20,000	June 25, 1969
Subtotal, Illinois	2,150,000	1,232,000			50,000	50,000	

Footnotes at end of table.

TABLE 2.—FINAL ACTIONS TAKEN SINCE JUNE 1, 1969, ON UTILITY RATE INCREASE REQUESTS BY STATE UTILITY COMMISSIONS—Continued

Commission and Company	Applications filed by category						Date of final action
	Electric		Gas		Telephone		
	Amount requested	Amount granted	Amount requested	Amount granted	Amount requested	Amount granted	
Indiana Public Service Commission:							
Town of Bremen	(2)	(2)					Aug. 1, 1969
Lincoln Natural Gas Co., Inc			(2)	(2)			Oct. 31, 1969
Central Indiana Gas Co., Inc			(2)	(2)			Dec. 19, 1969
Lawrenceburg Gas			(2)	(2)			Jan. 29, 1970
Terre Haute Gas			(2)	(2)			Jan. 16, 1970
Aurora Utilities							Jan. 16, 1970
United Telephone Co					(2)	(2)	Oct. 19, 1069
Indiana Telephone Co					(2)	(2)	Nov. 6, 1969
Midwest Telephone Co					(2)	(2)	Jan. 30, 1970
United Telephone Co.:							
Bluffton					(2)	(2)	Jan. 9, 1970
Upland					(2)	(2)	Jan. 9, 1970
Subtotal, Indiana							
Iowa State Commerce Commission: Van Buren Telephone Co					$25,345	$15,431	May 1, 1969
Kansas State Corporation Commission:							
Cuba Telephone Co					4,053	1,200	June 19, 1969
Salemsborg Farmers Telephone Co					2,061	2,061	July 1, 1969
Subtotal, Kansas					6,114	3,261	
Kentucky Public Service Commission: South Central Bell Telephone Co					920,052	839,662	
Louisiana Public Service Commission: Gulf States Utilities Co			$928,097	$502,338			Jan. 26, 1970
Maine Public Utilities Commission	None		None		None		
Maryland Public Service Commission:							
Chesapeake & Potomac Telephone Co					34,000,000	22,762,000	Jan. 14, 1970
Columbia Gas of Maryland, Inc				850,000			
Massachusetts Department of Public Utilities:							
Boston Gas Co			3,500,000	1,974,003			Jan. 29, 1970.
Mystic Valley Gas			1,014,150	413,541			Feb. 17, 1970.
Central Massachusetts Gas			118,700	118,700			Do.
Lawrence Gas Co			189,350	174,332			Do.
Lynn Gas Co			255,400	41,074			Do.
North Shore Gas Co			324,250	213,702			Do.
Northampton Gas Co			100,450	100,450			Do.
Wachusett Gas Co			55,200	39,824			Do.
Subtotal, Massachusetts			5,557,500	3,075,626			
Michigan Public Service Commission:							
Climax Telephone Co					16,520	16,520	June 19, 1969
Consumers Power Co			28,194,000	21,308,000			Sept. 29, 1969
Consumers Power Co	$29,152,000	$16,514,000					Sept. 29, 1969
Michigan Gas Utilities Co			2,150,000	1,360,602			Nov. 13, 1969
Michigan Consolidated Gas Co			26,986,000	4,179,683			June 6, 1969
Tri-County Electric Cooperative	100,725	100,725					Nov. 26, 1969
Whiteford Telephone Co					122,935	122,935	Nov. 2, 1969
Wisconsin Michigan Power Co	535,000	510,000					Dec. 8, 1969
Subtotal, Michigan	29,787,725	17,124,725	57,330,000	26,848,285	139,455	139,455	
Minnesota Department of Public Service:							
Gopher State Telephone Co					400,000	350,000	Aug. 20, 1969
Pioneer-United Telephone Co					171,000	171,000	July 22, 1969
Subtotal, Minnesota					571,000	521,000	
Mississippi Public Service Commission	None		None		None		
Missouri Public Service Commission:							
Missouri Public Service Co	5,250,000	5,126,724					July 22, 1969
Gas Service Co			4,020,000	3,100,000			July 21, 1969
Union Electric Co	12,200,000	10,236,738					Oct. 31, 1969
Laclede Gas Co			6,870,000	4,550,000			Aug. 25, 1969
Southwestern Bell					44,500,000	30,689,409	Oct. 2, 1969
Missouri Telephone Co					521,000	521,000	Sept. 18, 1969
Missouri Utilities Co			135,000	135,000			June 15, 1969
Subtotal, Missouri	17,450,000	15,363,462	11,025,000	7,785,000	45,021,000	31,210,409	
Montana Public Service Commission	None		None		None		
Nebraska State Railway Commission	None		None		None		
Nevada Public Service Commission	None		None		None		
New Hampshire Public Utilities Commission	None		None		None		
New Jersey Board of Public Utility Commissioners	None		None		None		
New Mexico Public Service Commission:							
Southern Union Gas Co			4,083,936	Denied			Dec. 17, 1969
Community Public Service Co	291,139	291,139					Sept. 18, 1969
New York State Public Service Commission:							
Niagara Mohawk Power Corp	22,000,000	17,945,900					Oct. 23, 1969
Corning Natural Gas Corp			106,000	106,227			June 24, 1969
Columbia Gas of New York, Inc			1,206,000	1,002,200			Jan. 21, 1970
General Telephone Co. of Upstate New York, Inc					81,000	81,000	July 1, 1969
Subtotal, New York	22,000,000	17,945,900	1,312,000	1,108,427	81,000	81,000	
North Carolina Utilities Commission:							
Lee Telephone Co					239,013	142,437	July 28, 1969
Southern Bell Tel. & Tel. Co					3,135,100	[3] 1,124,000	July 8, 1969
Denton Telephone Co					29,571	29,571	July 7, 1969
Eastern Rowan Telephone Co					45,986	45,986	July 7, 1969
Subtotal, North Carolina					3,449,670	1,341,994	
North Dakota Public Service Commission:							
Northwestern Bell Telephone Co					3,000,000	502,000	Sept. 19, 1969
Montana-Dakota Utilities Co			1,208,783	1,208,783			Dec. 30, 1969

Footnotes at end of table.

TABLE 2.—FINAL ACTIONS TAKEN SINCE JUNE 1, 1969, ON UTILITY RATE INCREASE REQUESTS BY STATE UTILITY COMMISSIONS—Continued

Commission and Company	Applications filed by category						Date of final action
	Electric		Gas		Telephone		
	Amount requested	Amount granted	Amount requested	Amount granted	Amount requested	Amount granted	
Ohio Public Utilities Commission:							
Ohio Valley Gas Co.:							
East Liverpool			$238,808	(4)			
New Boston			5,061	(4)			Dec. 9, 1969
Subtotal, Ohio			243,869	(4)			
Oklahoma Corporation Commission	None		None		None		
Oregon Public Utility Commission: Pacific Northwest Bell Telephone Co					$12,400,000	$1,427,315	Dec. 22, 1969
Pennsylvania Public Utility Commission:							
Philadelphia Electric Co	$29,707,184	$29,707,184					Nov. 24, 1969
Mercer Gas Co			17,261	17,261			Mar. 1, 1969
Equitable Gas Co			762,500	762,500			July 15, 1969
Subtotal, Pennsylvania	29,707,184	29,707,184	779,761	779,761			
Rhode Island Public Utilities Commission	None		None		None		
South Carolina Public Service Commission:							
Greenwood-United Telephone					754,000	694,000	July 31, 1969
Southern Bell Telephone					657,000	657,000	Sept. 16, 1969
Rock Hill Telephone					284,000	239,000	Dec. 13, 1969
Carolina Pipe Line			155,554	155,554			Dec. 16, 1969
Subtotal, South Carolina			155,554	155,554	1,695,000	1,590,000	
South Dakota Public Utilities Commission:							
Sioux Valley Telephone Co					21,269	21,269	July 25, 1969
Armour Independent Telephone Co					8,148	8,148	June 5, 1969
Subtotal, South Dakota					29,417	29,417	
Tennessee Public Service Commission: United Inter-Mountain Telephone Co.					2,052,212	1,377,741	Aug. 1, 1969
Utah Public Service Commission: Utah Telephone Co					302,579	202,538	Jan. 5, 1970
Vermont Public Service Commission	None		None		None		
Virginia State Corporation Commission:							
United Inter-Mountain Telephone Co					822,526	800,000	July 29, 1969
Harrisonburg Telephone Co					788,000	419,000	June 5, 1970
Subtotal, Virginia					1,610,526	1,219,000	
Washington Utilities and Transportation Commission: Pacific Northwest Bell Telephone Co					26,700,000	14,000,000	Nov. 28, 1969
West Virginia Public Service Commission:							
Consumers Gas Utility Co			41,700	21,900			Jan. 16, 1970
Carnegie Natural Gas Co			16,470	15,200			Dec. 5, 1969
Independent Gas Co			17,000	9,900			Nov. 3, 1969
Holden Gas Co			15,000	11,800			Aug. 7, 1969
Wayne Gas Co			25,000	23,000			Sept. 22, 1969
Logan Gas Co			9,000	7,600			Aug. 7, 1969
Subtotal, West Virginia			124,170	89,400			
Wisconsin Public Service Commission:							
Wisconsin Public Service Corp	5,167,000	2,000,000					Aug. 22, 1969
Wisconsin Gas Co			6,447,000	4,112,000			Do.
Natural Gas, Inc							[5] Nov. 20, 1969
Universal Telephone of Northern Wisconsin					27,000	9,927	July 25, 1969
Wisconsin Natural Gas Co			4,660,000	3,500,000			Sept. 12, 1969
American Gas Co. of Wisconsin, Inc				(6)			Nov. 14, 1969
Wisconsin Michigan Power Co			269,000	105,000			Oct. 23, 1969
Headwaters Telephone Co					11,800	6,941	Aug. 4, 1969
Kaukauna, Wis	232,000	256,000					July 7, 1969
Casco Telephone Co					11,500	11,561	June 24, 1969
Wisconsin Telephone Co					1,000	1,050	June 4, 1969
General Telephone Co. of Wisconsin					2,800	2,800	June 13, 1969
Dodge County Telephone Co							[6] July 1, 1969
Muny Natural Gas Utility			4,700	4,700			July 8, 1969
Chippewa County Telephone Co., Inc					44,100	20,287	Oct. 28, 1969
Shawano, Wis	(7)						Aug. 15, 1969
Madison Gas & Electric Co			500,000	539,000			Sept. 19, 1969
Subtotal, Wisconsin	5,399,000	2,256,500	11,800,700	8,260,700	98,200	52,566	
Wyoming Public Service Commission:							
Montana-Dakota Utilities Co			127,918	95,143			Dec. 17, 1969
Cheyenne Light, Fuel & Power Co	168,000	48,319	142,000	50,852			June 13, 1969
Wyoming Gas Co			47,000	42,000			Aug. 4, 1969
Subtotal, Wyoming	168,000	48,419	316,918	187,995			
Grand total	167,309,048	130,749,329	146,447,994	84,993,817	222,903,956	106,738,745	
Total amount requested, electric, gas, and telephone					536,660,998		
Total amount granted, electric, gas, and telephone					322,481,891		

[1] Pending reconsideration.
[2] No amounts supplied as requested.
[3] Amount granted reflects amount of unallocated portion of toll separations allowed to be retained.
[4] City council passed ordinance rates acceptable to company subsequent to staff report.
[5] Withdrawn.
[6] Dismissed.
[7] Customer reconnection charge increased from $1 to $3.50.

TABLE 1—*Total electric, gas, and telephone rate increase requests pending before State Utility Commissions as of January 19, 1970, by State*

Alabama	(1)	Colorado	$1,365,000	Illinois	$137,400,000
Alaska	$190,000	Connecticut	199,000	Indiana	(2)
Arizona	(1)	Delaware	(1)	Iowa	1,927,098
Arkansas	(1)	District of Columbia	38,182,000	Kansas	5,703,668
California	177,492,000	Florida	34,828,024	Kentucky	5,872,138
		Georgia	33,626,798	Louisiana	24,000,000
		Hawaii	1,621,400	Maine	125,826
		Idaho	11,861,589	Maryland	(3)

TABLE 1—Continued

Massachusetts	$68,707,412
Michigan	108,552,830
Minnesota	(1) (4)
Mississippi	2,178,000
Missouri	8,446,500
Montana	1,300,000
Nebraska	[4] 14,009
Nevada	2,033,000
New Hampshire	(1)
New Jersey	18,450,000
New Mexico	3,625,625
New York	336,198,333
North Carolina	1,300,000
North Dakota	(1)
Ohio	161,110,494
Oklahoma	1,952,386
Oregon	9,446,585
Pennsylvania	41,109,940
Rhode Island	9,579,000
South Carolina	4,407,300
South Dakota	[4] 128,694
Tennessee	1,078,998
Texas	(5) (6)
Utah	(1)
Vermont	2,364,000
Virginia	25,300,866
Washington	2,717,000
West Virginia	15,490,800
Wisconsin	34,484,117
Wyoming	1,341
Total	[7] 1,334,371,771

[1] None.
[2] Did not supply amounts as requested.
[3] See District of Columbia and footnote 2, table 1, supra.
[4] Does not regulate electric and gas utilities.
[5] Does not regulate electric and telephone utilities.
[6] No response to questionnaire.
[7] See table 7.

TABLE 4.—*10-year summary, outside consultants' fees paid by State utility commisions for the years 1960–70*

Alabama	(1)
Alaska	$52,509.81
Arizona	(2)
Arkansas	29,456.84
California	(1)
Colorado	22,700.00
Connecticut	(1)
Delaware	(1)
District of Columbia	71,022.32
Florida	(3) 115,000.00
Georgia	(1)
Hawaii	71,000.00
Idaho	46,745.28
Illinois	(2)
Indiana	(2)
Iowa	120,154.19
Kansas	262,162.01
Kentucky	(1)
Louisiana	(1)
Maine	57,559.00
Maryland	84,190.19
Massachusetts	130,000.00
Michigan	28,450.00
Minnesota	(1)
Mississippi	(1)
Missouri	$100,410.84
Montana	28,962.43
Nebraska	(1)
Nevada	5,000.00
New Hampshire	(1)
New Jersey	(1)
New Mexico	30,000.00
New York	139,779.80
North Carolina	7,130.00
North Dakota	28,189.72
Ohio	(1)
Oklahoma	(1)
Oregon	15,000.00
Pennsylvania	(1)
Rhode Island	40,000.00
South Carolina	7,740.00
South Dakota	19,111.00
Tennessee	(1)
Texas	(2)
Utah	58,603.00
Vermont	130,000.00
Virginia	21,220.00
Washington	82,995.00
West Virginia	18,000.00
Wisconsin	(1)
Wyoming	(1)
Total	1,823,091.43

[1] None.
[2] Unknown.
[3] This amount not totally expended to date, expected to be by July 1970.

TABLE 5.—ELECTRIC RATE INCREASE REQUESTS PENDING BEFORE THE FEDERAL POWER COMMISSION AS OF JAN. 23, 1970

Company	Date filed	Annual increase	Status
Wisconsin-Michigan Power Co. (Oconto Electric Cooperative).	June 26, 1964	$31,100	Suspended; parties have been holding meetings seeking settlement.
Southern Indiana Gas & Electric Co. (City of Jasper, Ind.).	Aug. 30, 1968	132,274	Suspended; parties and our staff have been meeting seeking settlement
Duke Power Co. (72 various customers).	Aug. 27, 1969	1,651,000	Suspended; prehearing conference held and trial schedule has been set.
Boston Edison Co. (Boston Gas Co.).	Feb. 28, 1968	$57,740	Pending.
Orange & Rockland Utilities Co. (Rockland Electric Co.).	Dec. 1, 1969	584,975	Do.
Union Electric Co. (Missouri Power & Light Co.).	Dec. 22, 1969	818,889	Do.
Total [1]		3,275,978	

[1] See table 7.

TABLE 6.—FEDERAL POWER COMMISSION PIPELINE RATE INCREASES PENDING AS OF JANUARY 19, 1970

Company	Amount of annual increase	Date filed	Status
Florida Gas Transmission Co	$1,700,000	Aug. 16, 1965	Rate of return decided; other matters pending before Commission.
	3,349,000	Aug. 1, 1968	Rate of return decided; hearings not scheduled on other matters.
El Paso Natural Gas Co	31,604,285	Sept. 6, 1968	Rate of return before Commission; other matters before Examiner.
	18,344,770	Feb. 3, 1969	Resolution to be tied to above filing.
	51,123,297	Oct. 13, 1969	Rate of return before Commission; Prehearing conference on other matters scheduled for Feb. 19, 1970.
Algonquin Gas Transmission Co	9,314,315	Oct. 30, 1968	Rate of return decided; other matters before Examiner.
Manufacturer Light and Heat Co	5,791,798	Dec. 27, 1968	Rate of return before Commission; Settlement offer on other matters to be filed shortly.
	1,752,043	Apr. 15, 1969	Same as above.
Home Gas Co	1,145,848	Dec. 27, 1968	Do.
	152,860	Apr. 15, 1969	Do.
Consolidated Gas Supply Corp	14,860,935	Dec. 31, 1968	Rate of return before Commission; Hearings on other matters scheduled for March 24, 1970.
	12,306,491	July 16, 1969	Same as above.
Transwestern Pipeline Co	4,985,925	Apr. 1, 1969	Under staff analysis.
	31,582,284	Dec. 1, 1969	Prehearing conference scheduled for January 29, 1970.
Columbia Gulf Transmission Co	$7,325,942	Apr. 15, 1969	Rate of return before Commission; Conference on other matters scheduled for February 3, 1970.
United Fuel Gas Co	9,168,059	Apr. 15, 1969	Same as above.
Kentucky Gas Transmission Corp.	2,260,000	Apr. 15, 1969	Rate of return before Commission; Other matters under staff analysis.
Atlantic Seaboard Corp	5,454,000	Apr. 15, 1969	Same as above.
Panhandle Eastern Pipe Line Co	21,550,768	May 5, 1969	Rate of return before Commission; Settlement conference on all matters scheduled for February 11, 1970.
	5,706,000	Dec. 2, 1969	Tracks supplier increases; resolution tied to above filing.
Natural Gas Pipeline Co. of America.	44,471,857	May 29, 1969	Rate of return before Commission; settlement offer on all matters pending before Commission.
	4,230,493	Nov. 14, 1969	Tracks supplier increases; resolution tied to above filing.
Cities Service Gas Co	16,090,776	June 20, 1969	Rate of return before Examiner; hearing on other matters scheduled for Mar. 31 1970.
	1,779,494	Dec. 22, 1969	Tracks supplier increases; resolution tied to above filing.

Company	Amount of annual increase	Date filed	Status
Texas Gas Transmission Corp.	$36,813,047	June 27, 1969	Rate of return and tax depreciation before Commission; hearing on other matters scheduled for June 2 1970.
	5,031,437	Nov. 7, 1969	Tracks supplier increases; Consolidated with above filing.
Mississippi River Transmission Corp.	8,867,340	July 1, 1969	Settlement conferences being held currently.
Pacific Gas Transmission Co.	1,554,235	Aug. 8, 1969	Before Commission.
Southern Natural Gas Co.	37,830,641	Aug. 15, 1969	Rate of return and tax depreciation before Commission; other matters under staff analysis.
	$2,378,650	Nov. 14, 1969	Tracks supplier increases; Consolidated with above filing.
Lawrenceburg Gas Transmission Corp.	238,600	Aug. 26, 1969	Under staff analysis.
South Georgia Natural Gas Co.	1,340,475	Sept. 30, 1969	Hearings scheduled for Apr. 21, 1970.
	45,203	Nov. 14, 1969	Tracks supplier increases; Consolidated with above filing.
Colorado Interstate Gas Co.	8,235,887	Oct. 3, 1969	Hearings scheduled for July 7, 1970.
United Gas Pipe Line Co.	33,099,134	Oct. 31, 1969	Hearings on rate of return scheduled for Apr. 7, 1970.
Total [1]	441,485,889		

[1] See table 7.

TABLE 7.—*Total rate increase requests pending as of January 19, 1970, before State regulatory commissions, the Federal Power Commission, and a partial list of subsequent filings*

States:	
Electric	$481,121,716
Gas	205,492,176
Telephone	647,757,879
Subtotal	1,334,371,771
Federal Power Commission:	
Electric	3,275,978
Gas pipeline	441,458,889
Subtotal	444,734,867
INCREASE REQUESTS, FILED SINCE JANUARY 19, 1970, THAT HAVE COME TO OUR ATTENTION THROUGH TRADE PUBLICATIONS [1]	
California:	
General Telephone (electric)	$4,400,000
Pacific Gas & Electric (gas)	20,600,000
Pacific Telephone (telephone)	195,000,000
San Diego Gas & Electric (gas)	8,534,000
California Pacific Utilities (electric)	226,000
	228,760,000
Florida: General Telephone (telephone)	17,000,000
Kentucky:	
Western Kentucky Gas (gas)	1,539,719
Louisville Gas & Electric (gas)	3,222,642
Union Light, Heat & Power (gas)	341,216
People's Gas (gas)	235,000
London Gas (gas)	13,320
Leslie County Telephone Co. (telephone)	24,000
	5,375,897
New Jersey:	
Public service gas and electric:	
(Gas)	9,000,000
(Electric)	63,000,000
	72,000,000
New York:	
Central Hudson Gas & Electric:	
Electric	5,700,000
Gas	1,000,000
	6,700,000
Pennsylvania:	
Pennsylvania Power & Light (electric)	16,000,000
Pennsylvania Electric Utilities (electric)	$24,000,000
	40,000,000
Washington:	
General Telephone (telephone)	3,222,703
Washington Natural Gas (gas)	700,000
	3,922,703
Wisconsin:	
Wisconsin Electric Power (electric)	8,300,000
Subtotal	382,058,600
Grand total (States, FPC, and subsequent filings	2,161,165,238

[1] There has been no attempt on the part of staff to do a State-by-State follow-up to the information provided by the commissions for table 1, above.

THE CRISIS IN EDUCATION

Mr. KENNEDY. Mr. President, as a member of the Subcommittee on Education, I am increasingly concerned about our failure to achieve equal educational opportunity and about the financial crisis facing schools at all levels in our system.

I feel that our goal for the 1970's must be what I would call "total educational opportunity" for every American—genuine access to high quality schools from the earliest years of life through 2 or 4 years of college or other post-secondary training.

And to meet this goal, the Federal Government must commit greater financial resources, again at all levels.

In recent weeks I have discussed my ideas on programs and funding in three statements—a speech to leading educators in my own state of Massachusetts, testimony before the Appropriations Subcommittee, and prepared remarks for a coalition of Massachusetts college and university students, faculty and administrators seeking greater Federal aid to higher education. I ask unanimous consent that these three statements appear in the RECORD at this point.

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

ADDRESS OF SENATOR EDWARD M. KENNEDY AT THE ANNUAL ADMINISTRATORS' CONFERENCE OF MASSACHUSETTS EDUCATORS IN AMHERST, MASS.

