

the American plant would have lost the order. The point is not that we overpay janitors or that we therefore overpay our skilled technicians. Point is that everybody working deserves a living wage and—as a now forgotten labor leader, Philip Murray, once said—a little more so there can be music in the home, carpets on the floor, pictures on the wall and more than bread on the table.

But somewhere down the production line this country is pricing itself out of the market—and out of hundreds of thousands of jobs.

Apparently a lot of working guys don't believe what goes up must come down. Well, look at the trucking rumble. Some of us have been trying to pencil out the cost of the National Master Freight (and cartage) Agreement. The conversation starts with the expert's admonition that "every penny costs \$10 million." Finally the word is that the wage-cash-fringe-pension-welfare cost-of-living package will cost some \$5,000 per man over the three-year contract. And the final estimate is about \$3 billion more—and this is for some 450,000 van drivers. And there are more huge trucking contracts to come.

"You ask where will the money come from," sighed one weary negotiator, "well we don't know. We just argue and sign when it looks like everything will stop. Then we pray and look around. It's that way everywhere in the land, in every industry. Looks like nothing can stop it."

Then someone adds that when you finally "cost" out the full agreement at the end of the contract in 1973 the tab will run close to four, perhaps, five billion dollars.

And then we come upon the auto industry and the United Auto Workers' massive convention. The delegates are militant. About 40 per cent are young—with less than five or six years seniority in the plants. But they want front-end cash—that is, a big raise in the first year of the new contract to be negotiated in September. They don't appear to react to reports of heavy auto industry unemployment or word that the workless are concentrated in Detroit. Or that beginning in 1978, America for the first time is importing more cars than it exports.

And Walter Reuther, wily veteran negotiator, knows he has problems. So he talks of his \$120 million strike fund—and of negotiating not with today's recession as a base but tomorrow's prosperity. He—and brother Victor—of all people know the dangers of imports. But the tumult goes on.

It's the fashion. The big steel union, led by the quiet man, I. W. (Abe) Abel, is sailing an unsteady ship through a howling economic storm between Scylla and Charybdis. Already foreign imports have hit American Bridge Division of the U.S. Steel Corp. which has had to shut some facilities. Virtually no one has reported this—but the government has begun paying subsidies to 650 steelworkers laid off because of foreign compe-

tion. This is the first time such checks have gone out from a special fund created by Congress under the Trade Expansion Act. These are called "adjustment allowance payments" to workers who can prove they lost their jobs because of foreign competition.

This money spouting from the special fund pays each man 65 per cent of the average weekly manufacturing wage or the worker's average week—for a full year and perhaps for a year and a half.

This is just a warning. Like a sharp pain in the stomach. Yet in conference after conference these months, rank-and-file leaders of the United Steelworkers pound the table for heavy demands on the steel industry next year.

Meanwhile there are reports of sharp job losses in factories making electronics, shoes, glass, pottery, textiles, shirts, men's suits and women's dresses—everything including pianos. Few realize that some 60 per cent of black and white TV sets and 17 per cent of color TV sets sold in the U.S. were made abroad. Virtually all transistors are produced abroad.

No one is asking anyone to cut back to the rice bowl to compete with the 15 cent-an-hour Hong Kong rate. But demands for wage increase ranging from \$100 to \$240 a week—and I mean increases—soon will price this nation right off the earth. We'll have to take to the storm cellars or those moon rockets.

SENATE—Tuesday, May 12, 1970

The Senate met in executive session at 11 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 Lord of the nations, sovereign ruler of all men, we would have this world to be Thy kingdom, and Thine alone. Forgive us all that obstructs Thy reign in our hearts and our doing Thy will. Whatever our color or tongue or power or faith we are all Thy children. We ask not for the easy way out of our muddles, nor for the bolt from the sky to strike down the unrighteous—but for a higher wisdom sought and wrought by strenuous effort, stern discipline, and ample patience, that the way to permanent peace and universal good will may be found. Help us to share with other nations our best, lest they share with us their worst. So order our efforts this day according to that righteousness which exalts a nation.

In the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 11, 1970, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that all committees be authorized

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to meet during the session of the Senate today.

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

NOMINATIONS

Mr. MANSFIELD. Mr. President, I understand that we are in executive session. I therefore ask unanimous consent that the Senate proceed to the consideration of nominations on the calendar, beginning with New Reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, before I make a request to consider the nominations en bloc, may I say that I am impressed with the fact that the new Chief of Operations, Vice Adm. Elmo R. Zumwalt, Jr., who is about to be confirmed by the Senate, is only 49 years old.

I do not know Admiral Zumwalt, but I am delighted that age is given reduced consideration in this particular instance and, I would hope, in other instances, so that younger officers of proven ability can be given the opportunity to assume added responsibilities.

Mr. President, I ask unanimous consent that these Navy nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk read the nomination of Maj. Gen. William K. Jones and Maj. Gen. Raymond G. Davis, U.S. Marine Corps, to be lieutenant generals.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK, IN THE AIR FORCE, IN THE ARMY, AND IN THE MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Marine Corps, which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

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

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

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, and in view of the fact that there are no applicants to speak on the pending business at the moment, I ask unanimous consent, as in legislative session, that there be a period for the consideration of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. As in legislative session, without objection, it is so ordered.

PERSONAL STATEMENT

Mr. SCOTT. Mr. President, I ask unanimous consent that 1 minute may be granted to me.

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

Mr. SCOTT. Mr. President, I have nothing to say.

I think that what this country could use more than anything else right now is a moment of silence.

Mr. President, I yield back the remainder of my time.

LOWERING THE VOTING AGE TO 18

Mr. MANSFIELD. Mr. President, a very thoughtful and penetrating analysis of the proposal to lower the voting age to 18 by statute overwhelmingly passed in the Senate earlier this year and the wisdom of proceeding by that method appeared in a letter to the editor in the Washington Post yesterday by the distinguished deputy majority leader (Mr. KENNEDY). The events of the past week and the extraordinary demonstration of young people in Washington is the greatest argument that the 18-year-olds deserve to be a part of this system and want to exercise responsibly their rights as citizens in our society.

No greater source of hope could be extended to our youth than to show them that our institutions do want to make them a part of the process by giving them a voice as equal citizens under law.

I ask unanimous consent that the letter as it appeared in the Washington Post of May 11 be printed in the Record.

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

ACTING ON VOTING AGE

Your recent editorial questioning the constitutionality of the Senate's action last March in acting by statute to lower the voting age to 18 is itself open to serious question.

By a solid majority of 7 to 2, the Supreme Court held in the *Morgan* case that Congress has the power under Section 5 of the 14th Amendment to enforce the Equal Protection Clause of the amendment by appropriate legislation, and that the court will sustain the legislation so long as it can perceive a reasonable basis on which Congress had acted.

Your editorial view that the Equal Protection Clause is directed at state restrictions on ethnic minorities has been left in the dust of the 19th century. That view, which was forcefully argued by many, including some Justices of the Supreme Court, in the period immediately following the adoption of the amendment in 1868, has long been rejected by the Supreme Court and many other authorities. For generations, the Equal Protection Clause has been applied to a wide variety of state legislation having nothing to do with ethnic minorities. To suggest that the *Morgan* decision should be so limited is to return to a view that was firmly abandoned in the last century, and to suggest a restriction that appears neither in the 14th Amendment nor in any language of the Supreme Court in the *Morgan* case itself.

Nor is it sound constitutional interpretation to argue, as you do, that the long ignored Section 2 of the 14th Amendment disposes of the issue. All that Section 2 says is that a state's representation in Congress must be reduced if it denies the vote to male citizens over 21. Obviously, Section 2 was intended to discourage disfranchisement of voters, not to prohibit congressional enfranchisement of voters. All the section shows is that in 1868, Congress and the states did not think 21 was an unreasonable age requirement for voting.

A century later, Congress has a different view, and Section 5 of the 14th Amendment gives us broad authority to act. By the overwhelming vote of 64 to 17 last March, the Senate found unfair discrimination in the fact that millions of 18-year-olds fight and die in Vietnam, work, marry, and pay taxes, and are treated as adults by the criminal law, but are denied the right to vote. Millions of young Americans have earned this right, and the pending legislation is the only real hope we have of giving them the vote they deserve.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-336)

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

Although confronted with the same financial problems during fiscal year 1969 that plagued public housing agencies throughout the nation, the National Capital Housing Authority continued its

search for new ways to provide good housing for the low income residents of the District of Columbia. The Authority made progress in many areas toward increasing both the supply and the utility of public housing. Details of this progress are reported in the authority's annual report, which I transmit herewith.

The effort to provide a sound public housing program requires concerted cooperation and coordination among all levels of government, private enterprise, and the community. Under Mayor Washington's leadership, I anticipate that further important progress will be made toward achieving our goal of decent housing and effective community services for all the residents of our Nation's Capital.

RICHARD NIXON.

THE WHITE HOUSE, May 12, 1970.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association;

S. 3778. An act to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; and

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

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

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act; and

H.R. 16595. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

ENROLLED BILLS SIGNED

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. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation;

H.R. 10105. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for many other purposes; and

H.R. 10106. An act to amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.