It is a great privilege for me to be here tonight at this education conference. For you are leading educators in Massachusetts, and therefore in the nation. You have devoted your professional lives—and in great part your personal lives—to the noble enterprise of educating our nation's youth. And you are now considering, during this four-day conference, one of the most critical issues which our troubled nation faces today: "Education for Survival in the '70's."

Our primary goal must be: To give every individual in this nation a genuine opportunity for high quality education.

That goal is easily stated. But achieving it is a difficult task. We have made great strides—primarily through efforts of people such as yourselves. But the obstacles are many. We have a long way to go.

Most serious, perhaps, are two major and related problems: First, how do we pay for education? Second, how do we achieve educational opportunity?

The financial crisis in education today is truly staggering. And the fiscal dilemma affects the very quality of our schools. Too often the controlling question becomes: "How much does it cost," rather than "How can we best educate the children?"

Nearly one in every four Americans is now attending elementary or secondary school. Last year, local educational agencies spent over $34 billion. The cost of education rose by 13 per cent. And total education costs are expected to double by the end of the decade.

Here in Massachusetts, we have about 1.2 million public school students. This year expenditures exceed $1 billion for the first time.

Yet despite this impressive commitment, annual per pupil expenditure in Massachusetts is well below the national average.

A state which established the first public school system in the United States cannot afford to slip from preeminence. A nation which prides itself on democracy and informed citizens cannot ignore educational needs. Jefferson called America the "last, best hope of mankind." But without a first-rate, well-financed educational system, that hope cannot long survive.

Where is the money going to come from? Certainly not from property taxes, which for years were the traditional source. In Massachusetts, local taxpayers already pay over 70 per cent of the school budget—compared to the national average of 52 per cent. Moreover, property taxes are regressive—placing the greatest burden on those who are least able to pay.

I believe that the Federal Government must assume a larger share of school budgets than the present average of 7 per cent. For education has national dividends. A better educated populace means a stronger economy and a healthier society. Moreover, with the high mobility in America today, an individual very likely will not work and settle down in the community where he went to school.

In addition, the Federal Government is in a unique position to raise vitally-needed edu-

cation money. It alone can provide coordination and leadership. It alone has the overview and the capacity to stimulate needed programs. It alone can most effectively publicize new innovations throughout the United States.

You are all familiar with this year's appropriations battle. The Administration initially sought half a billion dollars less than was spent in fiscal 1969. Congress increased the budget request by $1.2 billion—while making offsetting cuts of over $5.6 billion in other appropriations such as defense spending and other lower priority areas.

But the President vetoed the bill—against the will of a majority of Congress, and a majority of American citizens.

As a result, actual appropriations for education are only 42 per cent of the amount authorized by Congress. After receiving $90.7 million for education in 1969, Massachusetts gets only $69.1 million this year under the bill finally accepted by the President. And the budget request for next year would give Massachusetts only $45.7 million.

This is shortsighted, mindless, budget-cutting of the worst sort. It reflects a distorted set of national priorities which I cannot accept. Surely a nation which pays an average of over $1,400 a year in armaments for each South Vietnamese soldier, can afford more than $54 a year for each American school child.

I fought for increased education appropriations last year. Many of you here tonight were involved in that appropriations effort with me. We will fight again this year. I think that chances are good for getting some increased funds.

But as we increase the Federal share, I urge also an increase in the state share. Massachusetts has improved. But we still rank low among states in aid to education.

More state aid would end the rigid dependence on property taxes as a source of school revenue. It would also serve as a further incentive, a show of good faith, to the Federal Government. It is easier for Senators and Congressmen to vote the larger Federal funds when we see increasing state commitment as well.

Further, this year I introduced an amendment to the ESEA bill which provides for grants of $10 million, $15 million, then $20 million annually for planning and evaluation. These grants would be made by the Commissioner of Education to state and local educational agencies. They in turn could use the funds to hire trained personnel or otherwise carry out long-range planning and evaluation. They could spell out goals; and how they expect to reach them; and then be able to systematically review, evaluate and revise their programs in the light of experience.

I introduced this amendment because I know, from talks with you and other educators, that immediate day-to-day pressures preclude spending on long-range planning and evaluation. Yet such activities are essential for the most effective utilization of resources.

I also think that better evaluations by you in the field would help in the appropriations fight in Washington. If you can give us data on what programs work, we can push for those funds. If you can spell out priorities, we can act accordingly. If your evaluations rebut the critics, we can make a better case.

So what you do in the state—in funding and evaluation—will help in the Federal effort.

Another critical area in which I have acted is aid to private and parochial schools. As we know, these schools in Massachusetts are under great financial pressure. Several have already gone under. Many more are on the brink.

We cannot allow private and parochial schools to simply die out. They have served our communities well. They have long brought special education to the disadvantaged. They presently educate over 15 per cent of our children. They relieve the state of a tremendous financial burden.

In the Senate this year, I supported an amendment to establish a Commission on School Finance—to study the whole funding problem in general. A major function will be to propose alternative approaches for financing parochial schools. I look forward to studying its recommendations.

In the meantime, immediate steps for parochial schools are necessary. At the Federal level, I recommend higher funding of Title III of ESEA—to permit contracting with parochial schools for various educational facilities and non-religious instruction. In this way, we could achieve immediate aid while examining long-term proposals. I have written to Commissioner of Education, James Allen, requesting his reaction to the approach. For clearly we must act now.

Adequate financing is critical to solving the other major problem which we face in education today. That's the question of achieving true equality of educational opportunity.

It's a popular phrase these days. Everyone is for it. But too often, the tough underlying questions are ignored. What do we mean by "equal educational opportunity?" What are the policy implications? What have we done to further the goal? What still needs to be done?

You are gathered here to consider education in the '70's. I submit to you that one fundamental commitment should underlie all of your considerations. It is simply this: Each and every American child should have an absolute right by birth to a first-rate education, regardless of his family background and regardless of the community in which he lives.

For the poor child, this means equalized expenditure in his school. For the black or other minority child, this means integrated schools. For the handicapped child, this means special programs and services to help him develop his full potential. For all children, this means access to the full range of education—from the early years all the way through college.

Equal educational opportunity has been the American promise for generations. But we have consistently failed to deliver. And I suggest that this failure contributes to the disruption and discontent in our society today.

Our younger citizens see the gap between promise and reality. They see modern schools in the suburbs, but grossly inadequate schools in the inner-city. They see black children stoned, attacked, bussed far out of their way—to avoid desegregation. They see money going to Vietnam which could have helped our poorest schools. They see the hypocrisy of a system which holds out the American dream of equality, but will not devote the resources required to make it a reality.

I insist that this nation can achieve equality of opportunity in education. I submit that this covers a wide range of needs. We must keep fighting on all fronts.

First, equal educational opportunity means desegregation of schools. The nation is now at a crossroads on this whole issue. What we say and what we do in the months ahead will have a profound effect on society for years to come.

Massachusetts has been progressive, with an important racial imbalance statute. I sincerely urge all citizens to maintain the open mind and open heart which has characterized most of our citizens in the past.

I stand today by the same view which I expressed before the U.S. Civil Rights Commission three years ago, when I said:

"There is virtual unanimity among education authorities that school segregation by color, whether de jure or de facto, is harmful to school children, and as long as Negro children are racially isolated in schools, they will be denied the equality of educational opportunity which should be their birthright as American citizens."

I also support a new and hard look at the North on the whole question of desegregation and racial isolation. As a start, I am pleased that the Senate recently appointed a Special Committee on Equal Educational Opportunity to make recommendations.

We need a consistent national policy. But in the meantime ,I do not feel that we should in any way curtail the present effort to end unconstitutional discrimination, wherever in the nation it occurs.

Second, equal educational opportunity means eliminating gross inequalities in education spending. Last year, per pupil expenditure by school district in Massachusetts ranged from a low of $433 to a high of $1,138. Even within districts, there tends to be disparities between per pupil expenditures at individual schools.

And in almost all states of the nation, funding often bears a reverse correlation to need. The low-income schools, the core city schools, the schools with the greatest needs for disadvantaged students—these schools tend to receive the least funds.

These local disparities are paralleled and exacerbated at the national level. New York, for example, averages $1,251 per pupil, while Mississippi averages only $476. The general result is that children of the poor are denied good educations. The cycle of poverty persists.

I hope that at the state and local levels, you will seek to raise the floor and roughly equalize per pupil expenditures.

At the Federal level, I recommend that the Office of Education issue firm guidelines to insure that Federal money is used to close, not widen, the gap in per pupil spending.

As a member of the Subcommittee on Education, I worked with my colleagues in recent months on a "comparability" provision for Title I of ESEA. The resulting amendment requires that a recipient school district provide services in Title I schools equivalent to those they provide in non-Title I schools.

Third, equal educational opportunity means substantial compensatory education. For equal spending does not assure equal possibility for advancement. Because they start out behind, the disadvantaged need additional attention just to catch up.

As a conferee for working out ESEA differences with the House of Representatives, I supported a successful Senate provision raising the low-income factor to $4,000. It would take effect when the lower income entitlements are fully funded. I also supported additional entitlements for schools with especially high concentrations of low-income students.

In addition, my Senate colleagues and I prevailed on a requirement that Title I money be used to supplement, rather than supplant, state and local funds. Some school districts have used Title I money as part of their regular budget, rather than for compensatory programs. This amendment should end the misuse.

Imagination and thoroughness can take compensatory education far beyond just Title I. Just yesterday a veterans' education bill passed the Senate which contained my proposal for special assistance to disadvantaged veterans. Through June of last year, only 20.7 per cent of eligible veterans were using their benefits. Even more distressing, only one out of every fifteen veterans who has not completed high school chooses to study under the G. I. bill.

My proposal provides even higher entitlements to disadvantaged veterans who are paying for special tutorial services. The aim is to encourage colleges, universities and other institutions to take a priority interest in returning veterans.

These men, whose lives were disrupted by the country's call, deserve no only our gratitude, but all the assistance we can give. Many veterans with poor academic backgrounds have gained maturity and responsibility in the service. With special help now, they can become constructive and well-educated citizens. We certainly owe them every chance.

As you educators know, successful compensatory education in the future will take more than money. We need new ideas, new programs, and new approaches in educational technique.

You here tonight spearheaded innovation and change in the '60's. You helped develop not only Title I—but Head Start, Follow Through, Upward Bound, dropout prevention, Title III of ESEA and so on. Some of you work with the Teacher Corps, which I sponsored back in 1965.

Your schools have initiated many new approaches—teach teaching, non-graded classrooms, no marks, flexible periods, individually programmed instruction, classrooms without walls, teacher aides, student participation, and many more.

The Trotter School in Boston, for example, has successfully achieved integrated, quality education. It utilizes cross-grade grouping, team teaching, individualized instruction, and other innovations. It serves as a magnet school, drawing assistance from college students and members of the community. It maintains a parent and local advisory board.

The Morrocco School in Winchester, the Bancroft School in Andover, and several others in the state have open spaces, rather than walls. Wellesley and Newton have been active in curriculum development. Arlington has Project MALE for teacher aides under Title III. And right here in Amherst the new regional junior high incorporates many recent innovations.

I congratulate all of you for considering new ideas, no matter how radical, while at the same time recognizing and preserving what is best in our current approaches. For when we stress compensatory education, we must be bold in seeking better ways to do it.

Fourth, equal educational opportunity necessarily must cover early childhood development and day care. If we can prevent problems in the early years, the compensatory needs later on will be far less.

I have heard several doctors testify that the greatest personal development occurs in the first three years of life. Inadequate nutrition causes permanent brain damage. Fifty thousand children under the age of seven die each year from clear neglect of their safety, diet and medical needs. An estimated three-quarters of the nation's mentally retarded children have been handicapped by cultural rather than genetic factors. Fewer than one-half million of the 12 million young children of working mothers can be accommodated in licensed day-care facilities today.

I have cosponsored legislation to expand day-care support to low-income children. The concept is relatively new, and we do not have extensive experience. So at this point, I think it would be a mistake to get locked into any one institutional approach. In starting up, we have an ideal opportunity to try different systems and see what works. I will seek to give the greatest flexibility as we develop a new Federal program in this important area.

Fifth, equal educational opportunity must cover college and other post-secondary institutions. For just as the high school diploma was vital for the best jobs a few decades ago, so the post-secondary degree is vital today.

The avenue is simply not open to the disadvantaged. Of our college students, 76 per cent come from families in the top half of the income bracket. Only 7 per cent come from families in the lowest income quartile.

In the highest socioeconomic quartile, only one out of 20 top-ranking students fails to go to college. A staggering 10 times as many top-ranking students in the lowest quartile are denied a college education.

Vocational and technical training opportunities are also less accessible to the poor.

Last year I introduced the "Higher Education Bill of Rights." Its key features include:

Greatly expanded Educational Opportunity Grants and Work-Study funds;

Scholarship and matching grants to institutions which take low-income students;

Start-up grants for community colleges; and other provisions.

Grants, not loans, are absolutely necessary to open the way for the poorest students. High interest loans are just not attractive if a student and his family live in poverty. That is why I am upset at the President's recent de-emphasis on grants in favor of long-term indebtedness for the poor. That is why I favor realistic and substantial aid to the very poor.

Finally, ladies and gentlemen, let us stop and ask: What does it all add up to? Where are we going? What do we really want? What are we willing to sacrifice to get there?

Ultimately, I am talking tonight about something more than equal educational opportunity as we normally hear it used. I have discussed several areas which I feel are important. But when we look at the whole broad picture, the sum of the parts, I am talking about a larger concept.

I advocate as our goal for the 1970's *total* educational opportunity for every American.

The right to education begins in the earliest years of life. The right to education runs through two or four years of college. The right to education includes the commitment of whatever resources are necessary to remove finance as a barrier at any level.

It is not enough simply to give a child access to just any school. He should have access to the same quality of schools—and indeed the same actual schools—as his contemporaries from different backgrounds.

It is not enough to give a black child freedom of choice—when the predictible effect will be pressure against choosing a white school.

It is not enough to say that a potential college student has access to a loan—when the burden of that loan is enough to deter him from college.

We need action and implementation, not just research. We need funds and finance, not just foundations and institutes.

At some point in time, rhetoric must be backed up with resources. I say that the time is now. The time is here. The time is this generation.

That is the commitment which I leave with you tonight—total educational opportunity for all. The goal is ambitious, but worthy. We will have failed—both ourselves and our children—if we do anything less.

Testimony by Senator Edward M. Kennedy, Before Senate Appropriations Subcommittee, on Funding of Federal Education Programs

Mr. Chairman, I appreciate very much this opportunity to testify on H.R. 16916, the fiscal 1971 appropriations for the Office of Education. For I feel strongly that substantial federal support is necessary to achieve sound educational opportunity for all citizens—a goal which is vital to the strength and well-being of our nation.

The financial crisis in education today is truly staggering. Last year, local educational agencies spent over $34 billion. Their cost of education rose by 13 percent. And total education costs, including colleges and universities, are expected to double by the end of the decade.

Tragically, the fiscal dilemma affects the very quality of our schools. To often, the controlling question becomes: "How much does it cost," rather than "How can we best educate the children?" With one in every four Americans now attending elementary or secondary school, I say that such an approach is unacceptable.

In my own state of Massachusetts, we have over 1.4 million students in elementary and secondary school alone. And we too feel the impact of rising costs.

This year, for example, public school expenditures in Massachusetts exceed $1 billion for the first time. Local taxpayers already pay over 70 percent of the school budget—compared to the national average of 52 percent. Yet despite this impressive commitment, annual per pupil expenditure in Massachusetts is below the national average.

Private and parochial schools also face an unprecedented financial crisis. Several in Massachusetts have already closed. Many more are on the brink. These important schools—which have served their communities, helped the disadvantaged and relieved pressure on the state—may soon disappear forever.

We in Massachusetts are proud of our schools. Centuries ago, we established the first public education system in the United States. We have the oldest private university, and many of today's leading institutions. We have several innovative schools which for years have been models throughout the nation.

Just a few weeks ago, I spoke at the University of Massachusetts to over one thousand state educators—superintendents, principals, teachers, school board members, officials from the Department of Education, and others. They had gathered for a four-day conference on the topic: "Education for Survival in the '70's."

Their discussions were bold; their commitment impressive; their goals inspiring.

But inadequate financing threatens to cripple not just their future plans, but their present programs. After receiving $74.6 million in certain education funds in 1969, Massachusetts receives only $69.1 million this year under the bill finally accepted by the President. And the budget request for 1971 would give Massachusetts only $45.7 million in comparable funds. Similar patterns hold for virtually every state.

Mr. Chairman, equal educational opportunity has been the American promise for generations. But we have consistently failed to deliver. As we enter the decade of the '70's, I say that we can—and we must—close the gap between promise and reality. We can—and we must—move forward, not back. We can—and we must—provide the federal resources necessary to achieve high quality education for all.

Mr. Chairman, I think that H.R. 16916, as passed by the House, will help meet many of our immediate education needs. Rather than discuss each item, I would like at this time to focus on a few programs which I feel deserve special priority and higher funding over here in the Senate.

Elementary and Secondary Education ESEA Title I

Title I of the Elementary and Secondary Education Act helps to meet perhaps the most crucial problem challenging our school systems today: how to educate successfully the children of America's poor.

Last year, over 9 million disadvantaged youngsters in the United States benefited from special educational services under Title I. Of 351 cities and towns in Massachusetts, a total of 306 participated. And as a result of Title I, educators in my state and across the nation have placed a new priority on helping the educationally disadvantaged.

I endorse the $160 million increase in H.R. 16916 over last year's level and this year's budget request. I suggest that even more than $1.5 billion can be used constructively.

And I urge the committee to direct, perhaps in report language, that the Commissioner of Education carefully monitor and audit this program to prevent misuse of funds.

ESEA TITLE III

Title III funds have supported many innovations and improvements in education which will have long-lasting benefits. Massachusetts educators have developed over 70 projects—ranging from mobile libraries to teacher aide programs to multiple-purpose reading centers, to art appreciation programs.

But in Massachusetts and elsewhere, projects were severely crippled when final appropriations for 1970 were way below the previous year, below the level in the vetoed bill, and below even the Administration's budget request.

I recommend an increase of at least $50 million more than the $137 million in the House bill. This would bring the funding back up above the 1969 level of $164.8 million, and compensate for this year's $34 million cut.

Also, additional funds are needed to absorb programs under the former NDEA Title V, which has been consolidated with ESEA Title III.

Finally, I recommend that additional funds be passed for Title III with the understanding that the Commissioner encourage their use in contracts with private and parochial schools for various educational facilities and non-religious instruction. This would help some of the exciting new community schools which have developed in Massachusetts and elsewhere. It would help the crisis-ridden private and parochial schools. And of course, it would help thousands of youngsters.

ESEA TITLE V—EVALUATION

The $29.75 million requested and passed by the House for strengthening State departments of education is sufficient for that purpose. But as the committee realizes, the amendments to ESEA recently signed by the President include two new sections under Tilte V: (1) grants for strengthening local educational agencies, and (2) grants for planning and evaluation.

As the author of the amendment on planning and evaluation, I hope very strongly that the program will be funded. The new provision would enable the Commissioner of Education to make grants to state and local educational agencies for carrying out their own planning and evaluation activities. They in turn could use the funds to hire trained personnel, or otherwise conduct appropriate programs. For the first time, in many cases, they could spell out goals; and how they expect to reach them; and then be able to systematically review, evaluate and revise their education programs in the light of experience.

The new provision authorizes the very modest sum of $10 million for planning and evaluation grants. I hope that the Committee will approve that additional amount under ESEA Title V, specifically earmarked in the report for this new program.

I also support the Secretary's appeal for an additional $985,000 for in-house planning and evaluation. The new total of $13 million is small indeed in a bill appropriating over $4 billion and should help to ensure efficient use of resources.

ESEA TITLE VIII

Every school dropout is a potential tragedy—for the individual, and for the society which failed him. I have seen estimates that one out of three fifth-graders today will drop out before completing high school. And the dropout rate is going up.

I support the budget request of $15 million for Title VIII. I recognize the importance of a broad range of dropout programs. And I support experimenting with new approaches such as performance contracting, where a school contracts for teaching services such as remedial reading and pays the contract recipient only if the children achieve certain performance goals.

ESEA, OTHER

I am pleased at the increased funding for such programs as library resources and bilingual education. I urge the Committee to keep these new levels for such vitally important programs.

Education of the handicapped

In the United States today, we have about six million handicapped children—physically handicapped, mentally retarded, deaf, blind, emotionally disturbed and speech impaired. Only one third of these are receiving needed special educational services. That is why I am pleased at the $20 million increase in H.R. 16916 over this year's spending.

But I am disturbed that despite the increase the Administration apparently plans to spend *less* for research and training of physical educators and recreation personnel for mentally retarded and other handicapped children.

The Administration indicates that it will spend only $1 million of the total handicapped education money for this program—which would support no new research, and new training of only 38 teachers. As the sponsor of the program, I am encouraged at the positive effects of "Special Olympics" and other sport and recreation activities on mentally retarded and handicapped youngsters. I hope that the Subcommittee will recommend funding of at least $3 million.

Vocational education

Vocational schools can provide a balanced education and career opportunities for many of our nation's young people. They should be developed as attractive, respectable places to learn.

For too long, however, we ignored this aspect of education. But in 1968, Congress authorized landmark programs to improve the concept and the quality of vocational schools. This new act has raised legitimate expectations. I have talked, for example, with citizens from Haverhill, Massachusetts, who hope to build an exciting new regional school—with broad vocational and other services to develop the full potential of every individual.

I recommend $500 million to fund the new programs, to meet the new expectations, and to give vocational education the status and quality which is long overdue.

HIGHER EDUCATION

Teacher Corps

As an original sponsor of the Teacher Corps, I am pleased at its success both in attracting outstanding people to teach in poverty schools, and in improving educational quality for children in those schools.

Congress recently raised the fiscal 1971 authorization for the Teacher Corps from $56 million to $100 million. This increase reflected the growing demand by qualified persons to participate. It also reflected expansion of the formal program both to include student tutors and other volunteers, and to cover programs for juvenile offenders in correctional institutions. Finally, it reflected my own amendment to increase the scope of the Teacher Corps program for Indian children in schools operated by the Bureau of Indian Affairs.

I am disturbed that this year the Administration reversed earlier procedure by not specifying the Teacher Corps as a line item in the budget. It suggests that they simply are not giving the Teacher Corps the priority it merits.

Even without the expansion incorporating experimental programs into regular operations, $56 million for the Teacher Corps would have been insufficient. I urge this committee to approve at least that minimum amount.

Student assistance

Just as the high school diploma was vital for the best jobs a few decades ago, so the post-secondary degree is vital today.

But the avenue is simply not open to the disadvantaged. Of our college students, 76 percent come from families in the top half of the income bracket. Only 7 per cent come from families in the lowest income quartile.

In the highest socioeconomic quartile, only one out of 20 topranking students fails to go to college. A staggering 10 times as many top-ranking students in the lowest quartile are denied a college education.

Even for those in the middle-income bracket, college is becoming a heavier and heavier burden. One private institution in my state recently proposed a $500 tution hike, with the result that many students and faculty members promptly went on strike. I sympathize with both the institutions and the students, for the financial pressures are severe.