HOUSE BILLS REFERRED

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

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

H.R. 16595. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Labor and Public Welfare.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT TO THE BUDGET, 1971, OFFICE OF EDUCATION (S. Doc. No. 91-80)

A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for fiscal year 1971, in the amount of \$9,300,000, for the language training and area studies programs administered by the Office of Education (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT ON SUPPORT FURNISHED FROM MILITARY FUNCTIONS APPROPRIATIONS FOR VIETNAMESE AND OTHER FREE WORLD FORCES IN VIETNAM AND FORCES IN LAOS AND THAILAND

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a confidential report on support furnished from military functions appropriations for Vietnamese and other free world forces in Vietnam and forces in Laos and Thailand (with an accompanying report); to the Committee on Appropriations.

REPORTS ON INDIAN TRIBAL CLAIMS

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding certain American Indian tribal claims (with accompanying reports); to the Committee on Appropriations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Federal grants for construction waste treatment facilities which benefit industrial users, Federal Water Quality Administration, Department of the Interior dated May 8, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on questionable claims under the medicare program for the care of persons in State institutions for the mentally retarded in California, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated May 11, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements pertaining to insurance operations of the Federal Housing Administration, fiscal year 1969, dated May 12, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON LOWER COLORADO RIVER BASIN DEVELOPMENT FUND

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, upon the status of the revenues from and the cost of constructing, operating, and maintaining each Lower Colorado River Basin unit; to the Committee on Interior and Insular Affairs.

PETITION

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a letter, in the nature of a petition, from Mrs. Elizabeth Picardi, of Falls Church, Va., proposing that national guidelines governing student protest are urgently needed, and suggesting that the President sponsor a convention for all national college and university presidents, which was referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

S. 786. A bill to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes (Rept. No. 91-860).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3337. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47-A, 162, and consolidated 47 and 164, and for other purposes (Rept. No. 91-857).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, with amendments:

S. 886. A bill to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla. (Rept. No. 91-859).

By Mr. JORDAN of Idaho, from the Committee on Interior and Insular Affairs, with amendments:

S. 940. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years (Rept. No. 91-858).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes (Rept. No. 91-856).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 759. A bill to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif. (Rept. No. 91-861).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3102. A bill to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act (Rept. No. 91-862).

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 196. Joint resolution increasing the authorization for college housing debt service grants for fiscal year 1971 (Rept. No. 91-863).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S.J. Res. 173. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States (Rept. No. 91-864).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

H.R. 15628. An act to amend the Foreign Military Sales Act (Rept. No. 91-865).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GRAVEL:

S. 3824. A bill to amend section 702 of the Housing and Urban Development Act of 1965 to assist further in the provision of basic water and sewer facilities in those communities where the need is most acute; to the Committee on Banking and Currency.

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

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

S. 3825. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; 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. MOSS:

S. 3826. A bill to terminate all price-support programs for tobacco beginning with the 1971 crop of tobacco; to the Committee on Agriculture and Forestry.

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

By Mr. HART:

S. 3827. A bill to allow States to apply more stringent marking, labeling, packaging, or ingredient requirements than those set under the Federal Meat Inspection Act; to the Committee on Agriculture and Forestry.

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

By Mr. EAGLETON (for himself, Mr. TYDINGS, and Mr. SPONGE):

S. 3828. A bill to amend the District of Columbia Cooperative Association Act; to the Committee on the District of Columbia.

By Mr. MONDALE:

S. 3829. A bill for the relief of Theodoros Kostas; to the Committee on the Judiciary.

S. 3824—INTRODUCTION OF A BILL AMENDING THE HOUSING AND URBAN DEVELOPMENT ACT OF 1965

Mr. GRAVEL. Mr. President, the preservation and enhancement of the quality of life in the United States is a task of which Congress has become increasingly aware and undoubtedly will address more attention to in the future.

The President in his state of the Union message delivered to a joint session of the Congress on January 22 of this year stated:

We will carry our concern of the quality of life to the farm as well as the suburb, to the village as well as the city. What rural America most needs is a new kind of assistance. It needs to be dealt with, not as a separate nation but as a part of the overall growth policy for all America.

With emphasis on the quality of life throughout the United States, I am introducing a bill to amend section 702 of the Housing and Urban Development Act of 1965 to assist further in the provision of basic water and sewer facilities

in those communities where the need is most acute.

The amendment will enable the Secretary of the Department of Housing and Urban Development to increase the amount of the grant for basic sewer and water facilities not to exceed 90 percent of eligible costs to all communities having a population of 15,000 providing the remaining criteria stated in the act are met. Previously, this discretion was allowed only within metropolitan areas in communities of 10,000 inhabitants.

This amendment would generally enable communities with severe health problems as a result of the lack of sewer and water facilities and unemployment twice the national average who are unable to finance the construction of such facility without an increased grant to do so.

It would give the Secretary latitude in raising the grant from 50 percent of eligible costs to a point where the community could assume the financial burden but not to exceed 90 percent of eligible costs.

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

The bill (S. 3824) to amend section 702 of the Housing and Urban Development Act of 1965 to assist further in the provision of basic water and sewer facilities in those communities where the need is most acute, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3825—INTRODUCTION OF A BILL TO AUTHORIZE FURTHER ADJUSTMENTS IN THE AMOUNT OF SILVER CERTIFICATES OUTSTANDING

MR. SPARKMAN. Mr. President, I introduce, for myself and the senior Senator from Utah (Mr. BENNETT), for referral to the proper committee, a bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes.

This legislation has been requested by the Secretary of the Treasury and is in keeping with action we took in 1967 to reduce Treasury liability for silver certificates, whenever it has been determined by the Secretary of the Treasury that such certificates have been lost or destroyed or held in private collections never to be presented for collection. In addition, the bill would authorize the Secretary to reduce the amount of certain old Federal Reserve and National Bank notes outstanding in keeping with the policy regarding silver certificates established in 1967.

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

The bill (S. 3825) to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes, introduced by Mr. SPARKMAN, for himself and Mr. BENNETT, 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. 3825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of June 24, 1967 (81 U.S.C. 405a-2) is amended by inserting a comma and the words "Federal Reserve bank notes, and National bank notes" immediately after "silver certificates" wherever the term appears and by striking out "(not exceeding \$200,000,000 in aggregate face value)".

S. 3826—INTRODUCTION OF A BILL TO TERMINATE PRICE-SUPPORT PROGRAMS FOR TOBACCO

MR. MOSS. Mr. President, I introduce, for appropriate reference, a bill to terminate all price-support programs for tobacco beginning with the 1971 crop of tobacco.

The bill would also terminate export subsidies for the export of tobacco to any foreign country after December 31, 1970.

Passage of this bill will terminate the Government's schizophrenic approach to tobacco. On one hand the official Government health officer, the Surgeon General, informs us that smoking cigarettes is dangerous to our health. On the other hand, the Federal Government spends the taxpayers' money to subsidize the growth of tobacco.

I realize that the growing of tobacco is of great economic importance to our citizens in several States, but tobacco has been proven to be a hazard to the health of the Nation, and, therefore, the Government should not be involved in subsidies to encourage its continued growth.

During the past several months I have received numerous letters from all parts of the country written by citizens who are concerned about the hypocrisy of our Government concerning tobacco. They point out that the Surgeon General's various reports on the hazards of tobacco make it inappropriate for the Government to continue to subsidize the growth of tobacco. This bill should have wide support among the citizens of this country.

I would like to point out that the bill I am introducing today does not terminate price supports for other crops such as grain, cotton, and so forth, but the health hazard involved in the use of tobacco places that particular crop in a separate category.

I ask unanimous consent to have the bill printed in the RECORD.

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. 3826) to terminate all price support programs for tobacco, beginning with the 1971 crop of tobacco, introduced by Mr. MOSS, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 3826

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

notwithstanding any other provision of law, beginning with the 1971 crop of tobacco, no price support for tobacco shall be made available to producers in any year.

(b) Notwithstanding any other provision of law, no export subsidy may be paid to any person under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, Eighty-third Congress), for the export of tobacco to any foreign country after December 31, 1970.

S. 3827—INTRODUCTION OF A BILL TO ALLOW STATES TO APPLY MORE STRINGENT REGULATIONS THAN THOSE SET UNDER THE FEDERAL MEAT INSPECTION ACT

MR. HART. Mr. President, I am today introducing a bill to allow States to apply more stringent marking, labeling, packaging, or ingredient requirements than those set under the Federal Meat Inspection Act. This bill is a companion to legislation introduced in the other body by Congressman JAMES G. O'HARA of Michigan. Our common concern stems from the current attack being leveled on the Michigan comminuted meat law, which set stringent and precise standards on the sale of various prepared meats within the State. Several national meatpacking firms are seeking to bring comminuted meats into Michigan which do not come up to the standards set under the Michigan law, though they are in accord with the less stringent Federal regulations. These firms contend that the United States has preempted the field from the States, and that compliance with the less stringent Federal requirements is sufficient to allow them to sell their products in Michigan.

Mr. President, when a State takes the side of the consumer in the battle against shoddy goods, I think the State should be given free rein to protect our fellow citizens. I am sure it is not the intent of the Federal legislation to prevent States from moving faster than the Federal Government in promulgating tough meat standards. The legislation I am introducing today would clarify that aspect of the Federal law by explicitly allowing States to set standards tougher than the Federal standards.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD 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. 3827) to allow States to apply more stringent marking, labeling, packaging, or ingredient requirements than those set upon the Federal Meat Inspection Act, introduced by Mr. HART, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 3827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 408 of the Federal Meat Inspection Act (21 U.S.C. 678) is amended by striking the word "Marking" and inserting in lieu thereof the words, "Except where such requirements are

more stringent than those imposed under this Act, marking".

SENATE RESOLUTION 407—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A COMPILATION ENTITLED "ESTABLISHMENT OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY, UNITED STATES SENATE" AS A SENATE DOCUMENT

Mr. MONDALE submitted the following resolution (S. Res. 407); which was referred to the Committee on Rules and Administration:

S. Res. 407

Resolved, That a compilation of materials entitled "Establishment of the Select Committee on Equal Educational Opportunity, United States Senate", be printed as a Senate document, and that there be printed one thousand eight hundred additional copies of such document for the use of the Select Committee on Equal Educational Opportunity.

AMENDMENT OF FOREIGN MILITARY SALES ACT

AMENDMENT NO. 622

Mr. DOLE submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

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

AMENDMENT NO. 623

Mr. MONDALE. Mr. President, when the President sent American troops into Cambodia, he did more than widen the war. He pointed up, for all the American people to see, the broad constitutional issue of the control of U.S. foreign policy, particularly as it involves the matter of making war.

The American people have seen, and they do not like what they see. They see our military men apparently having the President's ear, giving him the same bad advice they gave his predecessors. They see the mistakes of the past repeated all over again. They demand action from their elected representatives to regain control over military policymaking.

The actions of the Defense Department, no less than those of any other Cabinet department or any administrative agency, must be limited to the authority granted by law. Neither the Defense Department, nor any other segment of the executive branch of Government, can be permitted to disregard those limits with impunity. If the American system of government is to work, our sprawling bureaucracy must be accountable for its actions.

Since the end of World War II, we have seen a pattern of congressional acquiescence in matters of military policy. Our past history of blanket acceptance of the Executive's actions involving both military and foreign policy is not only in sharp contrast to our close scrutiny of domestic programs; it also amounts to

an abdication of clearly defined constitutional responsibilities.

Last year, Congress took the first important step toward a more careful review of the military budget. It is obvious that this effort will be continued.

But there is another area of Pentagon activity which has received far less publicity, and hence has had far less of an impact on public consciousness than excessive military spending. I refer specifically to military aid, and to a most particular kind of military aid—that by which equipment and material in excess of the needs of our Armed Forces is transferred to foreign governments.

The Defense Department and the State Department find the legal authority for this surplus arms program in sections 503(a) and 644(g) of the Foreign Assistance Act of 1961, as amended. These provisions authorize the President to furnish military assistance by loan or grant, and define the term "excess defense articles."

But the existence of legal authority is no guarantee of legislative control. For what we are dealing with in this transfer of surplus military supplies is something above and beyond the ordinary military assistance appropriations which Congress makes every year. It is military assistance which is not charged against appropriations. It can be disposed of either by sale or gift; the bulk of this equipment, however, is given away.

By relying on this program for the disposal of surplus arms abroad, the Pentagon needs no congressional authorization. Furthermore, there is no dollar limitation on the quantity of arms which can be transferred under this program.

While the Defense Department does report its various surplus arms transactions when it comes before Congress requesting its annual military assistance appropriation, there is nothing to prevent a report being submitted after the fact of transfer—well after some transaction that can be both embarrassing and even dangerous. And under present law, there is little Congress can do to regulate such transactions even if we were fully informed in advance of what the Pentagon planned to do.

The lack of congressional power to control this program is in sharp contrast to other types of military assistance programs. For example, direct military grant assistance under the traditional foreign aid program requires annual authorizations and appropriations by Congress. Thus, Congress can limit the amount of military aid available to foreign governments under this program.

Another method of transferring arms to foreign governments is under the military sales program.

It was not too long ago that the Pentagon had complete latitude with respect to military sales. In the summer of 1967, it was revealed that the Export-Import Bank was opening lines of credit by which the Pentagon was able to sell arms to countries without revealing the names of these countries to the Bank. This unbusinesslike way of doing things was nevertheless quite acceptable to the Export-Import Bank, because its so-called country loans were guaranteed by the

Pentagon up to 25 percent through a revolving fund maintained for that purpose. Over \$600 million worth of arms loans were made to underdeveloped countries through this program.

This "country X" program was not a secret, but it was not exactly a household word. Once it surfaced, however, there was fast action. The Pentagon's loan guarantee program was abolished, and the Export-Import Bank was forbidden to make any more loans to finance arms purchases. The Defense Department can still sell arms on credit, but it must first obtain congressional authorization; and Congress sets an annual ceiling on the amount of such sales.

In addition, Congress has forbidden the use of military aid to furnish sophisticated weapons systems to underdeveloped countries. It has imposed restrictions on military aid to Latin America and to Africa. It has stipulated that the sale of military equipment to less developed countries shall be cut off if those countries divert either economic assistance of Public Law 480 assistance to military expenditures, or if they divert their own resources to unnecessary military expenditures.

All of these restrictions were imposed with one end in view—congressional control of U.S. military assistance. All were designed to plug any leak in the dike and to make the policies of the Congress perfectly clear to the Executive.

Yet, despite the best efforts of the House and the Senate, we now find another leak in the dike—the disposal of military hardware and equipment that has been declared in excess of U.S. needs. And it is a leak which is becoming larger every day.

Several weeks ago, the State Department disclosed that surplus U.S. military equipment originally costing \$3.4 billion had been given to foreign governments under this program over the past 19 years. But the important point is that within the last 2 years, the Pentagon has begun to rely on this program to a much greater extent than in the past. Since other types of military assistance have been brought under congressional control and thereby reduced in scope, the Pentagon views the surplus arms program as the primary means of getting back into the business of military assistance on a grand scale.

The best example of this trend was revealed by the probing of Representative SILVIO CONTE, a member of the House Appropriations Committee. His investigation disclosed some interesting and unknown facts about the transfer of arms to Nationalist China—the same country which caused such a great controversy during the debate over the fiscal year 1970 foreign aid appropriations bill.

This bill was blocked during the last session of Congress because the Senate conferees would not agree to providing \$54.5 million for an extra Phantom jet fighter squadron for Nationalist China. When that item was finally deleted, the appropriations bill went through, with Nationalist China receiving approximately \$25 million in direct military assistance.

Yet, while all this was going on, Congressman CONTE obtained information from the Defense Department which revealed that the Pentagon had secretly supplied the Nationalist Chinese with some \$157 million worth of weapons and equipment under this excess disposal program—over six times the amount approved by Congress in direct military assistance to that country. Included in this little package were four 20-year-old destroyers, equipment for a Nike-Hercules battery, more than 35 F-100 Super Sabre jets, more than 20 F-104 Starfighters, more than 30 C-119 Flying Boxcars, some 50 medium tanks, about 120 howitzers, and thousands of M-14 rifles. While the Pentagon declined to confirm or deny the truth of this story, the State Department confirmed it the very next day.

According to John Finney's story in the New York Times of March 29, 1970, the State Department described the transaction "as part of a general program of using surplus arms to bolster the defenses of such 'forward defense' countries as South Korea, Turkey, and Taiwan." It was noted that in recent months, the Defense Department has transferred under this program some 790,000 used rifles, carbines, and submachineguns to South Korea.

It has also been disclosed that about 73 percent of all surplus equipment is now going to Taiwan, Turkey, South Korea, and Greece. While aid to Greece has apparently consisted only of trucks, ammunition, and small arms because of the embargo of heavy military supplies imposed against that country after the military coup in 1967, the question can be raised as to whether Congress would have approved any military aid to Greece during this period. Because of the complete Executive discretion under this program, Congress never had the opportunity to approve or disapprove.

It is interesting that the State Department was willing to confirm Congressman CONTE's report about the recent arms transfer to Nationalist China, while the Defense Department remained silent. We may speculate that the State Department, which is supposed to clear the disposal of any surplus military item, acceded to this transfer with reluctance. Certainly State does not exercise the tight control over the disposal of surplus weapons that it manages to maintain over military sales.

The fact is that this surplus arms program is being used to supplement a reduced and congressionally regulated foreign assistance program. Indeed, according to the New York Times, the principal justification offered by State Department officials for the recent shipment of surplus arms to Nationalist China was the sharp reduction in the military assistance program.

Unless something is done, Congress may soon lose control over the transfer of arms to foreign governments. The leak in the dike must be plugged.

That is why I am today submitting an amendment to H.R. 15628, the Foreign Military Sales Act, which is now before the Senate Judiciary Committee. It is in-

tended as an amendment to the Foreign Assistance Act of 1961, and it is designed to recapture control of the surplus arms disposal program from the Department of Defense—vesting it in the Congress, where it rightfully belongs.

My amendment has two parts: First, it sets a ceiling, an absolute annual ceiling, of \$50 million on the amount of arms and equipment that may be disposed of as military surplus. Furthermore, that \$50 million valuation is based on the acquisition value of the items—what they cost the Government when they were originally purchased. At present, the Pentagon sets a "utility" value on this surplus of 30 percent of its original cost. My amendment would do away with this arbitrary valuation, which carries with it an obvious opportunity for manipulation.