Last year, I sponsored amendments which increased authorizations for Educational Opportunity Grants, National Defense Student Loans and the College Work-Study Program. Just yesterday, I received he latest information from the Office of Education on total requests by instiutions and approved requests by HEW's regional panels. I feel strongly that funding should be based not on figures which happened to crop up in an earlier budget or which support previous levels of participation or which are otherwise convienient. Rather, funding should be based on actual approved requests, based on actual current need, recommended by HEW's own panels. On this basis, I make the following suggestions.

For Educational Opportunity Grants, I recommend an appropriation of $240 million. This approved request figure would help 401,000 needy students. The House figure of $167.7 million would leave 121,500 of these students without aid.

For National Defense Student Loans, I recommend an appropriation of $286 million. This approved request figure would help 623,000 needy students. The House figure of $229 million would leave 94,800 of these students without aid.

For the College Work-Study Program, I recommend an appropriation of $225 million. This approved request figure would help 527,000 needy students. The House figure of $160 million would leave 156,000 of these students without aid.

I should add, Mr. Chairman, that even these new figures which I recommend are still $150 million less than initial requests from the colleges and universities.

Mr. Chairman, I do not think the United States Senate should deny assistance to close to 400,000 needy students. I do not think that we should tolerate cutting off a higher education simply because a young man or woman is poor. I do not think that we should accept the low funding levels proposed by the House.

I urge the committee to approve the funding which Office of Education statistics show to be necessary.

Special programs for the disadvantaged

Talent Search, Upward Bound, and Special Services in College have helped tremendously in giving special assistance and incentive to those who need them the most.

I recommend increasing the appropriation from $50 million to $75 million. For at the levels approved by the House, only 72 of the estimated 360 Talent Search proposals can be funded; only 20 of the estimated 200 new Upward Bound proposals can be funded; only a fraction of needy students will receive special services.

International education

Mr. Chairman, we have on the books several exciting higher education programs

which held great promise when they were authorized, but which have never been funded. I urge the committee to follow through with modest appropriations. In particular, the International Education Act would pay great dividends in encouraging and strengthening graduate and undergraduate programs for international studies. At a time when foreign relations and world concerns play an increasingly important role in our national development, it would be irresponsible to delay any longer the funding of the program authorized back in 1966. I recommend at least $3 million.

I am also distressed at the cut by the Administration and the House in NDEA Title VI, from $18 million this year to $6 million for fiscal 1971. Programs for foreign language training and area studies have been extremely successful, and if anything we should expand, not contract. I hope that this committee will recommend continued support at no less than $18 million.

Experimental schools

As we enter the decade of the 1970's, we must be bold in seeking new and better ways to educate our nation's youth. We must be willing to move beyond small changes, minor modifications and general tinkering with existing institutional structures. We must experiment with major changes and daring innovative approaches—recognizing that education goes beyond four walls and one teacher and the traditional school environment, and that we still have much to learn about adapting to that reality.

Therefore I recommend full funding of at least $25 million for the Administration's request for experimental elementary and secondary schools. This flexible money is essential for real progress. I also hope that in vocational and other areas the Office of Education will look to the new, as well as the old.

Desegregation

Sections 209, 210, and 211 of the House-passed bill would compel the Department of HEW to approve so-called "freedom of choice" plans, even if they are ineffective in ending discrimination. The Senate has consistently rejected such provisions in the past, for they run directly counter to our position against segregation and in favor of high quality education for all. I urge the committee to strike the sections.

Conclusion

Mr. Chairman, this nation has over 59 million students—6 million in college, and 53 million in elementary and secondary schools. Over 30 percent of our population are teachers or students. Enrollments continue to rise. Increasingly, a solid education is necessary for a good job and benefits in society.

Several years ago, John Adams, of my own state of Massachusetts, wrote: "The whole people must take upon themselves the education of the whole people and must be willing to bear the expense of it."

Surely we can meet this challenge. Surely a nation which pays an average of over $1,400 a year in armaments for each South Vietnamese soldier, can afford more than $54 a year for each American school child. Surely we can spend the funds necessary to put every child in a decent educational program.

It will be a tragedy—for the children and for the nation—if we fail in this commitment.

STATEMENT OF SENATOR EDWARD M. KENNEDY FOR THE "COALITION FOR AID TO PRIVATE HIGHER EDUCATION"

I commend you for your initiative in uniting together for increased federal support to higher eductaion. Your goal is important. And your work—in the two short weeks of organized activity—is impressive.

The "Coalition for Aid to Private Higher Education" was born out of crisis—the increasing cost of higher education to students and their families, and the associated rise in the financial burden on institutions.

You are the most appropriate spokesman for the financial crisis in higher education today—because you are the ones who suffer.

You have responded not with shrill demands or violent demonstrations or unsubstantiated emotional appeals. Instead, you have followed the difficult but responsible route. You have united together students, faculty, and administrators from several dozen colleges and universities in Massachusetts. You have studied the federal programs; you have analyzed pending legislation; you have done your homework, carried out the research, met in seminar, and developed the outlines of an ambitious, highly worthwhile, long-term effort. And you have come to Washington today to tell us your story, testify before committee, and plan for the future.

As a Senator from Massachusetts and a member of the Subcommittee on Education, I applaud your concern, your sincerity, your goals, and your willingness to carry out the hard work necessary to meet those goals. For I feel strongly that every citizen in the United States should have a full and fair opportunity to pursue a higher education without regard to his financial need or that of his family. Institutions should have a chance to develop high quality programs to serve these students. Regrettably, we are a long way from achieving these goals.

We must make no mistake about it: as I myself have stressed on a number of occasions—on the Senate floor, in committee, and in appearances up in Massachusetts—the financial needs of higher education are indeed a crisis today.

For the nation as a whole, costs of higher education have tripled in the last decade. And they are expected to double again in the next six or seven years—to over $40 billion by the 1976–1977 academic year.

In the meantime, our colleges and universities are rapidly plunging into debt. In Massachusetts alone, the debt level for private institutions of higher education has reached almost $200 million. If added revenue does not become available, many fine institutions eventually will have to fold—going out of business at the very time when more and more of our young citizens are desperately seeking a higher education.

Students themselves also feel the burden—because tuition hikes have been unavoidable as college costs go up. Yet right when aid is needed the most, the Administration is proposing that the Federal Government cut back.

In my duties as United States Senator, I have had the privilege of working closely on a number of higher education measures.

Last year I sponsored amendments, accepted into law, which raised the authorization levels for National Defense Student Loans, Educational Opportunity Grants and the College Work-Study Program by $240 million over a two-year period.

I also sponsored an amendment, which again passed, to end inequities in the Guaranteed Student Loan Program. My amendment was designated to stop the practice whereby banks discriminate against applying students because of poverty, race, or the fact that their families do not conduct other business with the bank.

Just last week, I testified before the Senate Appropriations Subcommittee on federal aid to education. The greatest increases I sought were for student aid—and for your background I include the following excerpt from my testimony before that Subcommittee on April 23.

"Student assistance

"Just as the high school diploma was vital for the best jobs a few decades ago, so the post-secondary degree is vital today.

"But the avenue is simply not open to the disadvantaged. Of our college students, 76 per cent come from families in the top half of the income bracket. Only 7 per cent come from families in the lowest income quartile.

"In the highest socioeconomic quartile, only one out of 20 top-ranking students fails to go to college. A staggering 10 times as many top-ranking students in the lowest quartile are denied a college education.

"Even for those in the middle-income bracket, college is becoming a heavier and heavier burden. One private institution in my state recently proposed a $500 tuition hike, with the result that many students and faculty members promptly went on strike. I sympathize with both the institutions and the students, for the financial pressures are severe.

"Last year, I sponsored amendments which increased authorizations for Educational Opportunity Grants, National Defense Student Loans and the College Work-Study Program. Just yesterday, I received the latest information from the Office of Education on total requests by institutions and approved requests by HEW's regional panels. I feel strongly that funding should be based not on figures which happened to crop up in an earlier budget or which support previous levels of participation or which are otherwise convenient. Rather, funding should be based on actual approved requests, based on actual current need, recommended by HEW's own panels. On this basis, I made the following suggestions.

"For Educational Opportunity Grants, I recommend an appropriation of $240 million. This approved request figure would help 401,000 needy students. The House figure of $167.7 million would leave 121,500 of these students without aid.

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"For the College Work-Study Program, I recommend an appropriation of $225 million. This approved request figure would help 527,000 needy students. The House figure of $160 million would leave 156,000 of these students without aid.

"I should add, Mr. Chairman, that even these new figures which I recommend are still $150 million less than initial requests from the colleges and universities.

"Mr. Chairman, I do not think the United States Senate should deny assistance to close to 400,000 needy students. I do not think that we should tolerate cutting off a higher education simply because a young man or woman is poor. I do not think that we should accept the low funding levels proposed by the House.

"I urge the committee to approve the funding which Office of Education statistics show to be necessary.

"Special programs for the disadvantaged

"Talent Search, Upward Bound, and Special Services in College have helped tremendously in giving special assistance and incentive to those who need them the most.

"I recommend increasing the appropriation from $50 million to $75 million. For at the levels approved by the House, only 72 of the estimated 360 Talent Search proposals can be funded; only 20 of the estimated 200 new Upward Bound proposals can be funded; only a fraction of needy students will receive special services."

I intend to fight for higher appropriations this year, for the aid is urgently needed. I was distressed, for example, when President Nixon last year vetoed the $1 billion increase in appropriations for education and health. We must not cut back at a time when the needs are greatest. We must not continue to fund education programs at

far less than half of their authorized levels.

Next week, the Senate Subcommittee on Education begins intensive hearings on higher education, including legislation which I have introduced. As you know from your very fine research summaries, my bill would:

Greatly expand the Educational Opportunity Grant program, giving assistance to students from families in the lower 60% income bracket;

Give institutions matching grants and cost-of-education supplements on the basis of students enrolled with Educational Opportunity Grants;

More than triple the size of the College Work-Study program;

Increase loans for academic construction and provide start-up grants to community colleges and other urban institutions of higher education.

In the hearings over the next few weeks, I intend to spell out more fully my views on the needs of higher education and the programs which should be developed. I know that you are familiar with most of the proposed legislation, and I certainly will provide copies of my subsequent, more detailed statements.

But I do offer these general reactions:

Student assistance, in the form of direct federal grants and low-interest loans, should be expanded, not cut back;

Over-reliance on high interest and commercial loans is an unwarranted burden on middle and low-income students;

Long-term indebtedness at high interest rates will not enhance equality of educational opportunity;

Unrestricted institutional aid should be increased;

Total federal spending on higher education should be increased.

For these reasons, I oppose the Administration's proposed package on higher education. By raising the interest on loans and decreasing the amount of grant and work-study money which an individual can receive, it weakens the whole pattern of student assistance which so many of us worked to develop over the last several years.

Finally, I oppose placing highly restrictive restraints on federal assistance to students and universities which have been involved in some kind of campus disruptions. In the main, I feel that universities and local law enforcement officials have the responsibility and the capability to deal with disruption as they see best. The Federal Government should not arbitrarily start cutting off money without a trial, without due process, without consideration of the university's role and the student's future.

For in all of these matters, we must remember that students are a worthy investment for society; students are more than simple units of economic input and output; students are human beings, not simply statistics.

So again, I commend you on your initial efforts. I hope that this is just a beginning. I hope that you will continue to mobilize and expand. I hope that you will follow through on the needs which you have so clearly identified.

I stand ready to help out in the effort to which we all are so firmly committed.

ORDER FOR ADJOURNMENT

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 tomorrow.

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

Mr. MANSFIELD. Mr. President, as of now it is not anticipated that there will be any votes tomorrow.

ORDER FOR ADJOURNMENT FROM FRIDAY, MAY 1, 1970, TO TUESDAY, MAY 5, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Tuesday next.

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

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes tomorrow after the disposition of the reading of the Journal.

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

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the Senator from Ohio (Mr. YOUNG), the Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 1 hour.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON TUESDAY, MAY 5, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday next the Senator from Wisconsin (Mr. PROXMIRE) be recognized for 15 minutes after the disposition of the reading of the Journal.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT OF SECTION 3006A OF TITLE 18, UNITED STATES CODE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 808, S. 1461.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A 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 courts of the United States.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment: strike out all after the enacting clause and insert:

SECTION 1. That (a) subsections (a)–(f) of section 3006A of title 18, United States Code, are amended to read as follows:

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation, (2) who is under arrest, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or (4) for whom the Sixth Amendment to the Constitution or any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

(1) attorneys furnished by a bar association or a legal aid agency; or

(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) APPOINTMENT OF COUNSEL.—Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the

appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) PAYMENT FOR REPRESENTATION.—

"(1) HOURLY RATE.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $20 per hour for time reasonably expended and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in a case in which one or more felonies are charged, and $400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed $250 for each attorney in each proceeding in each court.

"(3) WAIVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APPELLATE COURTS.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) SERVICES OTHER THAN COUNSEL.—

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the pension is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed $300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit

"(f) RECEIPT OF OTHER PAYMENTS.—Whenever the United States magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

"(g) DISCRETIONARY APPOINTMENTS.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

"(h) DEFENDER ORGANIZATION.—

"(1) QUALIFICATIONS.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial counsel of each circuit.

"(2) TYPES OF DEFENDER ORGANIZATIONS.—

"(A) FEDERAL PUBLIC DEFENDER ORGANIZATION.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. The organization shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorneys of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

"(B) COMMUNITY DEFENDER ORGANIZATION.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States:

"(i) receive an initial grant for expenses necessary to establish the organization; and

"(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section."

SEC. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by the first section of this Act if such commissioner had authority to perform such

power, function, or duty prior to the enactment of such amendments.

Mr. HRUSKA. Mr. President, the bill we are now considering, S. 1461, is, in my opinion, one of the most significant legislative proposals to be made in the field of criminal justice. This is an exciting and proud moment for myself, for Senator ERVIN, and our other colleagues who have actively worked on this bill, and for many members of the bench and bar who have devoted much time and energy to the improvement of the Federal law-enforcement system.

We are living in an era of rapid and sweeping change in the field of Federal law enforcement and criminal law. We are living in an era increasingly plagued with crime and violent disorder. Our Nation is suddenly awakening to the fact that major effort and investment are needed to make our law-enforcement system adequate to the task of protecting the lives and property of our citizens, and enforcing the law swiftly and fairly.

At the same time, efforts must be made to insure that the persons subjected to our Federal law-enforcement system—from arrest, to trial, to other related proceedings which substantially affect a person's liberty—are afforded meaningful protection for their constitutional rights.

One of our Constitution's most basic rights for a person threatened with deprivation of liberty is the right to counsel. S. 1461 is a milestone in the efforts of the Congress, the bench, and the bar to bring the Federal law-enforcement system closer to the ideal we have all sought. That ideal is the ability to assure every citizen the full benefits of the right to counsel where judicial decision or Federal statutes may require appointment of counsel to protect a person's liberty.

The Criminal Justice Act of 1964, which provided for compensation for appointed counsel and payment for necessary expert and investigative services in Federal criminal trials, has been in effect for nearly 5 years. Experience with this act has demonstrated its great success, as well as the need for both its expansion and its improvement. S. 1461, as amended, accomplishes both the needed expansion and needed improvement.

As reported by the Judiciary Committee, S. 1461 expands the coverage of the 1964 act to cover the criminal process from the arrest stage to appeals, post-conviction proceedings, and ancillary proceedings related to the criminal trial. The act is thus made coextensive with the sixth amendment right to counsel as now interpreted. It also allows for expansion of coverage as judicial decisions based on the sixth amendment and as Federal statutes establishing right of counsel create new instances where counsel is considered essential to protect a person's liberty but where the person may be too impoverished to pay for counsel and defense services.

The bill also provides for the creation of Federal defender offices operating under the guidance of the district and appellate courts, but independent of both the Federal judicial and prosecution systems. The defender system has two important features: First, participation by the private bar is required in a substantial proportion of the criminal cases in each court. Second, provision is made for community defender organizations, supported by the local community, to operate in lieu of, and in conjunction with, the Federal offices.

S. 1461, as amended, also increases the hourly rate to $30 an hour and the total compensation limits available to attorneys providing representation under the act. A number of other changes have also been made in the 1964 act.

Widespread support for these provisions was manifest at the hearings on S. 1461, conducted last summer by the Constitutional Rights Subcommittee. Not one single witness questioned the desirability of the amendments proposed in the bill.

Among those who appeared at the hearings were Judge Harvey M. Johnsen, senior judge of the Eighth Circuit Court of Appeals, a key member of the U.S. Judicial Conference Committee To Implement the Criminal Justice Act; three other Federal Judges with broad experience under the 1964 act; Prof. Dallin Oaks of the University of Chicago Law School; Associate Deputy Attorney General Donald Santarelli; Maynard J. Toll, on behalf of the National Legal Aid and Defender Association; Gen. Charles L. Decker, director of the national defender project; and Robert J. Kutak, on behalf of the American Bar Association. The subcommittee also had the benefit of testimony from the directors of four major Federal defender programs which have been operating with the assistance of the National Legal Aid and Defender Association and the Department of Justice.

Each of the 18 witnesses appearing before the subcommittee either possessed a broad background of practical experience with the act or had extensively studied its operation since it took effect in 1965. While unanimously supporting the objectives of S. 1461, they submitted many suggestions for refining and perfecting the bill.

The proposed changes embodied in S. 1461, as amended by the subcommittee and approved by the full Judiciary Committee, are based on the sound suggestions of these knowledgeable witnesses, on an extensive study by the subcommittee, the American Bar Association, the Judicial Conference, and on a report by Professor Oaks entitled "The Criminal Justice Act in the Federal Courts."

Mr. President, in May 1967, the Department of Justice and the Judicial Conference of the United States commissioned Prof. Dallin Oaks to undertake a study of the operation of the Criminal Justice Act of 1964. The study was completed in January 1968, and Professor Oaks' report on the study constituted an exhaustive review of the operation of the act in the Federal district courts of the United States.

Based upon the report, the Judicial Conference Committee To Implement the Criminal Justice Act proposed a number of recommendations for amendments to the act. The Committee's recommendations were approved by the Judicial Conference during its September 1968, meeting.

On March 10, 1969, S. 1461 was introduced, embodying, in part, the Judicial Conference recommendations. The bill was cosponsored by myself, and Senators ERVIN, KENNEDY, and GOLDWATER.

The major goal of the Criminal Justice Act of 1964 was to insure that the quality of legal representation would no longer be dependent on the financial resources of the accused. Under the sixth amendment of the U.S. Constitution, every citizen is guaranteed the right of counsel in criminal prosecutions. The compensation of counsel and payment for defense services under the act made this guarantee a greater reality for impoverished persons by making possible a higher quality and fuller defense. Providing compensation for counsel who accept appointment has helped attract a broader cross-section of the bar to the criminal defense process. This was a highly salutary achievement.

The amendments to the 1964 act contained in the committee bill will bring the federal system closer to the goal by making the compensation fees more current, by expanding the scope of the act to reflect the Supreme Court decisions over the past 5 years, by permitting future expansion of coverage, and by broadening the range of resources available to busy Federal districts to meet their defense representation needs.

There is an urgency to this matter. Presently a number of Federal public defender offices are funded by the national defender project. These offices have been in operation for 3 years, and have been highly praised. However, these funds terminated in January 1970. In order to continue operating, these offices are in great need of the increased compensation fees provided in the committee bill, and for the public defender provisions of subsection (h).

This bill is broadly supported and urgently requested.

Mr. Bernard G. Segal, current president of the American Bar Association, recently sent a letter to Senator EASTLAND, chairman of the Senate Judiciary Committee. In part, he said:

> Due to the expiration of the National Defender Project in 1969, which through its grants has provided support to many local defender organizations, there is considerable urgency attached to the enactment of this legislation at the earliest possible date. You will be interested to know that in the House of Delegates the bill was non-controversial and was supported by delegates from both large communities and small.
>
> I respectfully urge you to support Senators Ervin and Hruska, co-sponsors of S. 1461, in obtaining early committee approval since I believe the bill to be substantially in the public interest and urgently needed.

As mentioned by Mr. Segal, the house of delegates of the ABA adopted a resolution on this subject at a meeting in February of this year. It was adopted upon the recommendation of the special committee on availability of legal services. That resolution read, in part, as follows:

> *Resolved*, That the House recommend to the Congress that it amend the Criminal Justice Act of 1964 to expand the options available to a Federal District Court for furnishing counsel under the Act to include as

choices a Public Defender or a non-profit community defender organization to render services in defense of persons accused of crime who cannot afford adequate representation, and that when such services are performed by a Public Defender or a community defender organization they may be compensated in the same manner as other persons under the Act.

Resolved, That the House likewise recommend to the Congress that the Criminal Justice Act of 1964 be amended to provide for compensation to counsel at a rate of up to $35 per hour for services rendered with a maximum of $1,000 to be paid for representation in a felony case, $400 for a misdemeanor case and $1,000 for an appeal, with reasonable provisions for exceeding those limits in a difficult or protracted case.

Mr. Maynard Toll, president of the National Legal Aid and Defender Association, has also written recently urging action on S. 1461. His letter, in part, stated:

As you may know, the NLADA and the American Bar Association have strongly endorsed the purposes of this important legislation and it was my privilege to appear with a representative of the ABA to present testimony at hearings of the Subcommittee on Constitutional Rights on S. 1461 in June 1969. No opposition to the bill has come to my attention and the arguments for its enactment as developed in the Subcommittee hearings are most compelling.

On behalf of the National Legal Aid and Defender Association and its member organizations throughout the country, I respectfully request your support in securing prompt and favorable action on this legislation by the Judiciary Committee and the United States Senate.

Furthermore, the executive committee of the National Legal Aid and Defender Association adopted a resolution in January 1970, urging prompt congressional action on S. 1461. That resolution reads as follows:

Whereas, the National Legal Aid and Defender Association has heretofore endorsed Senate Bill 1461 and House Bill 9856; and

Whereas, the beneficial objectives of these bills are being frustrated by the failure to adopt same; and

Whereas, a number of existing criminal defender programs initially funded by the National Defender Project (including three of the most outstanding ones) are in serious jeopardy because of such failure;

Now, therefore, be it resolved by the Executive Committee of the National Legal Aid and Defender Association that this Association respectfully calls this grave situation to the attention of the Congress and urges that the pending legislation be adopted as speedily as possible.

Since August 20, 1965, when the Criminal Justice Act became effective, more than 110,000 defendants have directly benefited from its provisions. Currently, about 28,000 defendants are represented annually by counsel appointed under the act. The total cost has been about $3.5 million per year. The average cost has been approximately $125 per case. This is a modest price to pay for helping the impoverished person realize the fundamental right of counsel when he is subject to potential loss of his liberty.

Mr. President, the unanimous support of the many expert and experienced witnesses who appeared at the subcommittee hearings of S. 1461 states most eloquently the case for this bill. They stated again and again that the right to counsel under the Constitution requires us, as a nation, to seek to make that right as meaningful and effective as possible. They had found from experience that this right for impoverished persons has often been illusory, and agreed that reasonable compensation for counsel and payment for defense services was the most effective means of assuring equal justice for all.