Second, under this amendment, the Executive would be required to submit to Congress annually a schedule of the countries to which it proposes to transfer military surplus, as well as the items to be transferred to each country. The approval of this schedule would rest with Congress. Once the schedule is approved, if the Executive wants to add a new country to the original list, or to increase the cost of surplus arms to be transferred to any country by more than 10 percent, it would have to come back to Congress for additional approval.

It is my hope and belief that through this amendment, we can bring surplus military assistance back under the foreign aid program, and hence under the control of Congress in law and in fact.

It is vitally important to do so at this time. For as John Finney noted in the New York Times:

With the reduction of the United States military forces and withdrawal of troops from South Vietnam, billions of dollars' worth of weapons are being declared surplus by the military services. A study by the staff of the Senate Foreign Relations Committee suggest that the total may come to \$10 billion, although State Department officials believe this estimate is too high.

Thus, given the increased availability of surplus arms and given the increased reliance by the Pentagon on this program, the time is ripe for congressional action. If this program is not brought under congressional control, I fear that we could become involved in other military adventures as unsound, as unpopular, and as unrelated to our vital national interests as the endless conflict in which we are now bogged down in Indochina.

In order to put a stop to the independent foreign policy of the Pentagon, to prevent the use of military assistance for unapproved purposes, and to insure that every transfer of military arms and equipment is undertaken only with congressional sanction, we must change the surplus arms program. The amendment which I have proposed makes this possible.

Mr. President, I ask unanimous consent that the text of this amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. TALMADGE). The amendment will be received and printed, and will lie on the

table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 623) is as follows:

AMENDMENT No. 623

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

SEC. 7. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 652. EXCESS DEFENSE ARTICLES.—(a) The total cost of excess defense articles that may be transferred to all foreign countries and international organizations shall never exceed \$50,000,000 during any fiscal year. The President shall transmit annually to the Committee on Foreign Relations of the Senate and to the Committee on Foreign Affairs of the House of Representatives a report enumerating each excess defense article to be transferred during the succeeding fiscal year and the foreign country or international organization to which each such article is to be transferred.

"(b) There shall be authorized by law for each fiscal year the total cost of excess defense articles that may be transferred to each foreign country and each international organization. No excess defense article may be transferred to any such country or organization (1) if there is no authorization for any transfer to that country or organization for that fiscal year, or (2) when there exists such an authorization for that country or organization, if the cost of that article, when added to the total of the costs of all such articles already transferred to that country or organization during the same fiscal year (if any), exceeds the total of the costs of all excess defense articles so authorized to be transferred to such country or organization during that fiscal year plus 10 per centum.

"(c) For purposes of this section, the cost of each excess defense article is the cost to the United States of acquiring that article."

NOTICE OF HEARINGS ON S. 3678, FOREIGN BANKING SECRECY

Mr. PROXMIER. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 3678, a bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury and for other purposes.

The hearings will be held on Monday through Thursday, June 1, 2, 3, and 4, 1970, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

ANNOUNCEMENT OF HEARINGS ON OIL SHALE RESERVES

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee, I announce that public hearings have been scheduled for next Thursday, May 14, on the situation with re-

spect to development of the vast oil shale reserves in the public lands.

The hearings will open at 10 o'clock, and will be held in the Interior Committee room, 3110, New Senate Office Building. The subcommittee has urged Interior Secretary Walter J. Hickel to appear personally to set forth the facts and make recommendations to us to enable us to reach a determination as to whether new legislation is needed to bring about development. The Director of the Office of Naval Petroleum and Oil Shale Reserves also has been invited to appear.

Mr. President, studies by the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee show that our country may be facing critical shortages of energy in the not too distant future. The supply situation is rendered more acute by our growing awareness of the perils to our environment from the production and use of certain forms of energy.

This is a most necessary and a most healthful development. But unless we are to become increasingly dependent on foreign sources for fuels, we must find and develop new sources within our own borders to meet the burgeoning requirements of our economy and way of life.

One of the great potential sources of energy, as yet untapped, is the vast oil shale reserves in Utah, Colorado, Wyoming, and other Western States, including Alaska. The richest and most abundant of these reserves lie in federally owned lands. These deposits are subject to the Mineral Leasing Act of 1920, but all reserves in Federal lands were withdrawn in 1930 by President Hoover in the wake of the Teapot Dome scandals.

Secretary Udall tried to initiate a program in 1967 for development of these reserves. Unfortunately, the potential developers felt that the conditions he laid down were too stringent, too uncertain, and too expensive for a wholly new industry, and nothing concrete came of Secretary Udall's program.

As I have stated, our country will need, and need soon, the energy locked up in these oil shale reserves. It is hoped our subcommittee hearing will clarify the political and economic situation so that development of this great federally owned natural resource may get underway.

ANNOUNCEMENT OF HEARINGS RELATING TO USE OF CERTAIN JET AIRCRAFT AT WASHINGTON NATIONAL AIRPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement prepared by the distinguished senior Senator from Maryland (Mr. TYDINGS) be printed in the RECORD.

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

Mr. TYDINGS. Mr. President, I wish to announce that next Tuesday, beginning at 9:30 A.M., the Committee on the District of Columbia will hold a public hearing on the decision of the FAA to permit the use of "stretch" jet aircraft at Washington National Airport. Consideration will be given also to the CAB decision to discontinue the Balti-

more-Washington investigation. Anyone seeking further information should get in touch with Mr. Terence Flinn at 225-4524.

ADDITIONAL STATEMENTS OF SENATORS

STUDENT DELEGATIONS—AN EARNEST, THOUGHTFUL APPROACH

Mr. HRUSKA. Mr. President, these past 10 days have been a period of uncertainty, of turbulence, and of introspection. We have learned a tragic lesson in the results of violence.

Here in the Halls of Congress we have been admonished to listen to youth. We have listened intently as they earnestly voiced their views, their fears, their hopes, and desires. All the while, our mail has dramatically reflected the same concerns with Cambodia and the course which our Nation should take.

Most of the students who came to Washington this past week came with a responsible, sincere message. This certainly is true of the several delegations of Nebraska students from various universities with whom I met. They were courteous and articulate. They were constructive and sincere.

From my observation these young people are communicating eloquently to us, and we have learned much from them. What we ask of them in return is that they do us the same courtesy and listen to us.

This is one of the valuable lessons they can learn from the events of recent days—that of listening carefully and then making their own decisions, thoughtfully and logically.

Dissent is certainly widespread on many, many campuses. But like millions of Americans I watched the events of last weekend with care and concern. Members of my staff likewise observed the proceedings and visited with many individuals and groups.

These observations confirm the view, not uncommon among us, that such demonstrations are really planned and organized by a relatively small group of individuals and may not accurately reflect the views of the majority. The bulk of the group has views of varying intensity, or is just curious, or is there for a lark.

That is why it is fervently hoped that one of the lessons which our young will take away from the events of recent days is the importance of making their own decisions.

It seems clear that much of the frenzy which has gripped our universities and colleges in the past 10 days has been the product of agitation by the radical student left. This is a group we have always had with us and which will always be with us. I do not presume to know the real intentions of this group but it is apparent that their activities have not only stirred the Nation and the Government into a state of concern; these activities have posed some far-reaching problems for our institutions of learning.

Only a handful of students really are interested in burning and looting their schools. At one great university, only two

out of a student body of 6,000 actually participated in a fire-bombing episode.

If, indeed, this tiny minority is typical, then the tragedy at Kent State is all the greater, because a fine institution of higher learning has been closed down. When or whether it reopens in its present form is problematical.

This leads us to look closely at the effects of the past 10 days upon the future of our colleges and universities. I am sure this question is being asked by the administrators and educators—are these venerable and essential institutions to be the victim of a radical minority which is less interested in Vietnam and the Negro and the poor and in reform, than it is in drastic and total change in our form of government?

Is this influence leading us to better universities serving the American people, or rather to totally different universities serving the interests of the radical left?

For instance, I cite a disturbing statement by one announced radical leader among the academic community. He is Dr. Bruce Franklin, of Stanford University, a recognized spokesman for the radical extremists, one of the planners of student riots at Stanford. An avowed Communist, he has been in the forefront of the radical left for a number of years.

At a meeting in Washington, Dr. Franklin stated boldly that his idea of a good university is the Chinese Communist University. I believe he mentioned specifically Peking University.

Let me remind you, Mr. President, that Peking University is run by the Chinese Army. The Chinese Army is in complete control, and total direction of the university is in the hands of the military.

American college administrators, American civil authorities, but most of all American students themselves, have a great deal of thinking to do during the rest of this spring and during the summer ahead.

If it is only a tiny fraction of the students destroying the universities and colleges of America, then it would behoove the rest of the students to consider what is happening to their schools.

If there are sometimes fewer than 100 such radicals in a student body numbering 15,000, then it would seem to me the other 14,900 students have a responsibility to themselves to prevent the takeover of their college by the radicals.

It is time, perhaps, that the radical student left be shown up for what it is, be identified, stripped of the facade of concern for the welfare of our country, and identified as a small fringe group which would have been radical in almost any context and in any time.

Society has never been without such persons. It requires no psychologist to recognize that the great concern of the people of this country over the Vietnamese war and the inequities of the draft has created for the radical left a climate in which they can disrupt our society under the guise of seeking a universal goal.

They will proclaim loudly and fiercely that their destructive actions are intended for an ultimate good. They would

have you believe that these actions are justified. They would glorify destruction, such as set forth in a newspaper photo this past weekend, showing one of the radical left stomping a television set into submission at the completion of the President's press conference.

The vast majority of the students who came to Washington these past few days came with concern because they saw their hope for their future life plans suddenly in jeopardy under the inflammatory accusations and actions of the radical student left. They came to make their voice heard about the war, and to set forth their concern for preservation of the educational institutions upon which their life hopes and ambitions were based.

They must realize as they return to their schools that the threat of destruction lies not with the Government, but with their enemies among their own people. They must understand that their own responsible actions are the antidote to the radical student left, and the hope for the future.

If they return home with a better understanding of the forces which are being exerted in these turbulent days, if they take with them a determination to expose the radicals, to oust them, and to refuse to be used as pawns in premeditated violence—then the turmoil, destruction, and tragedy will not have been completely in vain.

Again I commend the delegations who visited us in our offices for their thoughtful, forceful presentations, and for their desire to be heard. It is healthy for these young people to voice their feelings and to seek answers. It is my belief that they received straightforward answers while they were here.

I call upon them to consider thoughtfully the results of their visit and to make sound decisions for future action. I call upon them to think for themselves, to recognize that once any group falls into the trap of using violence as a weapon, that violence can escalate rapidly and quickly get out of hand. I call upon them to prevent their own resident radicals from joining the future fomenters of trouble, and to dedicate their efforts to restoring the integrity and security and validity of our great educational institutions.

BUDGET CRISIS IN HEALTH MANPOWER

Mr. KENNEDY. Mr. President, the Nation is faced with a severe and continuing shortage of trained health manpower. Our demands for more and better health care are increasing faster than our supply of health professionals needed to cope with these demands.

Two years ago, the Subcommittee on Health of the Committee on Labor and Public Welfare carefully considered the entire question of the health manpower shortage. As a member of that subcommittee, I had the opportunity to discuss this problem with the representatives of the Department of Health, Education, and Welfare. According to these experts, the United States is faced with a current shortage of more than 50,000 physicians

and comparable shortages in the other health professions, including dentistry, osteopathy, optometry, podiatry, pharmacy, and veterinary medicine. The result of our deliberations was the Health Manpower Act of 1968. This act authorized the expenditure of sufficient funds, over a 3-year period, to begin reducing the severe manpower shortages.

Unfortunately, Mr. President, the current administration has not seen fit to request appropriations approaching the levels deemed necessary in 1968. While admitting the existence of the health manpower crisis, the administration has attempted to cut back on the funds needed to meet this crisis.

The Subcommittee on Appropriations for the Departments of Labor and Health, Education, and Welfare and Related Agencies is currently conducting hearings on the budget for fiscal year 1971. Because the budget crisis in health manpower is of concern to all of us in Congress, I ask unanimous consent to place in the RECORD copies of letters I have recently received from five associations of schools of the health professions. These letters document both the current health manpower shortage and the inadequacy of the administration's budget requests in the health manpower area.

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

LETTER FROM ASSOCIATION OF SCHOOLS AND COLLEGES OF OPTOMETRY

President: Spurgeon B. Eure, O.D., Southern College of Optometry, Memphis, Tennessee 38104.

Vice President: Chester H. Pfeiffer, Ph.D., University of Houston, Houston, Texas 77004.
Secretary-Treasurer: James F. English, L.H.D., Los Angeles College of Optometry, Los Angeles, California 90007.

APRIL 22, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The Association of Schools and Colleges of Optometry (ASCO) of which I am President, in concert with other schools of the health professions, would like to call to your attention the need for full funding of programs authorized by the Health Professions Educational Assistance Act (HPEA) for Fiscal Year 1971. We would also like to review for you the effects of the meager 1970 appropriations and of the President's discretionary spending reductions.

Full funding of programs authorized by HPEA and related legislation is the only way a major financial crisis can be averted in the schools and colleges of the health professions. This is particularly true for the schools and colleges of optometry.

While we are in full accord with the Administration's commendable desire to conserve public funds, we do not believe the public good will be served by cutting back on vital programs designed and authorized to increase the availability of well trained health care professionals.

During the 91st Congress, the Executive branch and the Congress have repeatedly addressed the pressing problems related to better organization and economical delivery of quality health care to every segment of the population. The preparation of more optometrists for practice of their profession is an important factor. Eighteen thousand more optometrists are needed by 1980 to maintain the same level of availability and professional care offered today. This figure takes into ac-

count all the factors of attrition, population growth, and utilization.

Earlier legislative steps such as the Health Professions Educational Assistance Act, as extended and modified in the Health Manpower Act of 1968, are only now beginning to show results.

For example, there are today 11 schools and colleges of optometry, capable of graduating 885 new candidates for State licensure each year. Prior to passage of HPEA, there were 10 such schools with the capability of producing 642 new practitioners each year. Similar favorable comparisons can be made in the other primary health care fields of medicine, osteopathy, dentistry, podiatry and veterinary medicine.

Failure to provide full funding of HPEA programs in Fiscal Year 1971 would seriously impede the orderly progress of the health professions toward the high priority goal of training enough health care professionals to meet the ever-increasing needs of a rapidly expanding populace.

Severe cutbacks in support of health education reflected in appropriations for FY 1970 have already had a serious effect on construction of new or additional academic facilities, on general institutional support, and in the areas of student loans and medical library facilities.

To illustrate the extent and consequences of cutbacks in the student loan program, we call your attention to the fact that student loan allocations for optometry students averaged only 31.8% of the amounts requested for the 1969-70 school year. The combined total of funds requested by optometry schools from Fiscal 1970 funds was \$1,620,510. Only \$515,581 was allotted. The dollar amount actually made available represented a reduction of \$370,751 compared with the preceding year. This reduction came at a time when each of the schools and colleges of optometry was making an effort to increase enrollment to capacity levels.

In the case of the Illinois College of Optometry, one of the largest optometry schools, a request was made for \$385,000 to provide student loans for the 1969-70 term. Actually allotted was \$66,239, less than 20% of the amount requested. This shortage of student loan funds has caused an extreme hardship on a number of students, requiring them to seek or increase income-producing employment.

During Fiscal Year 1969, one-third of all students enrolled in schools of optometry were assisted by the HPEA-authorized student loan program. To remove or appreciably reduce this support could produce a number of dropouts due to financial pressures; other students may find it necessary to reduce their academic workload to permit acceptance of full time employment. The Nation can ill afford such a slowdown in optometric education.

When viewed against the background of Congressional student loan authorizations included in the Health Manpower Act of 1968, the appropriations for Fiscal Year 1970 and the Administration's proposals for 1971 present a dismal picture. The Health Manpower Act authorized \$35-million for this purpose in each of those two Fiscal Years. In FY 1970, only \$15-million will have been used; and the Administration proposes the appropriation of only \$12-million for 1971. In the latter case, this represents a reduction by nearly ⅔ of the amounts Congress had obviously intended be made available for student loans.

Defenders of the Administration's spending policy are quick to point out that students needing financial assistance can turn to the guaranteed student loan program when they find it impossible to obtain direct loans under HPEA. Implementation of the 1968 amendments to the guaranteed student loan program, however, has had no

significant effect on the financial problems of optometry students. Largely as a result of the financial difficulties involved, first-year enrollments in schools of optometry for the 1967-70 term were down 8.9 percent compared with the previous term. This is far short of the annual increases required to meet the projected 1980 needs.

Another aspect of the problem worthy of consideration is the fact that schools of optometry and other health professions have seriously undertaken recruiting of students from minority groups. These qualified candidates for schools of the health professions, typically, are in desperate need for financial help. If the proposed funding levels for Fiscal Year 1971 are sustained by the Congress, there simply will not be enough student loan money available to assist students from the minority groups. Besides the obvious loss of well qualified students, such a situation would constitute another example of modern society promising more than it can or is willing to deliver with respect to minority groups. The health professions cannot afford to pass up potentially good students, nor can society afford the luxury of further alienation of minority groups.

Institutional grants for support of schools of the health professions will also suffer if the Administration's 1971 budget proposals are adopted. The authorization figure for 1970 was \$117-million, but only \$105-million was appropriated, and only \$101-million will have been spent. Authorizations for FY 1971, under the Health Manpower Act of 1968, go up to \$168-million, yet the Administration is asking only \$113.6-million, an increase scarcely sufficient to keep pace with inflationary pressures.

Virtually the same situation exists with respect to funds authorized by the Congress for construction of teaching facilities in medical, dental and other health schools. FY 1970 authorizations were \$170-million, of which \$94.5-million was appropriated and will have been spent this fiscal year. In 1971, \$225-million is authorized, but the Administration is requesting only \$118.1-million. The 1971 request is virtually half the amount the Congress considered necessary and appropriate to achieve the desired effect. If the Administration's 1971 proposal is adopted, planned construction of additional academic facilities in the schools and colleges of optometry will suffer yet another setback, making it impossible to accommodate the added numbers of students necessary to produce enough new practitioners to serve the public by the end of this decade.