Mr. President, I believe that S. 1461, as amended, brings us closer to the ideal of assuring all citizens the full benefits of the right to counsel where required to protect their liberty in Federal proceedings.

I urge prompt enactment and approval of this bill.

I also ask unanimous consent that the section-by-section analysis in the committee report be included in the RECORD at the end of my remarks.

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

SECTION-BY-SECTION ANALYSIS

Section 1(a).—The Criminal Justice Act of 1964 provides that each district court shall adopt a plan for furnishing representation for financially disabled persons charged with felonies or misdemeanors, other than petty offenses, at every stage of the proceedings from initial appearance through appeal. Section 1(a) amends the act in two fundamental ways: First, by expanding coverage; and second, by authorizing representation by federal public defender and community defender organizations in addition to the present alternatives of the private bar, bar associations and legal aid agencies.

EXPANDED COVERAGE

Section 1(a)(1) requires that each plan be expended to provide for appointment and compensation of counsel for defendants charged with a violation of probation. This addition recognizes the Supreme Court decision in *Mempa* v. *Rhay*, 389 U.S. 128 (1967), which held that the sixth amendment right to counsel applies in probation revocation hearings.

Section 1(a)(2) requires that each plan provide for appointment of counsel for any person under arrest. This requirement will bring the act into conformity with recent decisions of the Supreme Court which require counsel for arrested persons. *Miranda* v. *Arizona*, 384 U.S. 436 (1966); *United States* v. *Wade*, 388 U.S. 218 (1967); and *Orozco* v. *Texas*, 394 U.S. 324 (1969). Since representation necessarily precedes the stage of formal appointment of counsel, it is not possible to determine whether the counsel will be eligible for compensation under the act until the arrested person appears before the United States magistrate or court. If the magistrate or court finds the person financially unable to obtain an adequate defense, compensation will be made retroactive to cover time expended by the attorney during the arrest period. If the person is found financially able to obtain an adequate defense then the counsel is required to seek compensation from his client. If the person never appears before the magistrate, the attorney may still submit his claim to the court for approval based on the arrestee's financial condition.

Although this procedure does not guarantee compensation for the attorney who represents an arrested person prior to a finding of financial inability to pay, the committee feels that it is consistent with the purpose of the act. The only financial risk of the attorney under this procedure is the risk of nonpayment by an individual who has resources. This is not an unfair burden; it is a normal professional risk now.

Section 1(a)(3) requires that each plan provide for the appointment of counsel, pursuant to the provisions of section 1(g), for individuals financially unable to secure adequate representation who are subject to revocation of parole, who are material witnesses in custody, or who are seeking collateral relief. Inasmuch as these proceedings have traditionally been regarded as technically civil in nature rather than criminal, no right to appointed counsel has as yet been recognized under the sixth amendment. The distinction between civil and criminal matters, however, has become increasingly obscure where deprivation of personal liberty is involved. See *In re Gault*, 387 U.S. 1 (1967), and *Johnson* v. *Avery*, 393 U.S. 483 (1969). The proceedings listed in subsection 1(a)(3) and 1(g) are intimately related to the criminal process. Counsel has often been appointed to represent persons in such proceedings, but compensation has not been available under the 1964 act. The committee believes that compensation should be available under the act whenever a judge determines that counsel must be appointed to safeguard the interests of justice.

Section 1(a)(4) extends coverage of the act to include those instances where judicial decisions or Federal statutes may require the appointment of counsel. This provision obviates the need to amend the act each time the right to counsel may be extended to new situations. It also eliminates any doubt as to the application of the Criminal Justice Act to juvenile proceedings where the right to counsel is now applicable (*In Re Gault*, supra), and to the Narcotic Addicts Rehabilitation Act of 1966, Public Law 89–793, which provides patients with the right to appointed counsel, if necessary, in judicial proceedings under title III (18 U.S.C. 4253). The committee believes that it is unnecessary to create another separate system when the Criminal Justice Act can serve these purposes without difficulty.

DEFENDER ORGANIZATIONS

Present provisions of the Criminal Justice Act allow the judicial district three alternatives in developing its plan for furnishing representation to financially disabled defendants: appointment of private attorneys; use of attorneys furnished by a bar association or legal aid agency; a combination of both.

Section 1(a) requires each plan to include a provision for participation by private attorneys and permits, in addition, attorneys furnished by a bar association or legal aid agency, or attorneys furnished by a Federal public defender or community defender organization, established in accordance with the provisions of subsection 1(h), or both. When either of these alternatives is chosen, participation by private attorneys is nonetheless mandatory "in a substantial proportion of cases." This mixed system insures the continuing active participation by the private bar in Federal criminal proceedings. Ideally, this participation will be in the range of between 25 percent and 50 percent of the appointments.

Section 1(a) does not alter the procedure presently set out in the 1964 act for establishing a plan to furnish representation. Formulation and institution of the plan remain the responsibilities of the district court subject to approval by the judicial council of the circuit. The council is to add provisions for representation at the appellate stage. The plan may be modified at any time, with the approval of, or at the direction of, the judicial council.

Section 1(b) outlines the procedure to be followed in appointing counsel for a financially disabled person qualified to receive appointment of compensated counsel under this act. The procedure for a defendant covered by section 1(a)(1) begins with initial appearance before the U.S. magistrate or court when he is charged with a felony or misdemeanor (other than a petty offense)

or with violating probation. When he is informed of his right to counsel, he is also advised that counsel will be appointed for him if he is financially unable to obtain counsel. The procedure for persons seeking or subject to proceedings specified in section 1(a)(3) begins when the U.S. magistrate or the court advises the individual that the interests of justice allow him to be represented by counsel and that counsel may be appointed if he is financially unable to obtain an adequate defense. The procedure for persons under arrest in section 1(a)(2) shall be provided by the plan for that jurisdiction.

Section 1(b) expressly permits the U.S. magistrate or court to make appointment retroactive to include any representation furnished prior to appointment. Thus, an attorney who renders assistance at the time of arrest or at a lineup, or who renders assistance upon being hired by a defendant who subsequently becomes financially unable to pay hired counsel, would, if appointed, be eligible to receive compensation to the extent authorized by the act for all services rendered. In this way, the defendant will be better assured of uninterrupted representation by the same attorney.

Section 1(c) outlines the circumstances surrounding the initial appointment of counsel, the duration of such representation, and the procedure involved in the termination, substitution, and partial payment of appointed counsel. The differences between section 1(c) of the bill and the corresponding section of the present act are, with one exception, quite minor.

As amended by S. 1461, the act would not only provide for appointed counsel at every stage of the trial from initial appearance through appeal, but also for "ancillary matters appropriate to the proceedings." The committee considers this provision necessary to insure that the rights of the person are fully protected. Many times remedies technically outside the scope of the trial proper may be necessary, such as using a habeas corpus ad testificandum to secure the presence or testimony of witnesses, or filing an application under 18 U.S.C. 4244 regarding competency to stand trial. While the District of Columbia district court has ruled in favor of compensation under the present act in *U.S.* v. *Boney*, Crim. No. 822–65 (D.C. D.C. Sept. 28, 1966), and although there is no apparent ruling to the contrary, the express inclusion of "ancillary matters appropriate to the procedings" will insure that the attorney who spends time and effort to protect a right considered valuable in defending the principal criminal charge can be compensated under the act.

Section 1(d) establishes the maximum hourly rates and maximum total payments allowed for appointed counsel under the Criminal Justice Act. It also provides for waiver of the maximum amounts under certain circumstances and sets forth the procedure for filing claims. Finally, it defines "new case" for purposes of compensation and allows appellate proceedings without prepayment of fees and costs.

Section 1(d)(1).—The present act provides for compensation at a rate not to exceed $15 per hour for time spent in court and $10 per hour for time reasonably expended out of court. Section 1(d)(1) of the bill, however, does away with the distinction between time expended in and out of court, and increases the hourly rate to $30 for all time reasonably expended in the defense of a financially disabled person. Time expended outside the courtroom often requires greater effort and proficiency than that in court. Even as increased the new rates are well below those paid to privately retained counsel.

Section 1(d)(2) of the bill eliminates the existing per case basis for payment of fees and replaces it with a more flexible system of maximum payments for each attorney in each case. The act presently provides for a $500 maximum payment in a case in which one or more felonies are charged and $300 in a case in which one or more misdemeanors are charged. The maximum applies to each case irrespective of the number of attorneys appointed by the court. In practice, that requirement has brought harsh results where more than one attorney was appointed in a difficult case and the maximum case payment had to be fragmented. Section 1(d)(2) also increases the limit to $1,000 for each attorney in a case involving one or more alleged felonies and $400 for each attorney in a case in which one or more misdemeanors are charged.

In recognition of the frequently complex nature of appellate litigation, section 1(d)(2) also establishes a $1,000 maximum for each attorney in each court for cases on appeal. It also provides a $250 maximum for each attorney in each proceeding in each court in probation revocation proceedings and matters covered by subsection (g), such as parole revocation and collateral relief proceedings.

Section 1(d)(3) provides for waiver of maximum amounts and payment in excess of those amounts for extended or complex representation when necessary to provide fair compensation and upon approval of the chief judge of the circuit. This change from the 1964 act is based on the finding of the Oaks' report that the original language has been given too restricted an interpretation.

Section 1(d)(4) provides that separate claims for compensation and reimbursement, each supported by specific written statements, shall be submitted to the appropriate court. Where representation is furnished solely before a U.S. magistrate, he fixes compensation and reimbursement. When representation is furnished before an appellate court, that appellate court fixes them. In all other instances, claims are made to the district court, and compensation and reimbursement are determined by that court.

Section 1(d)(5) defines the term "new case" for purposes of compensation. A court order granting a new trial is deemed to initiate a new case, and all the payment provisions of the bill, would, therefore, apply anew upon issuance of such an order. Obviously, suceeding orders for a new trial also are "new cases" for the purpose of the act.

Section 1(d)(6) facilitates appellate proceedings by allowing a defendant for whom counsel is appointed to appeal or petition for a writ of certiorari without prepayment of fees and cost of security therefor and without filing the affidavit required by section 28 U.S.C. 1915(a).

Section 1(e).—The provisions of section 1(e) are similar to those of the present act.

Section 1(e)(1) provides that funds be made available for investigative, expert, or other services necessary for an adequate defense upon request in advance in an *ex parte* application. There must be a finding that the services are necessary for an adequate defense and that the defendant is financially unable to secure them.

Section 1(e)(2) changes corresponding provisions of the 1964 act by allowing appointed counsel to obtain these services without prior authorization in an amount not exceeding $150, plus reasonable expenses, if the services and expenses are necessary for an adequate defense and circumstances prevent him from securing prior authorization from the court. Payment, however, is subject to later review and approval by the court.

Section 1(e)(3) maintains the existing limit on payment for such services to a person or an organization to a $300 maximum but includes a new provision for waiver of that maximum if the court certifies that payment in excess of that limit is necessary to provide fair compensation because of the unusual character or duration of the services. The amount of any excess payment must be approved by the chief judge of the circuit.

Section 1 (f) of the bill makes no significant changes from the 1964 act. This section provides that whenever the U.S. magistrate or the court finds that funds are available from or on behalf of a person for whom counsel has been appointed, it may authorize or direct the payment of such funds to the appropriate person or organization, or to the Treasury. Recoveries from clients of the Federal defender offices would, of course, go to the Treasury.

Section 1 (g) significantly expands the coverage of the 1964 act by authorizing the U.S. magistrate or the court, as appropriate, to appoint counsel in specifically designated proceedings, provided the interests of justice so require and the person involved is financially unable to obtain representation. Compensation for representation and payment for services other than counsel may be made in accordance with subsections (d) and (e) of section 1 of the bill.

The first of the new discretionary appointment provisions of subsection (g) allows appointment of counsel for a person subject to revocation of parole. While there is no present constitutional or statutory right to appoint counsel in such proceedings, the result of parole revocation is the abrupt loss of personal liberty. Allowing appointment of counsel in a proceeding with such a serious potential consequence is wholly consistent with the underlying philosophy of the Criminal Justice Act to assure representation for those threatened with deprivation of personal liberty who are financially unable to obtain counsel. A parole revocation proceeding has traditionally been considered a civil, administrative matter rather than a criminal, judicial matter. Probation revocation proceedings were once also deemed civil, but the right to counsel in probation revocation proceedings has recently been recognized by the U.S. Supreme Court in *Mempa* v. *Rhay*, 389 U.S. 128 (1967). The Court considered the consequences to the individual more significant than the characterization of the proceedings.

The *Mempa* case suggests a similar result with respect to parole revocation proceedings, which have the same possible consequences of loss of liberty. Indeed, the 10th Circuit Court of Appeals in *Earnest* v. *Willingham*, 406 F. 2d 681 (10th Circuit, 1969) has already moved in this direction. For these reasons, subsection (g) permits appointment of counsel in parole revocation proceedings where, in the court's judgment, the interests of justice require such appointment.

Section 1(g) also authorizes the discretionary appointment of an attorney for a material witness in custody who is financially unable to obtain counsel. In order to take advantage of the review procedures given material witnesses under provisions of the Bail Reform Act or to protect himself in connection with the taking of a deposition, the material witness may require the assistance of counsel. The consequences of incarceration of one not charged with a criminal offense call for this discretionary appointment provision when an individual is financially unable to obtain representation and the judge has determined that counsel is necessary.

Finally, section 1(g) provides for compensation of counsel appointed for persons seeking collateral relief under sections 2241, 2254, or 2255 of title 28, or section 4245 of title 18, where the interests of justice so require and the person is financially unable to obtain representation. Section 2241 of title 28 provides for habeas corpus for Federal prisoners convicted in Federal courts and section 2254 provides for habeas corpus for State prisoners convicted in State courts. Motions to vacate Federal sentences are allowed under section 2255 of that title and section 4245 of title 18 provides for a post-conviction hearing when there is probable

cause to believe a person was mentally incompetent at the time of trial and the issue was not raised during the trial; 18 U.S.C. 4244, which provides for an ancillary motion on the issue of competency to stand trial, is not specifically mentioned in this subsection because it would be covered under section 1(c) as an "ancillary matter related to the (trial) proceeding."

Although there is currently no constitutional or statutory right to assigned counsel in any of these proceedings, each frequently raises serious and complex issues of law and fact. Where, in the judgment of the court, counsel is necessary to insure a fair hearing and where a person is financially unable to secure adequate representation, clearly counsel should be, and generally now is, appointed. In circumstances where the court deems it essential to appoint counsel, the attorney should be entitled to compensation and the benefit of other resources provided by the Criminal Justice Act.

Section 1 (h) (1) sets forth qualifications and conditions for establishing Federal defender and community defender organizations. It provides that any district or part of a district, or two adjacent districts or parts of districts, whether or not in the same circuit, in which at least 200 appointments are required annually, may establish either or both of the authorized defender organizations. Where more than one judicial circuit is involved in a plan using a defender organization, each judicial circuit council must approve the plan for it to be valid.

Section 1(h) (2) (A) authorizes the creation of a Federal Public Defender Organization which consists of regular salaried attorneys in the employ of the United States. It would operate under the supervision of a Federal Public Defender appointed by the judicial council of the circuit after recommendations from the district court or courts to be served. He could then appoint other full-time attorneys and personnel as necessary to assist him in the operation of the organization. The Federal Public Defender would be appointed for a term of 4 years, and could be removed only for incompetency, misconduct in office, or neglect of duty.

Compensation for the Federal Public Defender would be fixed by the judicial council of the circuit but could not exceed that of the U.S. attorney in the district in question. Other full-time attorneys and personnel appointed by the Federal Public Defender would be paid on the basis of the compensation of full-time attorneys and other personnel similarly qualified in the office of the U.S. attorney. Such full-time attorneys would, of course, be prohibited from engaging in the private practice of law during their tenure in the Federal Public Defender Office.

Reports on activities and financial position and a proposed budget of each organization are to be made to the Director of the Administrative Office of the U.S. Courts at the time and in the form prescribed by him. An annual budget for each organization shall be submitted to the President by the Director, and the Director shall make payments to and on behalf of each organization out of appropriations received. Payments under this section are made in lieu of payments under section 1(d) or (e).

Section 1(h) (2) (B) authorizes the second type of defender program, the community defender organization. This is defined as a nonprofit defense counsel service established and administered by any organization authorized by the plan to provide representation. Its bylaws must be set forth in the plan, and the organization must make annual reports on financial status, activities, anticipated caseload, and expenses to the Judicial Conference of the United States. With the approval of the Judicial Conference, such an organization would be eligible to receive an initial grant to cover organizational expenses. Thereafter, the organization would function on the basis of the hourly rates and maximum payments set forth in subsections (d) and (e) of section 1 or, in lieu of those payments, it could, to the extent approved by the Judicial Conference, receive periodic sustaining grants to cover the costs of providing representation and other expenses.

Section 2 is a technical amendment which is necessary because the Federal Magistrates Act of 1968 has not yet taken effect in all districts. This amendment makes it plain that S. 1461 does not confer any of the new powers of a U.S. magistrates on a U.S. commissioner until the Federal Magistrates Act takes effect in the particular judicial district.

Mr. HRUSKA. Mr. President, I am happy to yield to the Senator from North Carolina (Mr. ERVIN) prior to offering a floor amendment. Then, at a later time, I understand there will be consideration of the committee amendment.

Mr. ERVIN. Mr. President, we hear much rhetoric about crime and law and order in this Chamber but see far too few legislative proposals which actually strengthen the fundamental elements of the criminal justice system in our country. Today, however, we have before us S. 1461, a bill which will enhance the constitutional guarantee of speedy trial, bring the constitutional right of effective assistance of counsel nearer to reality, and generally improve the efficiency of our criminal justice system.

S. 1461 amends the Criminal Justice Act of 1964, which has for the past 5 years provided for representation of defendants financially unable to obtain an adequate defense in Federal criminal cases. The bill was reported favorably by the Judiciary Committee after a great deal of study and after comprehensive hearings conducted by the Subcommittee on Constitutional Rights.

S. 1461 amends the 1964 act in three ways. First, it authorizes compensation for legal assistance at every stage of the criminal process from the arrest to appeals, and in post conviction proceedings and ancillary proceedings related to the criminal trial. Second, it authorizes the optional creation of Federal public defender organizations or community defender organizations in areas with a high volume of cases. Finally, the bill increases the hourly rates and the maximum level of compensation available to attorneys giving representation under the act in order to bring them closer to realistic rates for such representation.

The bill was originally introduced as S. 650 on January 27, 1969. It was circulated among Federal judges, public defender organizations, and attorneys experienced with the Criminal Justice Act. On the basis of suggestions received and further study, Senator HRUSKA, Senator GOLDWATER, Senator KENNEDY, and I introduced a revised bill, S. 1461, on March 10, 1969. In addition to embodying the substance of S. 650, S. 1461 made further refinements in the compensation and coverage provisions and provided for the creation of Federal public defender and community defender organizations.

S. 1461, as it now stands, is carefully tailored to meet earlier objections to the concept of a Federal public defender system, primarily by making active and substantial participation by private attorneys basic to any district plan for representation. In this way, the bill creates a mixed system of appointments and combines the advantages of a full-time professional defender organization with the vital contributions that only the private bar can make.

Hearings were held on the bill in June, 1969, by the Subcommittee on Constitutional Rights. Among the witnesses who testified were the Honorable Harvey M. Johnsen, senior judge of the eighth circuit court of appeals, a key member of the U.S. Judicial Conference Committee To Implement the Criminal Justice Act; three other Federal court judges with broad experience under the act; Prof. Dallin Oaks of the University of Chicago Law School, who directed an extensive study of the act for the Judicial Conference Committee; Associate Deputy Attorney General Santarelli; Maynard J. Toll, on behalf of the National Legal Aid and Defender Association; Gen. Charles L. Decker, Director of the national defender project; and Robert J. Kutak, on behalf of the American Bar Association. The subcommittee also had the benefit of testimony from the directors of four major Federal defender programs which have been operating with the assistance of the National Legal Aid and Defender Association and the Department of Justice. On the basis of this testimony, S. 1461 was further refined and amended, and then submitted to the subcommittee members for comments and approval.

These amendments are based, in large part, on a study of the operation of the 1964 act commissioned by the Department of Justice and the Judicial Conference in 1967. The excellent and valuable report of this study, "The Criminal Justice Act in the Federal Courts," prepared by Prof. Dallin Oaks, was published as a committee print in 1968. The report praised the Criminal Justice Act of 1964 but also recommended certain legislative and administrative changes to improve its operation. Among other things, it pointed out the need for changes to reflect legislative and judicial expansion of the meaning of the sixth amendment right to counsel. Another primary recommendation was the creation of an optional defender organization system in the Federal courts.

I should also like to cite the important contribution of the National Legal Aid and Defender Association which has worked at the forefront for many years in the effort to achieve the same objective we are striving to attain through the Criminal Justice Act and S. 1461. The association's national defender project has funded a number of pilot criminal defender organizations. These pilot offices have not only rendered meaningful and effective legal representation to poor criminal suspects in busy judicial districts but have also been vitally important allies in our study of the Criminal Justice Act of 1964 and the need to amend it. Moreover, the national defender project and the organizations it has sponsored have provided a solid foundation for the community and public defender offices which will be created under this bill.

National defender project funds have now been almost completely exhausted, and these highly successful pilot pro-

grams must soon close their doors unless Congress acts on S. 1461. It is quite plain that the vital work of these organizations can continue only if S. 1461 is passed quickly.

Mr. President, although the Criminal Justice Act of 1964 was indeed a great forward step in making the constitutional right to counsel more meaningful, I am convinced that the Oaks report, our subcommittee hearings and study, and the experience of the pilot national defender project organizations, have demonstrated the need for the changes embodied in S. 1461. We must now take this additional indispensible step if we are to achieve the goals of speedy trial, effective assistance of counsel and equal justice for all in our country.

In closing, I wish to testify that the Nation owes a deep debt of gratitude to the distinguished Senator from Nebraska (Mr. HRUSKA) for his untiring and continuing interest in this field—an interest which has resulted in much reform in the administration of criminal justice.

I also wish to commend the distinguished senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished junior Senator from Arizona (Mr. GOLDWATER), and my colleague from North Carolina (Mr. JORDAN) for their support of this bill. They have done much to bring it thus far toward a successful culmination.

Mr. KENNEDY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. KENNEDY. I commend the distinguished Senator from North Carolina for the work that he has done, together with the distinguished Senator from Nebraska, on this major piece of legislation, S. 1461.

There are few pieces of legislation which come to this body with the unanimous endorsement of all of the members of the committee; and certainly I think there are few which will be as important in terms of providing full representation for many hundreds of thousands of defendants who would otherwise be denied the right of defense.

This measure which we are considering today moves to meet, I think, our responsibility and this Nation's responsibility of providing defense for those who would otherwise too frequently be denied defense.