It is clear that schools of optometry have been given invaluable assistance under the Health Professions Educational Assistance Act. In the first four years the construction grant program was operational for optometry, five schools received assistance totalling \$5,137,307. These funds, combined with amounts raised by the institutions themselves, provided for an increase of 243 first-year optometry students.

Resource and construction grants authorized by the Medical Libraries Assistance Act, recently extended by enactment of Public Law 91-212, deserve and require full funding, to assure that the newest educational resource materials are available in physical settings which make them readily accessible to a maximum number of students in the health professions. Ten-million dollars was authorized for construction of new medical library facilities in 1970, but none was requested by the Administration nor appropriated by the Congress. The authorization for 1971 is \$11-million, yet the administration's request includes no funds for this purpose. We urge you to appropriate sufficient funds to permit this important program to be effectively carried on by the National Library of Medicine.

Our Nation is, indeed, in the throes of a major health care crisis, primarily centered

on the shortages of health manpower to efficiently deliver needed services. All Americans look to you and your colleagues to approve the appropriations necessary to encourage and promote the urgently needed increase in numbers of health professionals.

We urge that you approve full funding of all health manpower training programs, to the limits authorized by law, for Fiscal Year 1971.

Sincerely,

SPURGEON EURE, O.D.,
President.

LETTER FROM AMERICAN OSTEOPATHIC ASSOCIATION, COUNCIL ON FEDERAL HEALTH PROGRAMS

APRIL 29, 1970.

Capritz Building, Suite 1009, 1625 Eye Street, N.W., Washington, D.C. 20006.

Council members: J. O. Watson, D.O., chairman, Elmer C. Baum, D.O., J. Vincent Murphy, D.O., Donald C. Newell, D.O., J. Edward Sommers, D.O.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

SIR: Our profession is aware of your efforts to secure pertinent information relative to the present plight of the schools of the health professions. Recent communications with the deans of our colleges of osteopathic medicine have anxiously expressed their concerns with reference to the plight of their schools and student bodies.

Our osteopathic colleges, like many other health professional schools, are today confronted with a problem of *major proportions*, resulting from the ever increasing national demand for more physician manpower while contemporaneously experiencing a *diminution of urgently needed funds*.

The proximate result of the reduction in funds available for student assistance is that our osteopathic colleges cannot begin to meet the needs for financial assistance to their present enrollment, let alone be in a position to meet the needs which are being generated by the increased enrollments demanded.

Our profession is acutely aware of the nation's physician shortage at the present time, 61 percent of the nation's 12,750 practicing osteopathic physicians are general practitioners, serving the health needs of the nation, especially in the field of family medicine, but our attempts to fill the gap are being thwarted by the unhappy combination of increasing costs in medical education, on the one hand, and decreasing assistance on the other.

We would like to be in a position to admit every academically qualified student who applies to our institutions. Presently, however, the cost of a medical education is simply beyond the reach of many students from lower-middle and disadvantaged families in our country. In fact, funds are now so tight, that even students from relatively affluent backgrounds are hard pressed to secure the necessary funds.

At a time when expansion of the number of persons entering the health professions is so critical and the need for greater representation from traditionally excluded socioeconomic groups is so obvious, our efforts to alleviate these problems will be blocked if sources of financial assistance at the Federal and local level are not substantially enlarged.

An immediate result of the reduction will be that many students will not get loans large enough to see them through—some will drop out, others will get jobs, as a result we will have great difficulty in retrieving the drop outs, and those who take jobs will, as has always been true, for lack of time and

energy not be able to get maximum benefit from the education they are working so hard to pay for.

An insidious effect of the cut back is that, for the long pull, the level of competence in the healing arts is being determined not by the availability of capability, but by the accessibility of money—loans, scholarships, gifts or other. This, of course, is crucial to the long term development of medicine generally, health care and, in broader terms, science, itself, in America.

Our colleges have attempted to alleviate their students' plight by extending the time for payment of tuition. One of our schools reports that its tuition accounts are now one-quarter of a million dollars in arrears, another, that it is carrying \$150,000.00 in "delinquent" accounts. This practice cannot, of course, continue indefinitely. It is obvious, therefore, that some students will be forced to discontinue their studies, unless outside help of some sort is immediately forthcoming.

Not only are individual student careers threatened by the curtailment of funds, but the institutions themselves are experiencing the severe pinch of increasing costs. Our colleges cannot hope to meet the demand for more physicians and, at the same time, maintain a high calibre of professional training when current financial funds do not permit them to support the additional faculty and physical plant required.

We are most grateful for this opportunity to express our most urgent request for immediate financial assistance for our students and institutions.

Health manpower is at a critical crossroads. Unless we can find a means to ease the present financial crisis experienced by students and institutions we cannot meet our nation's goal of providing adequate numbers of qualified health manpower personnel.

Your continued efforts to solve these and related problems toward assuring high quality health care for all Americans are most deeply appreciated.

Sincerely yours,

J. O. WATSON, D.O.

LETTER FROM AMERICAN ASSOCIATION OF COLLEGES OF PHARMACY

Raphael O. Bachmann, President (School of Pharmacy, West Virginia University, Morgantown, West Virginia 26506).

Varro E. Tyler, Vice President (School of Pharmacy and Pharmaceutical Sciences, Purdue University, Lafayette, Indiana 47907).

Jack E. Orr, Chairman, Executive Committee (College of Pharmacy, University of Washington, Seattle, Washington 98105).

Charles W. Bliven, Executive Secretary-Treasurer (850 Silgo Avenue, Silver Spring, Maryland 20910).

APRIL 27, 1970.

Hon. EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: It is the purpose of this letter to provide information on the effects on schools of pharmacy and, in some instances, on the health professions schools in general, in the event that health manpower programs are funded on the basis of the fiscal 1971 budget.

Construction of health educational and research facilities.—The 1971 budget provides for \$118.1 million for medicine, dentistry, osteopathy, pharmacy, veterinary medicine, podiatry, and optometry. This sum is entirely inadequate. There are approximately 21 projects with a Federal share of \$165.5 which have been approved but not funded. Pharmacy has three projects among this group with a Federal share of \$4.5 million. In addition, pharmacy has three projects in process pending review with a Federal share of about \$7.4 million.

The current total backlog of projects "in process" for all of the health professions mentioned in the above paragraph is about \$250 million, with the Federal share for medicine alone amounting to about \$180 million. Thus, when one adds to the \$250 million the \$165.5 million of projects approved but not funded, the \$118 million for 1971 is clearly inadequate. Too, it is entirely possible that the shortage of funds will not permit the funding of projects in time to meet the deadlines for the initiation of construction. This will create an unfortunate circumstance and will lead to unanticipated increases in costs of projects.

Institutional support.—The \$113.65 million proposed for institutional support includes funds for institutional (basic improvement) grants, special project grants, and \$10 million for the Physicians Augmentation Program. The increase of about \$2.2 million over the 1970 appropriation appears inadequate in view of the increased number of eligible health professions schools, increased enrollments, and the need for funds to continue special projects now under way as well as to support essential new projects.

For FY 1970 about \$49.9 million is available for special projects, \$38.8 million to finance continuing grants and about \$11.1 million for new grants. But this latter sum is inadequate to finance worthy projects for the 73 schools of pharmacy and 18 schools of veterinary medicine, which are eligible for such grants for the first time in 1970, and to meet the needs for new projects of the 172 schools of medicine, dentistry, osteopathy, podiatry, and optometry.

Sixty-four schools of pharmacy alone submitted proposals totalling about \$10 million for special projects for FY 1970. While all of these may not be acceptable projects, it does emphasize the great need of our schools as they attempt to provide additional equipment, strengthen their facilities, remodel laboratories and classrooms, initiate new or improve existing clinical programs, increase salaries for faculty and support staff, and recruit underprivileged and develop programs to assist in their retention.

Thus, it is very evident that the funds which will be available for special projects in FY 1971 will fall short of meeting the needs of the health schools.

Student financial assistance.—The need for financial assistance to students in the health professions is well established; without adequate assistance, the objective of the legislation cannot be achieved.

The President's budget proposes that the number of loans to medicine, dentistry, and to other health related groups of pharmacy, optometry, podiatry, and veterinary medicine be reduced by about 25 per cent as compared to FY 1970. And it is to be remembered that the FY 1970 figures were reduced by at least 20 per cent when compared to FY 1969.

While the trend is to encourage the use of guaranteed loans without interest subsidy, there is a very serious question whether or not this program at current high interest rates will fulfill the need for additional student loans. Adequate direct federal loans administered by the schools appear to be the only solution to the loan program.

Schools of pharmacy have been rather conservative in their requests for loan funds, and as a result have received a high percentage of funds requested. In 1970, 76 per cent of the funds requested were allocated. However, many of the other health professions were allocated but 35 to 40 per cent of their expressed needs.

The number of scholarships to be awarded in FY 1971, according to the President's budget (the Appendix Issue), will not suffer the marked reductions to be experienced in the loan program. The estimated number of scholarships to be awarded in 1971 to students of medicine, dentistry, pharmacy,

podiatry, optometry, and veterinary medicine is 17,666 compared to 18,148 in 1970, a reduction of 2.6 per cent. However, it is expected that scholarship funds for schools of pharmacy will be reduced about 10 per cent.

Of concern is the statement in the President's budget that eligibility for health professions scholarships and loans will be limited to students from family income backgrounds of \$10,000 or less. Even though this is understood to mean \$10,000 of taxable income as reported to the Federal government, this provision is expected to work hardships on many students, especially in the high-cost programs, e.g., medicine and dentistry. Because of increasing enrollments (including those from disadvantaged groups), a second marked reduction in the funds available for direct loans, and a reduction in scholarship funds, this income restriction will require more students to seek funds through the guaranteed loan program. As indicated previously, this program is considered to have serious shortcomings and will not aid materially in fulfilling health manpower programs.

Sincerely yours,

CHARLES W. BLIVEN,
Executive Secretary.

LETTER FROM AMERICAN ASSOCIATION OF COLLEGES OF PODIATRIC MEDICINE, 20 CHEVY CHASE CIRCLE, N.W., WASHINGTON, D.C.
MAY 1, 1970.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The American Association of Colleges of Podiatric Medicine is gravely concerned with the effects of less than full funding of programs authorized by the Health Professions Educational Assistance Act for Fiscal Year 1971. Without full funding podiatric education and

the other recognized health professions will most certainly be facing a financial crisis.

Though the Association finds it commendable for the Administration to save on the flow of tax dollars, it does not feel that such cutbacks should jeopardize the output of needed, well trained health personnel.

The expressed need for a vastly increased number of well qualified podiatrists to meet the foot health needs of our Nation, let alone the needs of our military services, has been aptly validated. The American Podiatry Association estimates a potential for utilization of 1 podiatrist for every 10,000 persons. This ratio of 10 podiatrists per 100,000 population indicates a requirement for about 24,000 active podiatrists in 1980 compared with an anticipated supply of 9,900.

In December of 1969, this Association provided your offices with the attached fact sheet for student loans for the Health Professions Educational Assistance Act, which at the time clearly indicated the severity of the problem. The appropriations for Fiscal Year 1970 and the Administrations proposals for 1971, increase the severity of the problem to an even greater degree.

Federal monies which have been earmarked for podiatric education do not reflect the continual escalation of living expenses. During 1969-70, the cost of living increased 6.8% the effect on college budgets means a reduction of purchase power by that percentage. This accrues as each year passes. The net result is that programs in effect will need to be reduced or eliminated, progress in podiatric education will come to a virtual halt.

The American Association of Colleges of Podiatric Medicine urges the United States Senate to seriously evaluate the disastrous effects these cutbacks will have on providing the needed health manpower necessary to meet the health needs of our Nation.

Very truly yours,

ROBERT W. OLIVER,
Executive Director.

H.P.E.A.A. STUDENT LOANS FACT SHEET

College	1968-69 requested	1968-69 funded	Number students	1969-70 requested	1969-70 funded	Number students
Ohio.....	\$228,000	\$144,213	138	\$198,000	\$73,165	165
Pennsylvania.....	120,134	75,790	62	140,800	38,097	64
California.....	130,000	87,098	104	141,480	45,024	131
Total.....	478,134	307,101	304	480,280	156,286	360

NOTES

1968-69—Requested \$478,134 to support 304 students. Received \$307,101 (64.2 percent), averaging \$1,010.20 per student.
1969-70—Requested \$480,280 to support 360 students. Will receive \$156,286 (32.5 percent), averaging \$438.13 per student.
Total funds for 1969-70—50.9 percent of those in 1968-69—49.1 percent cut.
Dollar support per student for 1969-70—43.4 percent of 1968-69—56.6 percent cut per student.

LETTER FROM AMERICAN VETERINARY MEDICAL ASSOCIATION, SUITE 828, 1522 K STREET NW., WASHINGTON, D.C. 20005

APRIL 29, 1970.

SENATOR EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The American Veterinary Medical Association (AVMA) and the Association of American Veterinary Medical Colleges (AAVMC) have authorized me to emphasize to you the need for a full funding, in fiscal year 1971, of programs authorized by the Health Professions Educational Assistance Act.

With the current great need for improved health services for the citizens of this country, it is necessary to utilize all of the health personnel available. It is recognized that there is a shortage of such personnel and that measures must be taken to increase our capability for the training of these individuals.

In the passage of the Health Professions Educational Assistance Act (HPEA) Congress recognized that Federal assistance must be

given to professional schools, in order that they can expand their facilities and increase the number of students attending and to be graduated. The assistance program, as set out by the HPEA, has provided a big step toward expanding teaching facilities and increasing financial help for the students attending these colleges.

The nation's colleges of veterinary medicine are included, along with the other medical schools, in legislation to provide necessary grants for educational improvement.

There is a growing shortage of veterinarians, not just for private practice, important though this is to the immediate health of our food-producing animals, but for education, research, livestock disease control, meat and poultry inspection, and public health. The role of veterinary medicine in advancing and sustaining human health was, of course, documented, repeatedly, for the Congress in the years before it passed the Health Manpower Act of 1968.

The total health effort is an extremely complicated one, in which health personnel of diverse training are playing increasingly

important roles. By its various programs, the Department of Health, Education and Welfare (HEW) has been a major factor in encouraging this trend. The veterinary profession has a role to play in the administration of health services for man in comparative medical research, and in disease prevention, and it is an expanding role.

A number of diseases of wild and domestic animals, such as rabies, brucellosis, tuberculosis, leptospirosis, tularemia, anthrax, and Q fever, to mention a few, are caused by microbiological agents which may infect man. Veterinarians whose practices involve either food-producing animals or companion animals guard against disease transmission by controlling the disease in the animal population, by setting up methods to block the transfer from animals to man, or by constant vigilance for the occurrence of the disease in animals, permitting appropriate safeguards by those potentially exposed.

A most frequent question posed to veterinarians by concerned parents or animal owners relates to the potential hazard of a diseased animal, flock, or herd to the humans associated with them in the household or through recreation, occupation, or food consumption. Veterinarians protect against the transmission of infectious disease in the routine conduct of their work as practitioners, as military officers, as governmental public health and livestock disease control officials, as diagnostic laboratory workers, and as inspectors of meat, poultry, and other animal food products.

The role of veterinarians in consumer protection is well established through the inspection of meats and meat-food products, poultry, and poultry products, to assure that these foods are free from disease, and that they are wholesome. The increased involvement of veterinarians in the work of the Food and Drug Administration (FDA) should be emphasized. The Federal government is the largest single employer of veterinary medical manpower, engaged in a variety of activities dedicated to the improvement of the health and welfare of man.

It is important to note that biomedical research has had substantial support from the Federal government, especially during the last two decades, and a large measure of the research so supported has been done on animals, for the obvious reason that it could not be done on man.

There are hundreds of animal diseases which are close counterparts of disorders in man that provide information which can be extrapolated to help in an understanding of the inter-related mechanisms of human disease.

Unlike human patients, animals can be manipulated experimentally, and even bred to perpetuate and intensify a disease under investigation. Veterinarians are in a position to identify and fully utilize such animal models. A few examples of diseases studied in this way are leukemia and other malignant diseases, cardiovascular diseases, and respiratory diseases, such as emphysema. Many of the current orthopedic devices and procedures were developed by the veterinarians for treating animals, e.g., repair of fractures by the use of metal pins and artificial hip joints.

The technique of using anticoagulant drugs was developed as a result of hemorrhages in cattle after eating sweet-clover hay. Dioumerol was developed, and is currently used, extensively, in the treatment of certain cardiovascular diseases.

It must be emphasized that, since there are only 18 schools of veterinary medicine in operation in this country, they have the full responsibility of providing the veterinary medical manpower for the entire nation. They are, thus, "national resources" and not State or regional resources. As such, they merit full Federal support.

I would like to emphasize that the veteri-

nary colleges are taking necessary steps to increase enrollments, to comply with the provisions of the Health Manpower Act and, thus, continued full Federal funding is necessary for the maintenance of the expansion effort.

The American Veterinary Medical Association, as well as the Association of American Veterinary Medical Colleges, urges that effective action be taken in approving full funding of all Health Manpower training programs, to the limits authorized by law, for fiscal year 1971.

Sincerely,

FRANK A. TODD, D.V.M.,
Washington Representative.

THE EQUAL RIGHTS AMENDMENT

Mr. SCOTT. Mr. President, I was pleased to submit testimony in support of Senate Joint Resolution 61, the Equal Rights Amendment, during the hearings held by the Senate Judiciary Subcommittee on Constitutional Amendments on May 5, 6, and 7. I know this matter is especially of interest to the many women in my Commonwealth.

This proposed amendment to the Constitution, which holds that equal rights under the law shall not be denied or abridged by either the United States or the individual States on account of sex, has been introduced in every Congress since 1923.

Hearings have been held in the Senate Committee on the Judiciary on the Equal Rights Amendment during the 68th, 69th, 71st, 72d, 73d, 75th, 79th, and 84th Congresses. Over two-thirds of the Senate passed this same proposed amendment during both the 81st and 83d Congresses. More than 70 Members of the present Senate are cosponsoring Senate Joint Resolution 61. I was proud to join as one of these cosponsors, but, it is hoped, congressional inaction will not again make this necessary.