The distinguished Senator from North Carolina and the distinguished Senator from Nebraska have brought their combined experience and knowledge as two of our outstanding lawyers and constitutional authorities to this measure. They have spent many long hours, and have sought out the most knowledgeable authorities and those with the greatest expertise, across the length and breadth of this land, in perfecting this legislation. Now we can all be satisfied, as it comes to completion in enaction by the Senate today, that it really is a measure of great importance and great significance; and I think that all Members of this body owe a debt of appreciation to the distinguished Senator from North Carolina and the distinguished Senator from Nebraska.

Mr. ERVIN. I thank the distinguished Senator from Massachusetts for his very complimentary remarks, and reiterate my statement that he, as one of the cosponsors of this measure, deserves much credit for the bill having reached its present advanced stage in the process of what we hope will be its enactment today.

Mr. HRUSKA. Mr. President, I join my colleague from North Carolina in expressing appreciation to the Senator from Massachusetts, not only for his remarks today, but for his cooperation and his assistance throughout the consideration of this measure, including its cosponsorship.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Is it in order that the committee amendment in the nature of a substitute be read at this time?

The PRESIDING OFFICER. The Senator is correct. The amendment will be stated.

(The bill clerk stated the committee amendment in the nature of a substitute, as printed earlier, when the Senate proceeded to consider the bill.)

Mr. HRUSKA. Mr. President, I send to the desk an amendment to the committee substitute amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Nebraska (Mr. HRUSKA) proposes an amendment as follows:

On page 22, after line 21, insert a new section as follows:

SEC. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit.

Mr. HRUSKA. Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other courts of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and the House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committee.

The concurrent jurisdiction of the District of Columbia District Court and the District of Columbia Court of General Sessions over certain offenses against the United States would end under that legislation, and the court systems would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes of cases specified in the 1964 act, as amended by S. 1461 as reported by the full Judiciary Committee, this amendment is offered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments? If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1461) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1461

An act 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 courts of the United States

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

SECTION 1. That (a) subsections (a)–(f) of section 3006A of title 18, United States Code, are amended to read as follows:

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation, (2) who is under arrest, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or, (4) for whom the Sixth Amendment to the Constitution or any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

(1) attorneys furnished by a bar association or a legal aid agency; or

(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) APPOINTMENT OF COUNSEL.—Counsel furnishing representation under the plan

shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) PAYMENT FOR REPRESENTATION.—

"(1) HOURLY RATE.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $20 per hour for time reasonably expended and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in a case in which one or more felonies are charged, and $400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed $250 for each attorney in each proceeding in each court.

"(3) WAIVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APPELLATE COURTS.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) SERVICES OTHER THAN COUNSEL.—

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the pension is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed $300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

"(f) RECEIPT OF OTHER PAYMENTS.—Whenever the United State magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (c) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

"(g) DISCRETIONARY APPOINTMENTS.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

"(h) DEFENDER ORGANIZATION.—

"(1) QUALIFICATIONS.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial counsel of each circuit.

"(2) TYPES OF DEFENDER ORGANIZATIONS.—

"(A) FEDERAL PUBLIC DEFENDER ORGANIZATION.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. The organization shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation

is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

"(B) COMMUNITY DEFENDER ORGANIZATION.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approval by the Judicial Conference of the United States:

"(i) receive an initial grant for expenses necessary to establish the organization; and

"(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section."

SEC. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by the first section of this Act if such commissioner had authority to perform such power, function, or duty prior to the enactment of such amendments.

SEC. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit.

LOWERING THE VOTING AGE IS A STATE PREROGATIVE AND RESPONSIBILITY

Mr. HRUSKA. Mr. President, for many years the Congress has had before it the proposition of lowering the voting age. I have often expressed my support for such a proposal, with one condition—that the States be allowed to decide the issue for themselves.

There are two ways they can decide the issue: First, by changing their own State laws or by amending their constitutions, and second, by voting to ratify an amendment to the Federal Constitution.

The Senate recently passed a rider to the voting rights bill lowering the minimum voting age to 18. In my judgment, this was a mistake. It was a mistake for two reasons: First, because the action is an attempt to amend the Constitution by a congressional act, and second, because by its action Congress undertook to speak for the States on a subject where the States should be allowed to make their own decision.

We still have a government of States, Mr. President. Congress has no business summarily and by statute overturning the rights of States. The States should be allowed to speak for themselves for their own voters. Four States have done so. In 11 States such proposals were rejected.

I concur wholeheartedly with President Nixon's warning that if the Congress is to proceed to lower the voting age, it should proceed by means of a proposed constitutional amendment.

To proceed in any other fashion could place the entire matter in the jurisdiction of the courts, and since it is unlikely that there would be a final decision before the 1972 election, thousands of elections throughout the country could remain in grave doubt.

At this time, neither the Nation nor the States and communities can afford to suffer the uncertainty and confusion which would arise while the outcome of protracted litigation to establish the election results is awaited.

An equally important result of such litigation would be the possible disillusionment of millions of youthful voters who might think they were properly franchised only to discover they actually were not.

I say again, Mr. President, that I personally have long favored a lowering of the voting age. As vice chairman of the Republican platform committee in 1968, I helped write such a provision into the platform.

When the issue of the 19-year-old vote was proposed in Nebraska 2 years ago, I supported it and voted for it. It was defeated, but this year Nebraska will vote on lowering the minimum age to 20. I also support this measure and will vote for it.

But, like the President, I have serious doubts as to the constitutionality of Congress attempting to lower the minimum age by statute.

Mr. President, I ask unanimous consent that President Nixon's letter of April 27 to the Speaker of the House be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, D.C., April 27, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: A constitutional issue of great importance is currently before the House. As you know, the Senate has attached to the bill modifying and extending the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State and local elections.

I say "purports" because I believe it would not in fact confer the vote. I believe that it represents an unconstitutional assertion of Congressional authority in an area specifically reserved to the States, and that it therefore would not stand the test of challenge in the courts. This belief is shared by many of the Nation's leading constitutional scholars.

I strongly favor the 18-year-old vote. I strongly favor enactment of the Voting Rights Bill. But these are entirely separate issues, each of which deserves consideration on its own merits. More important, each needs to be dealt with in a way that is constitutionally permissible—and therefore, in a way that will work.

Because the issue is now before the House, I wish to invite the urgent attention of the Members to the grave constitutional questions involved in the 18-year-old vote rider, and to the possible consequences of ignoring those questions.

STATUTE VERSUS CONSTITUTIONAL AMENDMENT

The matter immediately at issue is not whether 18-year-olds should be given the vote, but how: by simple statute, or by constitutional amendment.

The argument for attempting it by statute is one of expediency. It appears easier and quicker.

The constitutional amendment route is admittedly more cumbersome, but it does appear that such an amendment could be readily approved. A resolution proposing such an amendment already has been introduced in the Senate, sponsored by two-thirds of the members, the same number required for passage. Sentiment in the House seems strongly in favor. Some contend that ratification would be a long and uncertain process. However, public support for the 18-year-old vote has been growing, and certainly the submission to the States of a constitutional amendment, passed by two-thirds of both Houses and endorsed by the President, would provide powerful additional momentum. An historical footnote is pertinent: When the women's suffrage amendment was proposed in 1919, many said the States would never go along—but ratification was completed in less than 15 months.

If the Senate provision is passed by the Congress, and if it is later declared unconstitutional by the courts, it will have immense and possibly disastrous effects.

At the very least, it will have raised false hopes among millions of young people—led by the Congress to believe they had been given the vote, only to discover later that what the Congress had purported to confer was not in its power to give.

It will have cost valuable time, during which a constitutional amendment could have been submitted to the States and the process of ratification gone forward. It would almost certainly mean that the 18-year-old vote could not be achieved before the 1972 election.

Beyond this, there looms the very real possibility that the outcome of thousands of State and local elections, and possibly even the next national election, could be thrown in doubt: because if those elections took place before the process of judicial review had been completed, no one could know for sure whether the votes of those under 21 had been legally cast. It takes little imagination to realize what this could mean. The Nation could be confronted with a crisis of the first magnitude. The possibility that a Presidential election, under our present system, could be thrown into the House of Representatives is widely regarded as dangerous; but suppose that a probably unconstitutional grant of the 18-year-old vote left the membership of the House unsettled as well?

The Senate measure contains a provision seeking an early test of its constitutionality, but there can be no guarantee that such a test would actually be completed before elections took place. And the risk of chaos, if it were not completed, is real.

THE CONSTITUTIONAL QUESTIONS

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise: within certain specified limits, this power belongs to the States. Three separate provisions vest this power with the States: Article I, Section 2 (election of members of the House of Representatives), the Tenth Amendment (reserved powers) and the Seventeenth Amendment (direct election of Senators) all lodge this power with the States. There are four provisions placing limitations on this power: the vote cannot be limited on grounds of race (the Fifteenth Amendment), sex (the Nineteenth Amend-

ment), or failure to pay a poll tax (the Twenty-Fourth Amendment); nor can States impose voting qualifications so arbitrary, invidious or irrational as to constitute a denial of equal protection of the laws (the Fourteenth Amendment).

Advocates of the proposal that passed the Senate rely on the power given Congress under the Fourteenth Amendment to enforce equal protection of the laws, and particularly on the Supreme Court's 1966 decision in the case of *Katzenbach v. Morgan*. This case upheld Federal legislation enfranchising residents of New York who had attended school in Puerto Rico, and who were literate in Spanish but not in English. However, I do not believe that the Court's decision in *Katzenbach v. Morgan* authorizes the power now asserted by the Senate to enfranchise young people. Neither do I believe it follows that because Congress has power to suspend literacy tests for voting throughout the Nation, as the new Voting Rights Act would do, it has power also to decide for the entire Nation what the proper age qualification should be.

Where Puerto Ricans were denied the right to vote, the Court could readily conclude that there had been discriminatory treatment of an ethnic minority. This was especially so because of the particular circumstances of those whose rights were at issue: U.S. citizens by birth, literate in Spanish, but not literate in English because their schools, though under the American flag, had used Spanish as the language of instruction.

Similarly with literacy tests: the Court already has upheld the right of Congress to bar their use where there is presumptive evidence that they have been used in a discriminatory fashion. If Congress now finds that literacy tests everywhere impose a special burden on the poor and on large numbers of black Americans, and for this reason abolishes literacy tests everywhere, it is using the same power which was upheld when the Court sustained the Voting Rights Act of 1965.

To go on, however, and maintain that the 21-year voting age is discriminatory *in a constitutional sense* is a giant leap. This limitation—as I believe—may be no longer justified, but it certainly is neither capricious nor irrational. Even to set the limit at 18 is to recognize that it has to be set somewhere. A 21-year voting age treats all alike, working no invidious distinction among groups or classes. It has been the tradition in this country since the Constitution was adopted, and it was the standard even before; it still is maintained by 46 of the 50 states; and, indeed, it is explicitly recognized by Section 2 of the Fourteenth Amendment itself as the voting age.

If it is unconstitutional for a State to deny the vote to an 18-year-old, it would seem equally unconstitutional to deny it to a 17-year-old or a 16-year-old. As long as the question is simply one of judgment, the Constitution gives Congress no power to substitute its judgment for that of the states in a matter such as age qualification to vote which the Supreme Court has recognized is one which the States may properly take into consideration.

ONE CONSTITUTION

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision, because we are impatient to achieve our purposes.

To pass a popular measure despite the Constitutional prohibition, and then to throw on the Court the burden of declaring it unconstitutional, is to place a greater strain and burden on the Court than the Founding Fathers intended, or than the Court should have to sustain. To enact the Senate proposal would be to challenge the Court to accept, or to reject, a fateful step in the redistribution of powers and functions, not only between the Federal Government and the States but also between itself and the Congress.

Historically, under the Fourteenth Amendment as well as under many other provisions of the Constitution, it has been the duty of the Court to define and enforce the division of powers between the Federal Government and the States. Section 5 of the Fourteenth Amendment gives Congress power to "enforce" Constitutionally-protected rights against intrusion by the States; but the primary role in defining what those rights are belongs to the Court.

For the most part, the Court has acted with due deference and respect for the views of Congress, and for Congress' assessment of facts and conditions and the needs to which they give rise. But the Court has had the last word.

However, it is difficult to see how the Court could uphold the Senate proposal on the 18-year-vote without conceding that Congress now has the last word.

To present this challenge to the Court would thus raise equal and opposite dangers: on the one hand, if the Court acquiesced, its own power as the protector of our rights could be irreparably diminished; and on the other, if the Court rebuffed the challenge, the often valuable latitude Congress now has under broad readings of its Fourteenth Amendment power might in consequence be severely limited. Neither outcome, in my view, would be desirable.

THE PATH OF REASON

I have recently canvassed many of the Nation's leading constitutional scholars for their views on the Senate proposal. Some feel that, by a broad reading of *Katzenbach v. Morgan*, the proposal's constitutionality could be sustained. The great majority, however, regard it as unconstitutional—and they voice serious concern not only for the integrity of the Constitution but also for the authority of the Court, if it should be sustained.

At best, then, it would be enacted under a heavy constitutional cloud, with its validity in serious doubt. Even those who support the legislation most vigorously must concede the existence of a serious constitutional question.

At worst, it would throw the electoral process into turmoil during a protracted period of legal uncertainty, and finally leave our young people frustrated, embittered and voteless.

I therefore urge:

That the 18-year-old vote rider be separated from the bill extending the Voting Rights Act.

That the Voting Rights Bill be approved.

That Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity: Constitutional amendment.

Sincerely,

RICHARD NIXON.

S. 3785—INTRODUCTION OF A BILL TO AMEND TITLE 38, UNITED STATES CODE

Mr. DOMINICK. Mr. President, on Monday, April 27, the Senate passed House Concurrent Resolution 582, designating May 1, 1970, tomorrow, as the day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia, and designating May 30 a national day of prayer for humane treatment and the safe return of these American prisoners of war.

Mr. President, since the first U.S. Army adviser was captured by the Vietcong in March 1964, the number of U.S. servicemen listed as missing in action or captured in Southeast Asia has grown to a total of more than 1,400. About 150 of these men have been missing or captured for more than 4 years, and more than 300 of them have been missing or captured for 3½ years. That is longer than any U.S. serviceman was held prisoner during World War II.

At the present time there are 193 U.S. servicemen listed as missing in the air action over Laos. Because northern Laos is, and has been to the Western World for a long time, a dark area, little information is available concerning the fate of these airmen.

Meanwhile, the families of these servicemen anxiously wait to hear whether their missing father, son, or husband is dead or captured. Many of these servicemen have sons or daughters who would be eligible for educational benefits under the War Orphans Educational Assistance Act if we could determine that their father was killed in action or died while being held as a prisoner by enemy forces. Without that determination they must go on waiting and hoping, and they are not eligible for benefits.

Under present law, the widow of any serviceman who is killed in service, or who died of a service-connected disability, is eligible for a Government guaranteed loan to buy a home. But this, too, is not now available until the fate of the missing serviceman is determined. Consequently, the relatives of the men who are missing in action or who are prisoners of war do not get the benefit of this.

It seems unfair to me that these benefits are denied to these dependent children and wives of our servicemen whose service to their country has certainly cost them their freedom and perhaps their lives.

I am introducing at this time a bill which would add to the definition of persons eligible for educational assistance any dependent child of any member of the Armed Forces who, after December 31, 1963, is listed by the Secretary concerned as: First, missing in action, if such member has been so listed for a period of more than 1 year, or second, a prisoner of war, or third, while in line of duty was forceably detained or interned by a foreign government or power for a period of more than 1 year.

The latter instance, for example, would take care of the crew of the *Pueblo*, when the North Koreans captured them.

The bill also provides that the wife of any such serviceman shall be eligible for a Government guaranteed loan to buy a home.

I feel that this is the least that a grateful Nation owes to these servicemen, and I hope that this proposed legislation will be enacted without delay.

Mr. President, we have the anomalous situation, with respect to a Government guaranteed loan for a home, in which the husband and wife are required to sign the papers, but the husband is missing in action or is a prisoner of war and is not available, and they cannot get a guaranteed loan, because they cannot get the signature of the other member who is being held prisoner or who is missing in action. It seems to me that this is patently ridiculous, and this is one of the things that this bill will cure.

I am also working on one other point now. It is not quite as easy of solution. For some strange and unknown reason, many of the men who were going to Vietnam signed a power of attorney which automatically expired at the end of the year. If they are missing in action or if they are captured, that power of attorney has expired, and the wife is unable to deal with the property which is in the husband's name. Yet, in many cases, this is a matter of State law. So I am working on a bill at this time, which I hope to have ready for introduction either tomorrow or early next week, to try to clarify that situation as well.

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

Mr. DOMINICK. I yield.

Mr. GRIFFIN. Mr. President, I commend the Senator from Colorado for his interest in his work on this important problem, and I should like to join him as a cosponsor of his bill.

I would be highly honored to have the Senator from Michigan as a cosponsor, and I ask unanimous consent that the Senator's name be added as a cosponsor of the bill.

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

Mr. COTTON. Mr. President, will the Senator extend the same privilege to me?

Mr. DOMINICK. I would be more than delighted to do so, and I am pleased to have this support.

Mr. President, I ask unanimous consent that the name of the Senator from New Hampshire be added as a cosponsor of this bill.

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

Mr. President, I send the bill to the desk, for proper referral, on behalf of myself, Senator GRIFFIN, and Senator COTTON.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war, introduced by Mr. DOMINICK (for himself, Mr. GRIFFIN, and Mr. COTTON), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

SENATOR CURTIS RECEIVES THE GEORGE WASHINGTON AWARD

Mr. GRIFFIN. Mr. President, last night in Washington our good friend and colleague, the junior Senator from Nebraska (Mr. CURTIS) was honored by the American Good Government Society at its annual George Washington dinner. He was presented with the George Washington Award.

No man in the Senate is more deserving of such a high honor, as was pointed out by the distinguished Senator from West Virginia (Mr. BYRD) who presented the award.

Both Senator BYRD and Senator CURTIS made memorable addresses at the dinner last evening, and I ask unanimous consent that the text of their remarks be printed in the RECORD.

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

REMARKS OF THE HONORABLE ROBERT C. BYRD OF WEST VIRGINIA ON PRESENTATION OF THE AMERICAN GOOD GOVERNMENT SOCIETY GEORGE WASHINGTON AWARD TO THE HONORABLE CARL T. CURTIS OF NEBRASKA, APRIL 29, 1970

Mr. Chairman, Ladies and Gentlemen. It is a special pleasure to be here tonight to join with you in honoring my distinguished friend from Nebraska. I have known Carl Curtis since 1953, when we first served together in the United States House of Representatives.

Our friendship, and my respect for him, have increased over our years of service together in the United States Congress. I regard Senator Carl T. Curtis as one of the true statesmen of our country.

Tonight, we meet in honor of the 181st anniversary of the first inauguration of George Washington as President. And it seems that Carl Curtis has been around for almost as long—he has been a member of Congress since 1939. George Washington is known as the father of our great country, and Carl is today, in a sense, one of the fathers of our Nation. In these days when there is a rush to make changes, Carl is not one to join the crowd. Carl is not against change *per se*, but he realizes that not everything is made better by change. When decisions of a magnitude unequalled in man's history must be made almost on a daily basis, America can only benefit when men like Carl Curtis sit in the United States Senate.

Carl is a devoted husband to his lovely wife, Lois; an understanding father; a doting grandfather; and a respected elder in his church.

The pundits call him a conservative, and he wears the label proudly. He believes that it is his responsibility, and ours in Congress, to conserve those things which have been tried and have proved true throughout the years. He is a strong advocate of the pay-as-you-go system for government. He is an avid student of history, and he believes in applying the lessons of history in such a way that the mistakes of the past are not repeated. He is constantly looking for new approaches—searching for new ways—to do a better job.

Carl is known for his outstanding service to his constituents. No matter is too small to receive his special personal attention. I am told that several months ago, one of his constituents asked him to help save the Air Force's famous Bagpipe Band from extinction at the hands of the Defense Department's budget-cutters. The Senator wrote a letter to "Bonny Secretary Laird" and appealed to him in Robert Burns' language to let the Scottish musicians keep on piping for good will.

On another matter, a constituent wrote to the Senator several years ago, about a heart attack which her husband had suffered. The woman had taken her husband to the nearest hospital, and it turned out that the hospital was not approved by the Social Security Administration for Medicare patients. The husband recovered, but Medicare officials refused to pay the bill. The reason: they had no authority to do so. Senator Curtis went to work and secured passage of an amendment specifically providing for payment in such cases, retroactive to a date prior to his constituent's problem.

No man is more dedicated to the best interests of his state. In 1969, after 12 years of service on the Senate Goverment Operations Committee, second in seniority on the minority side, and a member of the prestigious Permanent Subcommittee on Investigations, he willingly gave up these assignments to become a new member, without seniority, on the Senate Agriculture and Forestry Committee, so that his beloved Nebraska would have congressional representation for its most important industry.

One of Carl's earliest and proudest acts in Congress was the introduction of a resolution that led to the passage of the Flood Control Act of 1944, and the start of the entire Missouri River Basin Development Program. This was only one of his many contributions to protect our natural resources.

There has been much talk over the last couple of months about constitutional constructionists. (It seems to me it had something to do with the United States Supreme Court.) I am glad that one benefit was derived—the public was reminded that our country still has a Constitution. George Washington was what you might call a political fundamentalist. And those were the days when prayer in school was welcomed—not challenged. Washington believed—as I hope all of us here tonight believe—that the Constitution was written to mean just what it says. In his Farewell Address to the American People, Washington warned us not to allow change by "usurpation," . . . "for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Carl Curtis shares this philosophy. As Henry Clay once said:

"Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people."

Carl Curtis is such a man. He is known for thinking matters through fully and thoroughly; for making fair decisions; and for standing up for his beliefs. Not afraid of long hours and hard work, he exemplifies what honest and good government means.

Carl never professes to perform magic. To him, politics and government, like any other job to be done, require work and lots of it, and that is why he succeeds.

What this country needs is more men of the stature of this man. There is need for government to move in a direction more in keeping with the ideas of men like Senator Curtis. When it comes to extolling the virtues of America, and what this country really stands for, I turn to the junior Senator from Nebraska. For it is Carl Curtis who is quietly, but efficiently, working on the solutions to the varied problems now weighing so heavily over our heads today. One of my favorite authors, Ralph Waldo Emerson, wrote:

"The true test of civilization is, not the census, nor the size of cities, nor the crops; no, but the kind of man the country turns out."

The kind of man that has made our country a great country is well exemplified in the person of Carl Curtis. He is a builder, not a destroyer. He is a worker, not a shirker. He has sacrificed for the country he loves, and he has unflinchingly defended constitutional government. As long as this country turns out men like Carl Curtis—American civilization will stand the test of which Emerson so eloquently wrote.

The trustees of the American Good Government Society have done their job well. I know of no man who is more deserving of this award than Carl Curtis. I am grateful for the pleasant assignment given me in honoring this great American. So, I take great pleasure in presenting the 1970 George Washington Award to my friend, the distinguished junior Senator from Nebraska, the Honorable Carl T. Curtis. The inscription reads as follows:

"RESOLUTION OF TRIBUTE AND HONOR, CARL T. CURTIS

"Patriot, statesman, lawyer and political economist, has served the people of Nebraska and of the United States for more than a third of a century: as a prosecuting attorney, sixteen years as Representative in Congress—ten of them on the Committee on Ways and Means—and fifteen years in the Unted States Senate.

"Courage, industry and integrity have shone brightly in his valiant efforts for sound fiscal policy on a pay-as-you-go basis, for a better structured and more wisely financed social security system, and for tax laws encouraging to the farmers of America. The rural affairs council created by President Nixon, to give rural America and its towns and small cities their proper place in shaping national policy, was his idea.

"Senator Curtis believes devoutly that he and his generation, as were their forefathers, are trustees of the blessings of liberty for ourselves and our posterity. Nebraska can be proud of her illustrious son."

SPEECH ACCEPTING THE GOOD GOVERNMENT AWARD AT THE GEORGE WASHINGTON DINNER OF THE AMERICAN GOOD GOVERNMENT SOCIETY, WEDNESDAY, APRIL 29, 1970.

Mr. Chairman and Friends All: When I was told that I was to be the recipient of the George Washington Good Government Award, I was touched with humility and gratitude. In addition, fond memories came to my mind.

One was the memory of what happened that caused me to go into politics. My mother wanted be to be an opera singer. The best voice teacher who could be provided, from the modest means that were available, was secured by my parents. The time came for my first public appearance. I sang a solo. Incidentally, at the piano was an 11-year-old girl whose name was Lois, and she is here tonight. The song that I sang was "Carry Me Back To Old Virginia."

Soon after I started to sing, I noticed a nice little old lady on the front row begin to cry, and the more I sang "Carry Me Back To Old Virginia," the more she cried. By the time I finished, the tears were running down her cheeks. After the program was over, I went to her, said that I was sorry that I caused her to cry and that I assumed she was from Virginia. She said, "No, I'm a musician." It was then that I decided to go into politics.

In all seriousness, I want to express my gratitude to the Good Government Society for bestowing upon me this George Washington Good Government Award. I am deeply grateful.

I regard government as a divinely ordained institution. I also believe that I will have to give an account of my stewardship in the field of government, as well as in all else, to my Creator. From man's standpoint, I think that it will be for the historians 50 or 100 years from now to make an assessment as to whether or not our generation or any one of us has contributed to the cause of good government. So even though the final decision concerning any merit for this award cannot yet be made, I want you to know that I appreciate it very much. I thank the Good Government Society and all who have participated in this occasion.

My thanks go also to all those who have helped me along the way and who have stood by me in times of trial and struggle as well as times of good fortune. Foremost on this list I would mention my best friend, my wife Lois, for her help, her encouragement, and her steadfast loyalty.

I owe much to a very dedicated and efficient staff, including former staff members. Their help has been both valuable and dependable. I am grateful for the splendid help of my colleague, Senator Hruska, and that of my Nebraska colleagues in the House of Representatives. I am also indebted to the people whom I have the honor to represent—those wonderful Nebraskans who have given me the opportunity to serve in the greatest legislative body in the world for more than three decades.

As a member of the United States Congress, I have oftentimes asked myself, "What is my primary responsibility? What is my greatest obligation?" I believe that it is to preserve for all time to come and for all future generations the United States of America—its economic system, its institutions, its resources, its opportunities and its financial solvency. Our responsibility is to hand on to others the greatness of America. Should we fail in this, we become but despoilers and wasters. We are then the instruments of destruction.

Let us consider the oath that a member of Congress is required to take. He does not take an oath promising to vote for or against a particular legislative course of action. Rather, he takes a simple oath to support the Constitution of the United States. It is by so doing that good government is assured. Adherence to the Constitution of the United States brings peace and order and progress. Disregard for the Constitution brings chaos, trouble, and decay.

It is quite significant that the Constitution does not guarantee happiness for our citizens. It guarantees the right of the citizens to the pursuit of happiness. Government cannot give happiness to people. Civil government can but guarantee to the individual that there shall be no interference in his pursuit of those true values that bring lasting happiness.

I might mention an interesting corollary to the pursuit of happiness. The government of the United States cannot by decree, legislation, or appropriation, abolish poverty in the land. Government can and should provide an opportunity, an equal chance, including an opportunity for an education for all, to the end that able-bodied individuals by their own efforts can overcome poverty.

We need a rebirth of patriotism in America, a new appreciation of the sacrifices of our forefathers, a new appreciation of America as the land of opportunity in the 1970's. Of course there are times when we as a nation are guilty of error and sin, but to tear down adds to the wrongdoing. A greater love of country must be instilled in all, old and young alike, individuals of all races, colors, and creeds.

The flag of the United States is a beautiful flag. It represents human liberty and opportunity. We owe our country a great debt of gratitude for the blessings we enjoy. May the time soon return when our flag will be respected as it should be.

May we cherish this Republic by having a new birth of patriotism, and may we preserve it with a rebirth of those spiritual qualities so needed in our personal and national life. The words of General Douglas MacArthur, uttered at the formal surrender of the Japanese at the end of World War II, are still true. He said, "If we are to save the flesh, it must be of the spirit."

S. 3786—INTRODUCTION OF A BILL TO PROVIDE FEDERAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS FOR THE IMPROVEMENT OF STREET LIGHTING FACILITIES

Mr. KENNEDY. Mr. President, during the past 8 years, Congress has devoted much time to crime control and prevention. As a member of the Senate Judiciary Committee. I have been closely involved in these deliberations, and in the drafting and passage of legislation designed to retard both the rising rate and growing pervasiveness of crime in the United States.

But despite all of our talk; despite the adoption of comprehensive crime control legislation; despite demonstrated concern at all levels of government; and despite the expenditure of hundreds of millions of dollars last year—the overall crime rate for the United States rose 17 percent in 1969.

Some regard this increase as acceptable, in comparison to increases in previous years.

I do not.

Some point to the complexity of the problem, and say we are making good progress in our war against crime.

I say it is not enough.

Citing the complexity of our national concerns has become a convenient way for many to gloss over the failure of our attempts to solve them. I am not saying that these matters are easy to solve. I only say that we should do all that we can to review the effectiveness of our national effort. And, in addition to the passage of broad-based, long-range programs, we should explore the usefulness of laws and programs which attack but one facet of the overall problem.

It is my feeling that, where possible, we should take the tools of crime away from the criminal. I have, therefore, urged the Congress to adopt strict gun-control laws, designed to limit access to those weapons used in over one-half of all willful homicides and armed robberies. To date, the legislation we have adopted has been far too weak. Furthermore, last year, the Senate weakened the existing law in this area.

Another proposal I have made would provide Federal funds to induce State and local governments to improve their street lighting programs. My proposal, introduced in both the 89th and 90th Congresses, would authorize the Department of Housing and Urban Development, under title VII of the Housing and Urban Development Act of 1965, to make grants to communities and urban areas for up to two-thirds of the cost of street lighting facilities.

Such a program would not eliminate crime, of course. But it is my belief that it would definitely bring a reduction in

the rate of crime in those specific areas where it is put into effect.

There is some disagreement among professional law enforcement officers, and theorists, about the effectiveness of street lighting as a crime deterrent. Most agree, however, that increased lighting is of some effect. And I am sure that every layman must admit his own preference to walking or driving after dark in well lighted areas.

Our distinguished majority leader eloquently described the transformation of our communities when darkness falls. Speaking on the Senate floor, he said:

> People flee the street at dark. They board up their shops. They bolt, rebolt, and bolt again their doors and bar their windows. We begin to resemble the cities of the Middle Ages with brightly lit shrines scattered in a fear-laden darkness.

Recognizing the importance of personal safety and security, the majority leader further stated:

> A basic requirement for any decent civic survival is that the streets—not the streets in one section of town but in all sections of town—be reasonably safe. The words "reasonably safe" are stressed because there can be no perfect security anywhere.
>
> Nevertheless, in my judgment, the safety of the streets is the critical factor. The streets are the avenues of human contact. Unless they can be so used, they will revert inevitably to the jungle. The streets must be open to the use of all.

The majority leader has gone to the heart of the matter. Abandonment of the streets for 12 hours of every day has to have a significant effect on the conduct of human activity—both social and commercial.

Since I last introduced this bill in 1967, several cities have embarked on programs to improve lighting facilities. The National League of Cities completed a survey of these efforts last summer, and the statistics developed in it show new evidence of the direct relationship between better lighting and a reduction in the incidence of crime:

In some areas of Indianapolis, crime dropped 85 percent after adequate lighting was installed.

A former Detroit police commissioner reported that "street crimes have been reduced as much as 55 percent in improved areas."

Gary, Ind., installed 5,000 new street lights. Criminal assaults dropped 70 percent and robberies 60 percent in the newly lighted areas.

McPherson, Kans., experienced a 92-percent reduction in the incidence of prowlers and burglaries after a relighting program.

In Chattanooga, crime in a 12-block area dropped 70 percent after relighting.

When relighting was one-third completed in Cleveland, the number of assaults had dropped by one-third.

In the first 4 months after 144 blocks in St. Louis received new lights, street crimes had dropped 15.9 percent.

In New York City, an area of 111 blocks was relighted. In the subsequent 2 years, the incidence of murder, assault, and rape dropped 49 percent.

Chicago installed 51,000 street lights in 2,000 miles of alleys in the winter of 1965–66. Carefully documented police records show that the number of serious crimes reported in alleys during the hours of darkness was 30-percent lower in 1968 than they were in 1966.

In a survey of 1,300 police officials throughout the Nation, 85 percent reported a drop in crime rates when lighting was improved. After good lighting, 42 percent of the officials reported a 50-percent drop; 30 percent of the officers reported a 25-percent drop; and 19 percent said that crime had dropped 10 percent.

I do not feel that the Federal Government should assume the total cost of providing adequate street lighting in high crime areas in cities and towns. However, I do feel that Federal seed money will go a long way toward convincing such communities to devote some of their local resources for such programs. The Department of Housing and Urban Development currently offers some assistance for the improvement of such facilities under its urban renewal and housing programs. However, the only nonproject connected program for street lighting aid is the public facilities loan program. It provides loan assistance for any public facilities program; however, communities with a population of over 50,000 are not eligible for the program.

The bill I introduce today calls for a sharing of the costs, and a Federal expenditure of $7.5 million a year, to help finance specific projects designed to reduce the incidence of crime in a designated area of a city or community. It is my belief that such projects, when completed, will reduce the crime rate for the particular area, and serve as an example to the community of the need to invest local funds in additional projects.

All of us are aware of the very limited resources of our city and community governments. The demands for these resources far outreach the ability of the community to satisfy them. This program would offer a community the opportunity to test the value of expending money in this area and would also give support to the approval of special financial means—such as bond issues—to provide these facilities.

Mr. President, I urge my colleagues to consider this bill carefully. I am convinced that most would agree that we must take this small step toward improving the sense of personal security and safety of our citizens. I look for favorable action on this measure this year. I introduce it again because I feel strongly about the benefits that can be derived from the program it authorizes.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

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

The bill (S. 3786) to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE CAPE COD NATIONAL SEASHORE—DISCHARGE COMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 1187, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered; and the bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 1187, to amend the act of August 7, 1961, providing for the establishment of the Cape Cod National Seashore.

Mr. KENNEDY. Mr. President, H.R. 1187 is the companion bill to my bill, S. 2253, which is on the calendar, ready for Senate consideration. With the approval and clearance of the committee and the joint leadership, it has been decided to follow this procedure, in order to eliminate the procedural necessity of returning the bill to the House. The bill, after passage, will go directly to the White House for the President's signature.

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

There being no objection, the bill was considered, read the third time, and passed.

Mr. KENNEDY. Mr. President, let me say a word about the increased authorization.

The Cape Cod National Seashore was the first addition to the national park system which authorized total Federal funding for acquisition. Prior to enactment of this piece of legislation in 1961, national parks had always been located on federally owned, or privately donated land.

This departure, which was the direct result of the efforts of President Kennedy and former Senator Saltonstall of Massachusetts, who were the originators of the legislation, set a new pattern for expansion of the national park system.

The wisdom of this new national commitment to the preservation of scenic and historic sites is clear when we consider the marvelously preserved areas in the eastern part of the country which serve the recreational and educational needs of the millions of people who live in our densely populated urban corridors.

Last year, the Cape Cod National Seashore was visited by some 4 million people. It is within a day's drive of some 30 million people throughout New England, and the Northeast. It has been one of the more successful national parks in terms of the enjoyment experienced by those who visit its broad beaches and warm waters.

The bill just passed provides for an additional authorization of $17,500,000 for the acquisition of 8,830 acres, 7,270 acres unimproved and 249 acres which are improved. The bill will bring land acquisition to the level authorized in the 1961 act, some 27,650 acres.

Thus, Mr. President, I think that by the action taken by the Senate this afternoon, we will be living up to our responsibility as outlined in the original authorization bill, passed in 1961. Completion of the seashore will give addi-

tional hope to many people who live, not just in Massachusetts, but throughout New England and on the eastern shore, that they will now have an opportunity to get away from the stresses and pressures of urban life and be able to enjoy some leisure and a measure of peacefulness on the shores of the Atlantic Ocean on beautiful Cape Cod.

Mr. President, I refer my good friends in the Senate, if they would like to read the most authoritative description of that lovely piece of land, to Thoreau's "Journals of Cape Cod." It gives a marvelous description of the area. It was written over 130 years ago. It captures the magic of that part of our American coastland which so many of our people have had an opportunity to enjoy.

Mr. BIBLE. Mr. President, when President Kennedy signed into law the original act establishing the Cape Cod National Seashore on August 7, 1961, he approved a broadening of the national effort to protect and maintain areas with outstanding natural, recreational, scenic, or historical value. This for the benefit of present and future generations of Americans.

Having visited the cape on a number of occasions I found that it is one of this country's most scenic natural shorelines. Also because of its extraordinary geological and biological features, the setting is particularly unique and interesting. These factors make this region a valuable field for scientific study for nowhere on this continent is the story of glacial disposition combined with the violent action of the sea upon a landmass depicted so vividly as on Cape Cod.

Prior to the 1961 legislation, the Congress had limited national park acquisitions and development principally to areas in the West. These were chiefly located on existing federally owned lands or in regions which had been donated to the Federal Government for conservation purposes. The Cape Cod National Seashore Act—passed with the knowledge that the U.S. Government would be required to finance its entire acquisition and development—made this effort to conserve unspoiled lands a national commitment. The act recognized that, if the citizens of heavily populated and urbanized sections of the country were to benefit from the programs of the National Park Service, the Federal Government would have to acquire lands beyond the public domain.

The act establishing the Cape Cod National Seashore provided for the acquisition of 27,650 acres of land and limited the appropriation to $16 million. By August of 1967, however, it was found that there were 7,519 acres still to be acquired. However, the Congress did not act favorably on this legislation at that time. Land costs have increased since then, as they have in other parks and recreation areas throughout the country, and we now must request an additional $17.5 million to complete the Cape Cod land purchase. This represents a higher cost than expected but, it is the price we must pay for delays and for the inadequacy of the cost estimate techniques used in the original funding plans. Certainly, any further hesitation would be even more costly.

Last year, over 4 million Americans visited the seashore and this number is expected to double within the next 5 years. Located within a day's drive of over 30 million people, the Cape Cod National Seashore clearly justifies the program begun by the Congress in 1961. Clearly this seashore has more than proven its value as a recreation area. Activities such as swimming, hiking, camping, boating, and bicycling are there for the asking. Also it is one of the 10 most famous salt water fishing regions in the United States. Because of its natural beauty and historic significance we must cherish and protect this area so that it will be enjoyed by future generations.

I am glad that the Senate has acted favorably on this important legislation benefiting one of our most popular national seashores.

Mr. KENNEDY. Mr. President, I move that S. 2253, the companion bill, be indefinitely postponed.

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

ANADROMOUS FISH CONSERVATION ACT

Mr. KENNEDY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 815, H.R. 1049. It has been cleared for the Consent Calendar on both sides.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 1049, to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consider the bill, which was read the third time, and passed.

RAIL PASSENGER SERVICE ACT OF 1970

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 769, S. 3706. This bill will be considered on Tuesday next, and will remain the unfinished business of the Senate during the interim.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. KENNEDY. 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT OF SECTION 613 OF MERCHANT MARINE ACT, 1936, AS AMENDED

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12605.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 12605) to amend section 613 of the Merchant Marine Act, 1936, as amended which was on page 2, line 2, of the Senate engrossed amendment, after "subsidy" insert "and the partial payback of construction-differential subsidy".

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. WATTS, Mr. BYRNES of Wisconsin, and Mr. BETTS were appointed managers on the part of the House at the conference.

Mr. KENNEDY. 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. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADDRESS BY SENATOR GRAVEL AT UNIVERSITY OF WISCONSIN ENTITLED "RADIATION: THE ULTIMATE POLLUTION"

Mr. NELSON. Mr. President, during the recent nationwide Earth Day observance the distinguished Senator from Alaska (Mr. GRAVEL) spoke before a student teach-in gathering at the University of Wisconsin in Madison.

The topic of Senator GRAVEL's remarks was: "Radiation: The Ultimate Pollution."

Senator GRAVEL's message raises some penetrating questions regarding the

dangers of nuclear radiation and presents a strong case for the need to provide greater supervision and control for protecting the ecology from this threat.

Describing the radiation hazard as "Public Enemy No. 1" Senator GRAVEL said guidelines for polluting the environment should be set at zero and indicated he will propose legislation to develop a new concept for protecting man and his environment against the dangers of pollution.

Quoting from his text, he said:

We must revalue our cultural as well as economic priorities. Anyone proposing an activity which would pollute or damage the environment should be required to present his case before the government and negotiate for the right to pollute.

Senator GRAVEL's remarks are a valuable contribution to an issue of great concern to all Americans. I ask unanimous consent that his speech be printed in the RECORD.

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

RADIATION: THE ULTIMATE POLLUTION

I. A DECISION NOW FOR ALL TIME

I am honored to join you on the eve of Earth Day, because I believe deeply that this is an area in which we all must be involved.

The struggle against pollution demands a commitment from each of us—not just from students and scientists, but from legislators and other leaders in every field.

My special interest in the field of ecology, which this week is so very much in the forefront of our national attention, is the ugly problem of atomic radiation. I am deeply conscious of the fact that along with Nevada, only Alaska has been the site of a test explosion of nuclear weapons. And the possible long term effects of those explosions are awesome—nuclear radiation has indeed become "the ultimate pollution."

The economist John Maynard Keynes once said very aptly that in the long run we all are dead. That is my thesis today in simplest terms: If we overlook the worst environmental threat of all, nuclear radiation, in the long run it means quite literally that we are all dead.

If we contaminate this earth radioactively, no amount of money and good will can clean it up later. This invisible new contamination is already under way, and it's not "just another pollution problem," any more than terminal cancer is "just another health problem."

Ounce for ounce, and gram for gram, radioactive substances are a million to a billion times more harmful to life than non-radioactive pollutants.

Furthermore, radioactive contaminants are indestructible, once we turn radioactivity on, we can not turn it off. Radioactivity decays at its own immutable rate. No campaigns or protests or laws can change it.

In other words, we're stuck with radiation forever, since several of the common radioactive wastes take hundreds and even thousands of years to decay completely.

Plutonium—that radioactive element which has been leaking from a nuclear bomb-trigger factory outside Denver—lasts many times longer than its half-life, and its half-life varies up to 24,000 years.

Plutonium is also one of the radioactive substances which will be produced in enormous quantities by the much-promoted "breeder" reactors which are meant to solve our electrical power problems in the next decade.

As you know, the atomic energy commission is dedicated to the promotion of nuclear energy. That is its charter under law. But it frightens me that the AEC is also both judge and jury of radiation hazards.

In reality, no one is in charge of preventing the radioactive contamination of our planet. In other words, the stage is presently set to assure the cumulative contamination of the globe.

We don't even know to what extent we have already done it. There is enough that each of us carries a burden of man-made radioactivity in his body, and every baby is born with it. Every cubic meter of our air, every gallon of our river water, every meal which we eat contains it.

Although people can tell you how much soot and sulphur we toss into the air every year, no one is even estimating how much radioactivity we release.

This absence of information makes disagreement inevitable about the urgency of the threat.

The ultimate complacency was expressed on January 14th, 1970 by AEC Commissioner Thompson:

"In the name of protecting the environment, many are suggesting that even minimal amounts of radioactivity . . . should not be even temporarily introduced into the environment . . . it is as though we decided not to get out of bed anymore because we might slip on the way to the bathroom."

Commissioner Thompson is a nuclear physicist with a mission; he has devoted most of his life to the development of nuclear reactors.

I am not a scientist and not a great authority on reactors. I can ask more questions than I can answer. But I do understand that we and our government have permitted all kinds of chemical pollutants to get out of control, and that if we take the same wait-and-see attitude toward the burgeoning nuclear industry, no remedy will be possible.

That's the frightening thing about nuclear radiation.

II. PLAYING WITH THE NATURE OF THINGS

Last Fall, I sent out a questionnaire asking scientists: who is working on the problem of turning radioactivity off? No one. All physicists agree there is no way for men to turn a radioactive atom into a stable atom.

Actually, radioactivity itself is a major mystery. About 75 years ago, Madame Curie and some others made the astonishing proposition that there was an element which could generate its own light. By cooking and stirring tons of pitchblende ore, that stubborn woman personally refined the first decigramme of radium, and it did glow for her in the dark. Radium was a radioactive sensation, and it still is.

There are a few other naturally radioactive elements, but not many. No one understands yet why they should be radioactive in the first place. But when an atom is radioactive, it is suffering from some malaise of the nucleus which makes it spit out particles and energy. It's changing into a different element. It's literally suffering from an identity crisis.

Fortunately, a balance of forces exists which makes most atoms stable. But man has begun fiddling with stable atoms. He splits them. He deliberately adds and subtracts particles from their centers, to upset their natural balance.

He has operated so diligently that he has created at least one unstable radioactive twin for every natural, stable element. And once he has upset these atoms, they start disintegrating in radioactive ways which are supremely harmful to living targets.

So far, this experimentation has brought us both the nuclear bomb and the nuclear reactor. They are not so different. After a year or two of operation, a good-sized reactor has produced as much radioactivity as the explosion of a fair-sized nuclear bomb.

Some reactors today are permitted to release *large* quantities of their radioactive gases up the stack. Less than a dozen power-generating reactors are operating now. But eighty mammoth models are under construction or planned. In thirty years, we may have hundreds in this country alone. And the numbers will multiply around the world.

The AEC believes that it will be able to transport and *contain* most of the radioactive poison from its reactors year after year.

Already we are stuck with some 80 million gallons of seething radioactive waste in tank farms. A single gallon is enough to poison the water supply of a city. These tanks will have to be guarded for 600 to 1000 years.

The trouble is, radioactivity eats away just about every container that man has been able to devise. Several storage tanks have leaked thousands of gallons into the soil already.

And this corrosion problem is also one of the trickiest problems inside reactors themselves. Metals disintegrate and disappear under intense radioactive bombardment. Then the radioactive fission products begin leaking, up the stack and into the cooling water.

It is interesting to note that private insurance companies will not cover reactors for more than one per cent of the maximum credible accident, and it is therefore apparent that utilities would not be building any reactors if it were not for an amendment to the Atomic Enegry Act which puts almost all the liability on the *public*.

It is scarcely reassuring that the former head of American Electric Power said recently, "We're going to have some accidents with atomic plants. We don't want to have any. But we're going to."

His apprehensions were echoed just last year by David Lilienthal, the first head of the AEC, who said, "once a bright hope shared by all mankind, including myself, the rash proliferation of atomic power plants has become one of the ugliest clouds hanging over America."

Messing with the atom is one of the most serious activities ever undertaken by man. It is not an exaggeration to say that nuclear fission can bring our planet to an end with a bang, or more slowly, with an agonizing radioactive whimper.

I wonder whether it is just an uncanny coincidence that three apparently unrelated phenomena are happening together in history:

Man makes nuclear bombs and nuclear reactors, and begins creating a radioactive legacy for all time.

Man goes to the moon and becomes aware that all of us are "riders on the earth together, brothers on that bright loveliness in the eternal cold." (Archibald MacLeish).

And, practically overnight, students and others recognize that man is committing a suicidal assault on the planet's fragile web of life.

There is no doubt that the impetus for saving this planet is coming from students, and that the country's leaders are following you.

The more I look into the subject of radiation and its politics, the more I feel like someone in an unreal world. There is time to give you only two examples from many.

III. MASSIVE THREATS TO LIFE

Four years ago, a book called "The Radioecology of Aquatic Organisms" was published by the highly respected scientist, G. G. Polykarpov. It contained several warnings:

First. The maximum permissible concentration of radioactive strontium had already been reached in the Pacific Ocean and in the Irish Sea.

Second. Fish eggs are by far the most sensitive form of marine life to radiation damage.

Third. Damage to fish embryos at very low concentrations of radioactivity is visible.

Fourth. The reduction of the fish population would mean the proliferation of bacteria and radio-resistant invertebrates.

Fifth, and I quote. "We are already in the position to draw the important conclusion that further radioactive contamination of sea-water is inadmissible."

Now, only a fraction of the fallout from atmospheric bomb tests is *down* so far. There is a lot more to come. And only a fraction of what fell on land has been washed into the sea.

Yet here we are, dumping more and more low-level radioactive waste, from more and more reactors, into more and more rivers—which carry it off to the ultimate sink.

Yet here we are, dumping more and more *higher*-level radioactivity into the soil, where it has been known to creep into the water.

And here we are, creating an indescribable legacy of contaminated underground water with the bomb-tests in Nevada and my own State of Alaska.

So perhaps you can share my shock to read the warning that even the ocean has had all it can stand.

It is strange that the Atomic Energy Commission does not even intend to make an effort to investigate the possibility that radioactive fallout from the Pacific bomb tests may be causing the current starfish plague in the Pacific Ocean.

Starfish—which incidentally are among the marine invertebrates to which Polykarpov was referring—are eating up coral reefs from the *eastern* Pacific clear across to the Indian Ocean and the Red Sea. At the rate the starfish are consuming coral, in five years they can wipe out medium-sized atolls which took thousands of years to form.

Among the regions most threatened are the Hawaiian Islands, the coast of Guam, and Australia's great barrier reef.

In response to my inquiry, the Atomic Energy Commission chose to explain the phenomenon by saying that blasting and dredging have upset the local ecology. Keep in mind that the starfish plague is attacking coral from the Eastern Pacific to the Red Sea. The unusual wave of blasting and dredging in that area has somehow escaped my attention.

The other area of incredibility I want to mention concerns the so-called permissible levels of radiation under which the AEC is promoting its nuclear technology.

Last November, two leading scientists inside the AEC's own biomedical research program—did some calculations which alarmed them—their calculations concerned the increase of cancers in humans who, for one reason or another, had been exposed to radiation.

No matter how they considered the data, they came to the conclusion that the AEC's plans to promote nuclear energy would reverse every single advance made in public health during the last generation.

In other words, they calculated that, if we go on contaminating the environment until we each receive the legally permissible dose of radiation, cancer would increase by 10%. That means an additional 32,000 cases in the United States every year. Plus miscarriages, still-births, deformities, mental retardation, and other tragic effects of radiation. Just suppose these two men are right?

They presented their testimony in November before the Senate Subcommittee on Public Works, which is considering my bill to create an independent commission to investigate certain AEC activities.

How have their ideas been received?

The head of the National Council on Radiation Protection at first dismissed their thesis by claiming that he did not have time to comment: Subsequently, the *full board* of the Council asserted that the Gofman-Tamplin material "has presented no new data, new ideas, or new information."

The possibility of a ten per cent increase in the incidence of cancer surely seems to me something new and worth discussing.

Immediately following the Gofman-Tamplin testimony, the Atomic Energy Commission announced that the two men were wrong.

Gofman and Tamplin promptly challenged both the AEC and the Council on Radiation Protection to an open debate before scientific peers on the accuracy of their figures. There have been *no takers* so far. The AEC has not even made public its *own* set of figures on the extra incidence of cancer to be expected from the permissible radiation dose.

According to the magazine *Nucleonics Week*, the five AEC Commissioners recently met to discuss lowering the permissible levels of reactor pollution. Two of them favored stiffer over-all radiation standards, but the other three prevailed.

The AEC has sunk billions of tax dollars into the nuclear reactor program. The electric power industry and the banks have been persuaded to invest additional billions. Suddenly, this challenge to radiation standards seriously threatens the future of this technology, and has touched off a monumental power struggle.

The struggle touches the White House, the Office of Science and Technology, the Environmental Quality Council, the National Academy of Sciences, the Atomic Energy Commission, the HEW, the Congress, the power industry, the bomb industry, the labor unions whose workers receive occupational exposures, the ecologists, the fifty sovereign States, and not least of all, you and me.

More than a dozen states have joined the State of Minnesota in a court battle for the right to set stricter contamination standards for reactors than the AEC has set.

Hardly a day goes by now without a new move in this intricate drama. The stakes are very high, and I am convinced that if the full story is ever unraveled, it will make the Dreyfus case look like small-town gossip.

The odds, of course, are still stacked against those who question the wisdom of plunging ahead into nuclear technology. The odds have always been stacked against the opponents of any new technology. We use it for the same reason we climb Mount Everest, "because it is there."

There always have been plenty of dollars and scientists devoted to discovering the benefits of nuclear technology. It is a multi-billion-dollar juggernaut.

But where do we employ scientists whose mission is to investigate and warn us about the disadvantages of nuclear technology?

I am not necessarily an enemy of nuclear energy—indeed, I recognize its possible benefits—but I am against the hasty or undemocratic imposition of any new techology which represents a potential menace to all forms of life.

As we face the prospect of using nuclear reactors to meet our power demands, there is another set of figures we must consider—namely, the numbers presented on January 28th, 1970 to the Joint Committee on Atomic Energy by Dr. Karl Z. Morgan, from the AEC's Oak Ridge lab.

Dr. Morgan calculates that, if all Americans were to receive the legally permissible dose of nuclear radiation, there would be from 13,000 to 81,000 extra deaths per year from genetic disorders, and another 17,000 people per year whose lives would be shortened by 10%. These casualties far exceed the annual American death toll in the Vietnam war.

Extra cancer deaths plus extra genetic deaths . . . clearly, the presently permissible dose of radiation is a license to kill. To kill massively.

There is no time to describe how the presently permissible dose was set. Suffice it to say that the public has been given no idea what level of risk it represents. There has never been, not even yet, an open calculation of the risks and the benefits from either nuclear reactors or from the AEC's plowshare program—which involves the use of nuclear bombs for peaceful purposes.

The AEC simply cannot be allowed to serve as its own control.

When something goes wrong and contamination escapes, the AEC has been known to deny it. Time after time, private citizens have had to prove safety violations and hazards before the AEC would admit them.

Now, largely due to the new cancer regulations which the AEC has tried to disregard, the Federal Radiation Council has been ordered by its chairman to review itself, its assignment is to say whether or not there is anything wrong with the permissible dose which it set ten years ago.

Presumably, at some unspecified time, the council will either set a new permissible dose or agree to keep the old one. What concerns me is that there apparently is no room in this process for public opinion to assert itself. Somehow there must be an expression of public judgment in this vital decision, and some form of cost/benefit analysis by an independent source.

For half a century, the Food and Drug Administration has accepted the principle, at least, that food additives must be proven safe before they are permitted. But this principle has not yet been applied to pesticides, chemical pollutants, or nuclear radiation. I believe it is time to put the principle into practice.

It is grossly unfair to make the public defend its health and its environment endlessly against every new assault. The burden of proof belongs elsewhere. Let those who propose to contaminate or injure the environment justify their activities, by stating clearly for us what benefits they are offering us, and at what price.

IV. A PROPOSAL

Radiation is not the *only* lethal pollutant. But it is virtually a permanent one, and by far the strongest. As I have said, I consider it the ultimate pollution.

So, starting with radioactive pollution, and extending the principle to all other fields, I am going to propose this idea in the form of legislation to the United States Senate:

Guidelines for polluting the environment should be set *at zero*?

Pollution can be a killer. Therefore, let *no* levels of pollution be automatically permissible.

Let anyone proposing a significant activity which would pollute or damage the environment come before the government and *negotiate* for the right to pollute.

Let the polluter specify:

One. The necessary level of his proposed pollution.

Two. The benefits of his proposed activity for people in general.

And three. The ecological consequences and human cost of his proposed activity, and remedial means to restore the ecologic balance.

Let us also hear the independent voice of scientists assigned to study the disadvantages.

Let all hear. Let decisions which affect the very existence of so many people be made openly and democratically.

We would then finally be on the road of common sense and justice.

The fundamental question we face is the creation of a whole new set of values within our economic and cultural environment. It is not sufficient to talk of haphazardly truncating energy supplies in the interests of protecting our ecology, when we have not yet begun to define our national priorities in this field.

I agree wholeheartedly with Denis Hayes, the national coordinator on Earth Day, who said, "most of the politicians and business-

men who are jumping on the environmental bandwagon don't have the slightest idea of what they are getting into. I don't think they realize that we are going to need fundamental changes in the values of this country."

Government must take a new look at society and the needs of man, and establish a policy that permits man to have his cake and eat it too.

EARTH DAY

Mr. NELSON. Mr. President, Earth Day was a tremendous nationwide success, bringing a far greater participation than I anticipated when I suggested the idea last September. Some 2,000 colleges, 10,000 high schools and grade schools and several thousand communities were involved.

For the past several weeks, along with many of my colleagues in Congress and along with many scientists, young people and environmentalists of all ages, I have participated in the events associated with Earth Day. It has been one of the most heartening of experiences to see such broad agreement, wide participation, and dramatically increased public understanding and concern about this challenge to America. It makes me believe for the first time that we can wage a successful war on our environmental problems.

It was clear too from Earth Day that the environmental concern is much broader than some people seem to understand. Far more than just a concern with wild rivers, the issue is one of the livability of the ghettos and the Appalachias, which are the worst environments in this country.

The question now on everybody's mind is—What next? What does Earth Day mean for the future? Where will it lead?

In my view, Earth Day's greatest meaning will be if it is seen as a beginning, not as a climax. The next step is the formation of environmental action groups in every community and campus in this country.

These groups must organize just as soon as possible to set specific goals to turn back the assault on our environment. The challenge will never be met from Washington alone, although the job now before Congress is to pass major, urgently needed legislation and to appropriate urgently needed funds on a scale as great as our spending for Vietnam or for new weapons systems.

The changes in attitudes, in priorities, and in the effectiveness of all our institutions, and the new emphasis on quality as well as quantity, will be effected only by a genuine, persistent grassroots effort. Community groups must build on the new public awareness of our grave environmental programs, testify at hearings and meetings from the city council to Congress, file court suits if necessary to bring action.

In this society, there is no substitute for an enlightened citizen effort to meet the complex challenges of our age. This is as true today as it was two centuries ago.

Already, many groups have formed or are forming across the country which are providing a valuable foundation for a nationwide effort to improve our environment. In its recent and excellent special issue keyed to Earth Day, Look magazine listed a number of these national and regional organizations. These groups are to be commended for their efforts in the attack on the environmental deterioration that is one of the worst problems confronting us the world over, and I ask unanimous consent that their names be included in the RECORD at the end of these remarks.

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

(See exhibit 1.)

Mr. NELSON. Mr. President, also special commendations are in order for the young people in the National Earth Day office in Washington and for everyone across the country who worked so hard to make Earth Day a success, and also for the excellent and thorough coverage of the programs and the environmental problems by the news media.

In the environmental fight, there is no question we have the resources and the technology to do the job. The only question is whether we have the will. Earth Day was a significant beginning.

EXHIBIT 1

WHAT DO YOU DO? HERE'S WHAT: JOIN THE FIGHT—"IF YOU'RE NOT PART OF THE SOLUTION, YOU'RE PART OF THE POLLUTION"

You can't escape it. No matter where you are, the crud is hitting you now. And it won't stop unless each of us makes a commitment to stop the environmental destruction going on all around us.

Every day, more Americans are taking action. The environmental movement is building fast from the grass roots. Thousands of citizen action groups have sprouted. In California alone, there are over 200 environmental community groups.

Americans of diverse occupations, backgrounds and beliefs are pooling their talents and energies. They have won battles in San Francisco Bay and Florida's Everglades. But there are many other fights, and *they need you*. To turn your alarm about the rape of the environment into action, pick up the telephone now. Call an environmental group to find out what you can do. Start by participating in nearby Earth Day activities.

The following listing of national and local ecology organizations is by no means all-inclusive, but these groups are among the most active.

NATIONAL

Only the national headquarters are given. For the address of a chapter nearest you, look in your phone book or write the national headquarters.

Sierra Club, 1050 Mills Tower, San Francisco, Calif. 94104, Telephone: 415–981–8634.

85,000 members in 30 chapters. Recently coordinated efforts of 14 other conservation groups in blocking a timber bill that threatened national forests.

National Audubon Society, 1130 5th Avenue, New York, N.Y. 10028, Telephone: 212–369–2100.

125,000 members in 172 chapters. Leaders in blocking the Everglades jetport and in the fight against DDT.

The Wilderness Society, 729 15th Street, NW., Washington, D.C. 20005, Telephone: 202–347–4132.

60,000 members. Sponsors "A Way to the Wilderness" trips open to all. Now actively engaged in negotiating with Dept. of Interior to block Alaskan pipeline until effects on environment are known.

Friends of the Earth (F.O.E.), 30 East 42nd Street, New York, N.Y. 10017, Telephone: 212–687–8747.

Not tax-free, so can lobby for new environmental laws. Currently opposing funding of the SST.

League of Conservation Voters, 917 15th Street, NW., Washington, D.C. 20005, Telephone: 202–638–2525.

Political arm of F.O.E. Will raise money and recruit volunteers for candidates working to protect environment. Strictly nonpartisan.

The League of Women Voters, 1730 M Street, NW., Washington, D.C. 20036, Telephone: 202–296–1770.

Active in pollution fight all over country, including clean water, saving San Francisco Bay, Hawaii's Diamond Head.

The Nature Conservancy, 1522 K Street, N.W., Washington, D.C. 20005, Telephone 202–223–4710.

18,000 members in 33 chapters. Buys up land vital to nature, preserves it for public use. Saved 150,000 acres for us.

Zero Population Growth, 367 State Street, Los Altos, Calif. 94022, Telephone: 415–941–3666.

Political action and education on overpopulation.

Planned Parenthood-World Population, 515 Madison Avenue, New York, N.Y. 10022, Telephone: 212–752–2100.

166 affiliates, over 500 clinics providing family-planning information and services.

The Izaak Walton League of America, 1326 Waukegan Road, Glenview, Ill. 60025, Telephone: 312–724–3880.

50,000 members in 700 chapters. Vital role in Citizens' Crusade for Clean Water. Has filed suit for permanent injunction against mining in a wilderness area of northeastern Minnesota.

Environmental Defense Fund, P.O. Drawer 740, Stony Brook, N.Y. 11790, Telephone: 516–751–5191.

National coalition of scientists, lawyers, citizens for protection of environmental quality. Has brought cases against use of DDT in Michigan and Wisconsin courts. Has started litigation to stop construction of Florida barge canal on Oklawaha River by U.S. Army Corps of Engineers.

Unions are also active: United Steelworkers; Oil, Chemical, and Atomic Workers; United Auto Workers; International Brotherhood of Electrical Workers; and Communications Workers of America. Some locals are already working with environmental groups.

EAST

Recently, New Haven's Environmental Offensive presented its first Polluter of the Week Award to two local paper companies for dumping daily three million gallons of waste water containing paper fibers and assorted chemicals into the Mill River. Certificates were readied along with jugs of Mill River water. The companies did not show up to receive their awards. EO also sponsors Sunday afternoon pollution tours of New Haven for local residents.

In Providence, Ecology Action for Rhode Island demonstrated and persuaded a local furrier to pledge not to order furs of endangered species.

Boston Area Ecology Action, 925 Massachusetts Avenue, Cambridge, Mass. 02139. Telephone: 617–876–7085.

Environment: Pittsburgh, P.O. Box 7380, Pittsburgh, Pa. 15213. Telephone: 412–621–7053.

Ecology Action for Rhode Island, Inc., 50 Olive Street, Providence, R.I. 02906. Telephone: 401–274–9429.

Environment! 119 5th Avenue, New York, N.Y. 10003. Telephone: 212–673–8740.

Environmental Offensive and Environmental Action Group, 550 Osborne Memorial Laboratory, Prospect Street, New Haven, Conn. 06520. Telephone: 203–777–5317.

Ecology Action Center, American Friends Service Committee, 319 East 25th Street,

Baltimore, Md. 21218. Telephone: 301–366–7200.

Natural Resources Council of Maine, 116 State Street, Augusta, Maine 04330. Telephone: 207–623–3452.

UNHITE! (U. of New Hampshire Improve the Environment!) Wolff House, Ballard Street, Durham, N.H. 03824. Telephone: 603–862–2448.

Environmental Action Coalition, 235 East 49th Street, New York, N.Y. 10017, Telephone: 212–486–9550.

Environment!, Inc., Room 406, 917 15th Street, NW., Washington, D.C. 20005, Telephone: 202–737–6550.

CEASE—Center for Ecological Action to Save the Environment, 8 Old Pascack Road, Pearl River, N.Y. 10965, Telephone: 914–735–5595.

SOUTH

In Starkville, Miss., CLEAN has its own weekly radio show on ecology, sponsored by station WKOR.

The Appalachian Research and Defense Fund in West Virginia, and the Mountain Legal Rights Program in Kentucky, both public-interest law "firms," will bring court cases against polluters. They need citizens with scientific and technical expertise for research. Others are needed to inform them of repeated examples of pollution.

Concerned South Carolinians for Better Environment, Inc., P.O. Box 5844, Columbia, S.C. 29205, Telephone: 803–254–1657.

C.L.E.A.N. (Citizens League for Environmental Action Now!), College of Engineering, Department of Civil Engineering, West Virginia University, Morgantown, W. Va. 26506, Telephone: 304–293–4391.

Appalachian Research and Defense Fund, Inc., 1116–B Kanawha Blvd., East, Charleston, W. Va. 25301, Telephone: 304–344–9687.

ECOS, P.O. Box 1055, Chapel Hill, N.C. 27514, Telephone: 919–933–5201, 2 or 3.

Mountain Legal Rights Program, 10 College Lane, Prestonsburg, Ky. 41653, Telephone: 606–886–2751.

CLEAN (Committee to Leav· the Environment of America Natural), P.O. Box 643, Starkville, Miss. 39759, Telephone: 601–323–4980.

GASP, Inc. (Greater-Birmingham, Alliance to Stop Pollution), 800 South 20th Street, Birmingham, Ala. 35205, Telephone: 205–934–3580.

Balance, Institute of Ecology, The Rockhouse, University of Georgia, Athens, Ga. 30601, Telephone: 404–542–2968.

Conservation 70s, Inc., 319 South Monroe Street, Tallahassee, Fla. 32304, Telephone: 904–224–9992 or 3.

MIDDLE WEST

In Chicago, CAP plans to put the heat on the city's major air polluter, Commonwealth Edison, by waging a fight at the company's annual stockholders' meeting on April 27. If unsuccessful, CAP's next step will be to have residents pledge not to pay their electric bills until the company cleans up the mess. The payments will be held in escrow.

In St. Paul, Minn., MECCA has been opposing the dumping of an average of 50,000 tons of taconite waste daily into Lake Superior by the Reserve Mining Company. MECCA is also protesting the Northern States Power Company's new nuclear plant that will dump radioactive wastes into the Mississippi. Recently, MECCA sponsored a cortege and memorial service at the defunct Elk River nuclear reactor, to protest the Atomic Energy Commission's plan to enshroud the reactor in concrete. MECCA wants it dismantled and removed.

On Earth Day, St. Louis' Black Survival will perform their own original play dramatizing the effects of the environmental crisis on black people.

MECCA—Minnesota Environmental Control Citizens Association, Central Manor, 26 East Exchange Street, St. Paul, Minn. 55101, Telephone: 612–222–2998.

Citizens for Environmental Improvement, 333 North 14th Street, Lincoln, Neb. 68508, Telephone: 402–432–6561.

CAP—The Campaign Against Pollution, 65 East Huron Street, Chicago, Ill. 60611, Telephone: 312–787–7360, ext. 33.

Citizens for Survival, P.O. Box 446, Ashtabula, Ohio 44004, Telephone: 216–964–3322, ext. 139.

The Association for Environmental Improvement, Box 26, Wichita State University, Wichita, Kan. 67208, Telephone: 316–685–9161, ext. 439.

Coalition for the Environment, St. Louis Region, Room 706, Security Building, 319 North 4th Street, St. Louis, Mo. 63102, Telephone: 314–421–6773.

ENACT (Environmental Action for Survival), School of Natural Resources, University of Michigan, Ann Arbor, Mich. 48104, Telephone: 313–764–4410.

CEP (Committee for Environmental Preservation), 148 Mackenzie Hall, Wayne State University, Detroit, Mich. 48202, Telephone: 313–577–3480.

Black Survival, 4957 Delmar Blvd., Union-Sarah Gateway Center, St. Louis, Mo. 63108, Telephone: 314–361–4470.

WEST

Ecology Action, of Berkeley, has already sponsored several "smog-free locomotion" days. On March 14, Ecology Action sponsored a 47-day "Survival Walk" from Sacramento to Los Angeles—a journey of some 400 miles. On May 1, walkers from all over California will end the hike in a two-day Eco-Festival celebrating the new era: the Survival Decade.

Students for Oregon's Environment is mounting a drive to obtain 41,000 signatures necessary to place a Scenic Rivers Act on the ballot in November. Sign up.

Ecology Action, Box 9334, Berkeley, Calif. 94709, Telephone: 415–849–3388, and 1370 Masonic Street, San Francisco, Calif. 94117, Telephone: 415–861–5533.

Students for Oregon's Environment, 421 S.W. 11th Avenue, Portland, Ore. 97205, Telephone: 503–224–6973.

Project Survival, Municipal Building, Seattle, Wash. 98104, Telephone: 206–583–5746.

Ecology action—Greater Los Angeles, 11317 Santa Monica Blvd., Los Angeles, Calif. 90025, Telephone: 213–473–3498.

Environmental Action, University of Colorado, Denver Center, 1100 14th Street, Denver, Colo. 80202, Telephone: 303–244–6081, ext. 375.

San Jacinto Tuberculosis and Respiratory Disease Association—Coalition for Air Conservation, 2901 West Dallas Street, Houston, Texas 77019, Telephone: 713–526–2228.

Phoenix Civitan Club—Operation Smog Stop, 2641 East McDowell Road, Phoenix, Ariz. 85008, Telephone: 602–275–7000.

GOO, Inc. (Get Oil Out), 111 East De La Guerra Street, Santa Barbara, Calif., 93101. Telephone: 805–965–1519.

S. 3784—INTRODUCTION OF BILL TO REQUIRE SECRETARY OF THE INTERIOR TO SET STANDARDS ON ALL PESTICIDES

Mr. NELSON. Mr. President, national pollution controls on all pesticides are the logical next step toward ending the worldwide assault on the environment by these toxic compounds.

Today I am introducing legislation with the Senator from Maine (Mr. MUSKIE) to require the Secretary of the Interior to set standards on all pesticides to regulate their degradability, toxicity, and public health effects.

It is time we started keeping products out of the marketplace until they are proven safe to the environment and to human beings, instead of waiting for their massive use to discover tragic, unforeseen consequences.

The 91st Congress has already approved one important measure to more effectively control pesticides. It was an amendment which I sponsored with Senator MUSKIE and 30 other Senators, to stop pesticides from reaching hazardous levels in the Nation's waters. The amendment, now part of Public Law 91–224, requires the Secretary of the Interior to develop guidelines for States to use in setting standards to control pesticide water pollution.

Now is the time for further legislative action. For nearly three decades, the environment has been bombarded by persistent, toxic pesticides at an annual rate now approaching a billion pounds from U.S. productions, more than 5 pounds for every man, woman, and child in America.

Residues of pesticides remain in the environment in concentrations still toxic to fish, wildlife, and potentially, to man for months, often years, and pointed out that the disastrous effects of long-lasting pesticides have been documented time after time.

As an example, last spring the Food and Drug Administration seized 28,000 pounds of Lake Michigan Coho salmon because they were contaminated with DDT. Despite traveling hundreds of miles through the air, soil, water, and the food chain of perhaps a half dozen organisms, the residues of the DDT were still concentrated in the salmon at levels of 19 parts per million, nearly four times the safe limit.

Pesticide pollution is nationwide and worldwide. A recent U.S. Bureau of Sport Fisheries survey found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

Worldwide, pesticide residues have been found in penguins of the Antarctic and have pushed several species of sea-ranging birds such as the Bermuda petrel to the brink of extinction over large portions of their ranges.

This legislation will establish uniform performance standards for all pesticides to protect the environment and public health, and hopefully will lead to the further development and use of pesticides that are selectively toxic with limited persistence.

I ask unanimous consent that the text of the bill be printed in the RECORD at this time, along with an article that appeared in today's Washington Post outlining the tremendous threat of pesticides to sea life. The article reports on findings presented to an international conference of marine biologists now meeting in London.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the bill and the article will be printed in the RECORD.

The bill (S. 3784) to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that pesticides manufactured for use in the United States or imported for use in the United States comply with certain

standards of biodegradability and toxicity, introduced by Mr. NELSON (for himself and Mr. MUSKIE), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3784

A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that pesticides manufactured for use in the United States or imported for use in the United States comply with certain standards of biodegradability and toxicity

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act is amended by redesignating section 19 as section 20, and by inserting immediately after section 18 thereof the following new section:

"REGULATION OF PESTICIDES

"SEC. 19. (a) The Congress finds that the navigable waters of the United States are being polluted by pesticides which resist decomposition in natural waters and water treatment systems and are of such toxicity as to represent a serious danger to the national health and welfare.

"(b) It shall be unlawful after June 30, 1973, for any person to import for use in the United States or manufacture for use in the United States any pesticide, unless such pesticide conforms with standards of biodegradability and toxicity prescribed pursuant to subsection (c) of this section.

"(c)(1) The Secretary shall, before January 1, 1973, prescribe and publish in the Federal Register (A) such standards of biodegradability and toxicity for pesticides as are necessary to protect the public health and welfare and carry out the policy of this Act and (B) such rules and regulations as are necessary to prevent the manufacture for use in the United States of pesticides not meeting such standards. Included with such standards shall be specific methods by which pesticides shall be tested by the Secretary to determine if they conform to such standards.

"(2) The Secretary and the Secretary of the Treasury shall before January 1, 1973, jointly prescribe and publish in the Federal Register such rules and regulations as are necessary to prevent the importation of pesticides not meeting the standards prescribed pursuant to paragraph (1).

"(3) All standards, rules, and regulations prescribed pursuant to this subsection shall be made effective on July 1, 1973.

"(4) Any person who willfully violates subsection (b) of this section or any provision of rules and regulations established pursuant to this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than $500, and for any subsequent offense to a fine of not more than $2,000.

"(5) All action taken under this section in prescribing standards, rules, and regulations shall be taken in conformity with the provisions of title 5 of the United States Code relating to administrative procedure.

"(d) As used in this section, the term 'pesticide' means any fungicide, herbicide, rodenticide, or insecticide."

The article presented by Mr. Nelson is as follows:

GREATEST THREAT TO SEA LIFE CALLED DDT, NOT OIL SLICKS

(By Alfred Friendly)

LONDON, April 29.—The pesticides that increase the harvests from the land imperil those from the sea, an international conference of marine biologists was told here today.

The DDT spread on fields finds its way to rivers, estuaries and coastal stretches and plays havoc with clams, oysters, shrimp, trout, salmon and other fish, the scientists reported. Even very slight contaminations in water—a few parts per billion—can stop the reproduction of many species or greatly reduce their size and numbers.

But, the researchers said, present marine contamination by radioactive wastes, by hot water from power plants and, surprisingly, by oil spills are not noticeably injuring marine life.

The principal message of the two-day meeting, under the auspices of the Royal Society, was that while man has not been known to have died himself from too much DDT, he is using it to kill off important elements of the food chain he lives on.

The fatal mechanism is one of accumulation of DDT along that chain: The pesticide, carried by wind or rain run-off into rivers and harbors, contaminates them by only a few parts per billion, or less; but each feeder, up along the evolutionary ladder from plankton to predator, concentrates the residues more and more. Dead porpoises in the Gulf of Mexico, for example, contained DDT residues ranging up to 800 parts per million.

In an estuary on the Texas coast, where DDT is often sprayed on the fields three times a year, a concentration of 8 parts per million in the ovary of sea trout in 1968 prevented all spawning whatsoever, Dr. Philip A. Butler, of the U.S. Fish and Wildlife Service field station at Sea Breeze, Fla., reported.

After a heavy DDT pollution near Pensacola eight years ago, he noted, the entire scallop population was killed and has not reappeared. Even the slightest amount of DDT in the water, he said, is immediately fatal to shrimp.

Concentrations of DDT at much lower levels than the immediately lethal amount, Dr. Butler explained, can also be ruinous in inhibiting growth and reproduction, and rendering the organism easier prey for disease and parasite infestation.

An oyster's growth will be half the normal rate in water contaminated by only 1 part DDT in 10 billion. As long as the toxicant is present, the oyster continues to concentrate it, up to 70,000 times higher in its body than in the surrounding water.

Dr. J. M. Anderson, director of the New Brunswick station of Canada's Fisheries Research Board, reported that DDT reduces the ability of salmon to withstand temperature changes (as when they plunge into colder water), disorients their ability to return to their spawning ground, and greatly lessens their "survival repertoire," the mechanisms for avoiding hazard and for escape.

Study of "thermal contamination"—the runoff into the sea of water at high temperature from power plants—indicated no worrisome consequences, according to one research paper. Research on the Scottish coast showed that about the only result was the introduction of new species of fish previously found in warmer latitudes.

Similarly, no damage to marine life has been noted so far—nor do prospective levels indicate any danger—from the discharge in rivers and ocean of radioactive wastes from atomic power plants. A researcher quoted American experiments covering 21 years in which no injury was found to salmon eggs subjected to 50 times more radiation than that prevailing in the Columbia River below the Hanford atomic plant.

On the other hand, very deleterious results to marine life were noted in other reports on the effects of sewage and industrial waste—particularly that containing mercury, copper, lead and zinc compounds.

Finally, whatever damage was caused to sea birds and the amenities of the beaches by catastrophic oil spills, such as the sinking of the *Torrey Canyon* supertanker in 1967, they have not wrought substantial injury to other sea life, Dr. R. G. J. Shelton, of the Burnham-on-Crouch Fisheries Laboratory, declared. The more volatile elements in the oil quickly evaporate and the rest are not particularly toxic, doing more harm, as sludge, to fish nets than to fish.

He conceded, however, that chronic oil leakage, customary at pipeline terminals or storage tanks on the water's edge, could have a thoroughly blighting effect.

Prof. R. B. Clark of the University of Newcastle argued, with obvious reference to the new Alaska oil strikes, that oil contamination is a far bigger danger in the Arctic. In near-zero temperatures, the quick degradation of the oil products characteristic of temperature climates will not occur, and the different biology of cold water marine life makes it much more susceptible to oil poisoning, he said.

U.S. ENERGY CRISIS

Mr. HANSEN. Mr. President, the controversy continues over the oil import program and whether we should have more cheap foreign oil and oil products.

Before sacrificing any more of our self-sufficiency in petroleum production for the dubious benefits of a cent or two a gallon for gasoline or home heating oil, I hope that some of my good friends and colleagues will review some recent predictions of those who should know something about the U.S. energy situation.

Dr. Wilson M. Laird, director of the Office of Oil and Gas of the Department of Interior, noted recently that more than 85 percent of the residual fuel oil which is rapidly replacing coal for electricity generation in the Northeast is now imported. He also noted that because of the lower sulfur content, that area is rapidly becoming dependent upon Eastern Hemisphere sources for its main industrial fuel. And, there is a continuing insistence that import controls be further relaxed on home heating oil for that area.

The President of the National Coal Association, Stephen F. Dunn, warned in a recent letter and report that "What was known last fall as the coal shortage is fast becoming the coal crisis."

The report explains how this came to pass and why:

A real energy crisis, including brownouts or even blackouts for consumers of electricity, could arise very quickly if the immediately available coal supply is reduced further.

The coal industry's reasons for the tight situation, as set forth in the report, are, briefly, U.S. Government policies which have discouraged investment in new coal mines.

These policies have included the "oversell" of atomic power, air pollution control requirements beyond the reach of current technology, opening up the east coast utility market to unrestricted imports of foreign residual oil, and the effects of imposing the toughest coal mining health and safety law in the history of mining.

In recent testimony before the Mines

and Mining Subcommittee of the House Interior Committee, a representative of the National Coal Association said:

Uncontrolled imports of residual oil can cause the country's coal productive capacity to disappear—and once it disappears, it will take a long time to build it back up again. During that rebuilding period, the country will be without coal, no matter how desperately it is needed.

The statement continued:

Unrestricted imports of crude oil will delay by decades (until such time as the world oversupply of oil disappears) the commercial production of synthetic gas and oil from coal and oil shale. During those decades, the drain on our balance of payments may become so ruinous as to undermine the ability of the United States to maintain a position of world leadership.

Assistant Secretary of Interior for Mineral Resources, Hollis Dole, has also sounded the alarm about an energy crisis as has the acting Director of the U.S. Bureau of Mines, Dr. Earl T. Hayes, and Federal Power Commission Chairman, John N. Nassikas.

Nassikas testified recently that—

It may take five to ten years to restore the present supply deficit and regain the necessary balance with projected demand. We estimate that 800 trillion cubic feet of new gas reserves, as yet undiscovered, will be needed between now and 1990 if requirements grow as projected, and are to be met by domestic production while maintaining a reserve to production ratio of 10–1.

There are even disquieting signs now, he said, that some pipeline companies will not be able to supply the total demands of their customers in 1970–1971.

Because there is currently no commercially feasible technique for gasification of coal, it is unrealistic to expect that process to be of any help in alleviating the shortage in the next 5 to 7 years, Nassikas said.

He also said there was no point in considering the importation of liquified natural gas as a possible solution because the country will not be able to get it in large quantities for another 5 to 7 years.

An analysis of the precise dimensions of the gas supply problem is necessary, the chairman said. He said also essential is a study of energy economies and supply-demand balance.

In addition, Nassikas said the survey should delve into eight other areas among them the supply-price-market relationship; natural gas' role as an alternative method of pollution abatement within the limits of its availability; the role of synthetic fuels in the long-term supply of gas; and financing, ownership and diversification of natural gas companies.

Assistant Secretary Dole said that unless we take prompt and substantial action, we shall pass from a period of energy sufficiency to a period of general energy insufficiency.

Dole continued:

Yet the impending reductions in energy supply is an economic condition, not a physical one. The fact is that we have enormous resources of hydrocarbon fuels—solid, liquid and gaseous—that are available to us any time we care to undertake the cost and effort to find, extract and produce them. The case of coal illustrates the paradox of the condition of economic scarcity coexisting with a condition of physical abundance. With a thousand-year supply of coal in sight, we are short of coal in 1970 because, for various reasons, economic incentives have not been sufficient to bring the required volumes to market. We know exactly where the coal is; we know with a high degree of reliability just how much of it exists; but we simply have not been willing to create enough capacity to get it out of the ground.

Dr. Laird of the Office of Oil and Gas noted that low sulfur residual from the Middle East, now rapidly replacing coal for utility and industrial use in the U.S. Northeast, now meets the competition of coal and gas in that area.

Dr. Laird said:

In this case the added cost is not measured in dollars but in national security.

And for those who are willing to gamble on the reliability of foreign sources of oil, particularly the Middle East and North Africa, I would highly recommend that they reexamine the concept of national security on which the mandatory oil import program is based.

In the same Interior Subcommittee hearings on oil import controls, Mr. Stanford G. Stiles, vice president for Transportation, Shell Oil Co., offered his own definition of national security.

Mr. President, I ask unanimous consent that Mr. Stiles' definition be printed in the RECORD.

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

THE OPERATIONAL MEANING OF NATIONAL SECURITY

National security in the abstract is an all-encompassing concept. It tends to suggest security in the event of overt war. Most commentators therefore come quickly to considerations of the merely physical (or military) security and defensibility of U.S. supply lines. Distinctions have consequently been made between supply points on the basis of "overland" (hence, presumably more secure) versus "over water" transport routes; and on the basis of long water routes versus shorter (Western Hemisphere) routes, etc.

Comment on the likelihood of nuclear, conventional-total, or conventional-limited wars is a job for the National Security Council and its expert advisors.

In this Appendix, security will mean operational as opposed to military security.

Operational security is a function of the political stability, reliability and maturity of producing sectors and of areas through which oil passes on its way to the U.S. By this definition, reserves under U.S. political control are the only fully secure reserves, whether in the lower 48 states or on the Arctic Slope of Alaska. During periods of nominal world peace, the U.S. is still vulnerable to interruption of imported oil supplies. Revolution, labor unrest, subversion or adverse political action can and have interrupted the flow of oil from foreign countries. Although hostile activities may not be aimed at the United States, our oil supplies may nonetheless be interrupted.

Although the degree of insecurity varies widely, all other oil is distinctly less secure than our own supplies. Even in the case of very friendly nations, our policy interests do not always coincide. Control of an essential commodity confers bargaining strength to other countries which works against our national freedom of action, hence, security. This exposure may be deemed sufficiently small, compared to benefits, that in the case of friendly and stable oil producing countries we would be willing to rely upon their oil reserves as a supplement to our own.

It is instructive to consider that of great power centers in existence today, only North America and the Communist bloc are completely self-sufficient in petroleum. The U.S. is barely self-sufficient today; and continued freedom of action vis-a-vis the Communist bloc will depend upon continued discovery and development of secure petroleum supplies. With growing Russian involvement in the Mid-East, the flank of the Atlantic Alliance is seriously threatened, for Europe depends on Mid-East oil.

In a world of tensions and confrontations, it would be national folly to get into a posture of great petroleum vulnerability. This, reduced to essentials, is the operational meaning of national security as regards oil: we must maintain an environment in which our domestic petroleum production industry can grow and stay strong.

Mr. HANSEN. Mr. President, I hope my good friends in the Northeast will carefully consider the warnings of the real experts, both in government and industry, such as the ones I have quoted, before going any further down the one-way road of foreign dependency for their primary energy sources.

It could be a hot summer and a cold, dark winter with no coal, gas, or domestic oil supply to depend upon if things really got hot in the Arab world or if we got over the barrel of dependency for any major portion of our energy requirements.

NATIONAL AIRPORT

Mr. SPONG. Mr. President, after almost 3 years of delays during which it held not a single formal hearing, the Civil Aeronautics Board has decided to terminate its investigation of congestion at National Airport having concluded that in the interim the situation has corrected itself.

This is a remarkable approach to problem solving which could become a very popular thing here in Washington. Simply do nothing for long enough and the problem will go away. Or, at the very least, the information on which the complaints were based will have become outdated as indeed one of the parties to this case contended.

In fact, Mr. President, the problem at National has not gone away but is very likely to get much worse. On the very day that the CAB issued its discontinuance order—April 27—I reported to the Senate the apparent decision of the Federal Aviation Administration to allow larger jets to operate at National. These aircraft can carry up to 40 percent more passengers than the largest jets heretofore permitted at that facility and they are only the first generation of these jumbo models.

Sometime in 1972, the airlines are expected to begin using the so-called air buses which can seat as many as 250 passengers. With the longstanding ban on big jets having been breached there is no reason to expect that the airlines will not be successful in introducing these flying buses when the time comes.

Mr. President, in issuing its order the CAB rejected the contention of Mohawk Airlines that as a short-haul commuter line it should be allowed space at National rather than having to base some of its flights at Dulles. These spaces have

been denied because other airlines, some of them with flights from as far away as 650 miles, occupy the slots. This situation prevails notwithstanding the assertion of the FAA that National should be a short-haul airport.

The CAB also noted that 2 years after it began its investigation the FAA imposed a limit of 40 flights per hour at National Airport and this, the CAB concluded, had helped solve the congestion problem.

Mr. President the fact is that this 40-per-hour limitation had been in effect on a voluntary basis almost from the day the CAB initiated this investigation. The only thing that happened in 1969 was that the limitation was changed from a voluntary to a mandatory one.

Moreover, by the testimony of Mr. Arvin Saunders, who is director of the Bureau of National Capital Airports from the FAA, this rule would not result in any change in the passenger situation at National Airport. Let me quote from his testimony at the May 1969, hearing which I chaired:

Senator SPONG. Do you expect any decline in passengers as a result of these rules?"

Mr. SAUNDERS. I would think there may be some decline in passengers maybe at some of the other airports. Having said that, I immediately take the other side and say that at National I do not think there will be much change . . ." (page 175)

Mr. President, at this time I will read for the RECORD a chronology of some of the major delays in this abortive CAB investigation.

CHRONOLOGY OF CAB INVESTIGATION

June 20, 1967: CAB instituted investigation.

September 28, 1967: Pre-hearing discussions.

February 29, 1968: DOT asks delay.

July 25, 1969: DOT says it will ask discontinuance.

August 4, 1969: Spong letter to CAB urging early hearing.

September 24, 1969: CAB writes DOT asking reasons for delay.

November 17, 1969: Spong writes CAB again urging action.

November 20, 1969: CAB asks DOT to be promptly advised on its position.

April 27, 1970: CAB cancels investigation.

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 27 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 1, 1970, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, April 30, 1970:

DEPARTMENT OF THE TREASURY

Samuel R. Pierce, Jr., of New York, to be General Counsel for the Department of the Treasury, vice Paul W. Eggers.

U.N. TRUSTEESHIP COUNCIL

Sam Harry Wright, of the District of Columbia, who was confirmed by the Senate November 26, 1969, as the Representative of the United States of America on the Trusteeship Council of the United Nations, to serve on the Council with the rank of Ambassador.

U.S. NAVY

Having designated Rear Adm. Jerome H. King, Jr., U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate, April 30, 1970:

FEDERAL POWER COMMISSION

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1975.

FEDERAL AVIATION ADMINISTRATION

Kenneth M. Smith, of Texas, to be Deputy Administrator of the Federal Aviation Administration.

U.S. COAST GUARD

Rear Adm. Chester R. Bender, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard with the rank of admiral.

IN THE ENVIRONMENTAL SCIENCE SERVICES SERVICES ADMINISTRATION

The nominations beginning Floyd S. Ito, to be lieutenant commander, and ending Abram Y. Bryson, Jr., to be lieutenant (junior grade), which nomination were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 31, 1970.

IN THE COAST GUARD

The nominations beginning Roland W. Callis, to be chief warrant officer (W-2), and ending Scott D. McCowen, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 21, 1970.

HOUSE OF REPRESENTATIVES—*Thursday, April 30, 1970*

The House met at 11 o'clock a.m.

Rev. James N. Birkitt, Carmel Baptist Church, Ruther Glen, Va., offered the following prayer:

O God, in times like these give us an anchor in Thyself, in the inspired Bible, and in prayer. In these difficult days, help us to accept the things we cannot change, to change the things we can, and give us the wisdom to know the difference. May we return to spiritual values upon which our country was founded, and save us from the moral decay of unregenerate human nature. Grant us a new birth within, new courage, goals, challenges, and Heavenly strength to face the future. Help us to live in the light of eternity, to judge as we one day will be judged. Have mercy upon our Nation. Forgive us of our sins through the blood of our crucified and resurrected Saviour, the Lord Jesus Christ, in whose name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes.

S. 1498. An act to provide for the conveyance of so-called scattered tracts in Oklahoma, acquired under the act of June 26, 1936 (49 Stat. 1967).

TRIBUTE TO REV. JAMES N. BIRKITT

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

Mr. SCOTT. Mr. Speaker, our visiting minister today is a constituent of mine from Hanover County, Va. The Reverend James N. Birkitt is the pastor of a rural Baptist church, the Carmel Church of Ruther Glen, Va., but his Christian activities go well beyond the area he serves as a pastor because he is also president of Christian Enterprises, which operates or contributes to the operation of a number of Christian radio stations, not only in this country, but in several foreign countries. He is a daily speaker on the Radio Bible Institute heard on a network of stations primarily in this country, a Bible teaching program.

Mr. Speaker, I appreciate the kindness of our chaplain, Dr. Latch, in permitting the Reverend James N. Birkitt to open the House today with prayer.

APPOINTMENT OF CONFEREES ON H.R. 14705, EMPLOYMENT SECURITY AMENDMENTS OF 1970

Mr. ALBERT. Mr Speaker, on behalf of the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means (Mr. MILLS) I ask unanimous consent to take from the Speaker's table the bill (H.R. 14705), to extend and improve the Federal-State unemployment compensation program, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none, and appoints the following conferees: Messrs. MILLS, BOGGS, WATTS, BYRNES of Wisconsin, and BETTS.

THE CRISIS IN CAMBODIA

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Speaker, we