I want this measure passed by this Senate and this House of Representatives and sent this year to the States for ratification. Forty-seven years is 47 years too long to delay in providing a Constitutional guarantee of equality for men and women.

Earlier this year, the General Assembly of the Commonwealth of Pennsylvania passed an amendment to the Pennsylvania constitution similar to the measure being considered today. Unfortunately, my Commonwealth is among the minority of the States in taking this much-needed step. In many States, there are still vestiges of the English common law which treated women as inferiors. In many States, a woman cannot pursue a business or profession as freely as a man. In many States, she cannot handle or own property with the same degree of independence as can her husband. In some States, women are classified separately for purposes of jury duty. In many community property States, wives do not share the same rights in the joint property as their husbands. In some States, the inheritance rights of widows differ from that of widowers. In many States, restrictive work laws deny women the right to compete for available jobs.

These State laws are the reason the equal rights amendment has been in-

troduced in Congress after Congress. These State laws are the reason it must be adopted during this Congress.

There is a misconception held by some that this proposed amendment would benefit women only. Nothing could be further from the truth. Many of the State laws I have noted work as much to the detriment of men as to women. For example, in divorce decrees, child custody and support decisions are based on predetermined judgments of who should undertake this responsibility. Under the equal rights amendment, this decision would be based on the child's welfare and who is best able to undertake this responsibility.

Nor does this amendment contemplate that women would be treated in all respects as men. Just as under the 14th amendment, equal rights does not mean identical rights. Under their police power, States would still have the power to enact laws regulating public health and safety using reasonable classifications. Likewise, employment requirements based on physical stamina and strength would be allowed. What would not be allowed to continue is arbitrary classification on the basis of sex.

Nor would the adoption of this amendment mean a lowering of labor standards. State legislatures would be able to raise work standards for men to meet those now set for women. In addition, once women are removed from the same labor standard classification as children, the standards for employing children could be raised without the danger of removing adult women from the labor market through the adoption of strict regulations.

Finally, opponents of this amendment have argued that its adoption would throw many State statutes into the courts. This may prove true in part. The Civil Rights Act of 1964 gave many citizens the right to petition our courts. Should we have said "No, this will create too much work for our judges"? Further, the amendment before us would not become effective until 1 year after its ratification. This would allow most State legislatures the opportunity to consider and pass appropriate revisions of their statutes, thus avoiding future litigation.

I hope that the Subcommittee on Constitutional Amendments will favorably report Senate Joint Resolution 61 to the full Committee on the Judiciary, where I will lend my efforts toward reporting it to the Senate. We cannot in good conscience wait any longer. We have already waited too long to provide this basic right of equality for men and women.

GOVERNMENT BOND MARKET BUCKLES UNDER PRESSURE OF TREASURY

Mr. SYMINGTON. Mr. President, for the first time in modern financial history the U.S. Treasury suffered a near miss in its latest refunding operation in which by the skin of its teeth and after a good deal of admitted arm twisting by the Treasury, it managed to wring \$3.6 billion out of a demoralized and dried up market, at the rate of 8 percent.

More alarming still, the entire financial press is unanimous in reporting that the issue was absorbed only thanks to the most energetic Federal Reserve market supporting operations. The highly respected credit market commentary of the New York banking firm of Salomon Brothers & Hutzler reports in its May 8 issue that the Treasury marketing problem "was compounded when it appeared that in the pricing of the new offering the Treasury had not taken into consideration the impact of the U.S. military campaign in Cambodia."

Clearly the market has been unsettled by its discovery of a disconcerting failure on the part of our strategic policymakers to coordinate their decisions with their financial policymakers.

Meanwhile, back in our all-important credit markets it appears that we have an inflationary Fed support operation in an 8-percent market, which is clearly a throwback to the days when the Fed was an admitted engine of inflation supporting the market at the less costly level of 2 percent.

SENATOR RANDOLPH COMMENTS ON RALPH NADER TASK FORCE AIR POLLUTION REPORT

Mr. RANDOLPH. Mr. President, one of Ralph Nader's "task forces"—this one on air pollution—is said to be issuing another report in the Nader tradition. I expect that it will be a useful document, provided we are able to tear away the excesses of exaggeration and vituperation. It will be useful if we can distill and analyze the facts as they relate to the air pollution problems faced and those still to be faced and solved.

I feel that my colleagues of the Congress will not be surprised by the nature of the Nader task force report. They will expect the chairmen of the committees and subcommittees with jurisdiction over air pollution control legislation—Senate Public Works and House Interstate and Foreign Commerce—to be the objects of Nader task force ridicule. Both chairmen are from West Virginia, the State with the biggest coal tonnage production, Nader and his staff would seem to wish to destroy the coal industry, notwithstanding the great reliance of many of our country's electric generating plants and steel mills on coal as their primary fuel—and notwithstanding the obvious shortage of coal and the apparent impending undersupply of electric energy in important sections of the country.

Mr. Nader and his task force, I understand, are attacking me on the air pollution issue as they did on the coal mine health and safety legislative issue—claiming that I "favor" West Virginia's and the U.S. domestic coal industry. I will acknowledge promptly that such a charge is accurate and is not incompatible with my State's and my country's best interests.

I know what a healthy coal industry means to West Virginia and neighboring States of the Appalachian region—substantial payrolls and prosperous people and a viable economy.

Conversely, I know—and I have seen

too often—what a serious downturn in the economy of the coal industry does to the general economy of the State and the region and to many individuals and families. There probably is no distress and poverty in the world worse than that which befalls an isolated coal mining community in the Appalachian Mountain country when the coal economy has gone sour.

I have declared for and will not retreat from working actively for the movement to constantly improve the American standard of living. And this includes adequate supplies of coal and other fuels to fire the plants that generate the electric energy so vital to sustaining and improving the American high standard of living and the public health. And it also includes constantly improving the quality of the air we breathe.

Mr. President, I reject any and all charges that my motives as a Senator from West Virginia and as chairman of the Public Works Committee are based solely on protecting coal operators' or any other producer's profits. The welfare and the health and the prosperity of the coal miner and his family—of the railroader and his family—of all workers and their families—are as important to me as are the economic health of their employers. But destroy the markets and the profits of the company—whatever it produces—and you have a company without ability to provide payrolls and to meet them regularly. This means unemployment and suffering and privation for people, which I abhor vastly more than the criticism I receive from those who misinterpret my actions and impugn my motives as I earnestly work as a Senator from West Virginia and as Public Works Committee chairman.

Coal is a significantly vital element of the West Virginia and Appalachian economy. Coal will continue for a long time to be necessary at many electric generating plants as a fuel to help provide absolutely indispensable large quantities of electric power and steel for the United States. I will labor with vigor to keep the coal industry a viable one in West Virginia, Appalachia, and elsewhere in the United States. It is not easy to accomplish in the face of attacks by those who insist on control of industrial emissions without real relationship to impact on health and welfare.

We can, we must, and we will improve our laws in the interest of better controlling and abating air pollution. But we must have more rapid development of better technology for cleansing the air of both particulate and gaseous impurities. Otherwise, we will have laws setting impossible-to-achieve requirements or the promulgation of regulations which cannot do other than destroy whole industries and consequently create extensive unemployment and hunger and privation without making truly compensatory improvements in air quality and public health.

BUREAU OF MINES' FILM ON OREGON

Mr. METCALF. Mr. President, among the press releases which I have seen re-

cently is one from the Bureau of Mines, announcing the availability of a new film on Oregon and its natural resources.

I am pleased to learn that this 26½ minutes of 16-millimeter sound and color is available from the Bureau's film library.

I am not so pleased at the lines in the Bureau press release which include the words that the film "was made in cooperation with Atlantic Richfield Co., which paid all production costs and provided the Bureau of Mines with prints for nationwide circulation."

It seems to me that if a public agency is going to do a film on public resources in the public interest, the cost of production should be paid by the public instead of by an interest group. I can imagine 26½ minutes of 16-millimeter sound and color on Santa Barbara "made in cooperation with—an oil company—which paid all production costs and provided the Bureau of Mines with prints for nationwide circulation."

Mr. President, I ask unanimous consent that the Interior Department press release, announcing the availability of this film, be printed at this point in the RECORD.

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

NATURAL RESOURCES OF OREGON ARE DEPICTED IN NEW MINES BUREAU MOTION PICTURE

The balanced conservation program that has helped a modern western State conserve environmental values while accelerating economic growth is portrayed in "Oregon and its Natural Resources," a new 16 mm sound-and-color motion picture now available from the film library of the Interior Department's Bureau of Mines.

The 26½-minute film was made in cooperation with Atlantic Richfield Company, which paid all production costs and provided the Bureau of Mines with prints for nationwide circulation on free, short-term loan to schools, civic and scientific groups, and other organizations interested in conservation of natural resources.

A scenic opening depicts the natural gifts bestowed on Oregon and shows how each gift presents a challenge for wise development and efficient use. A brief animated sequence orients the viewer to the State's geographical features before the camera shows how Oregon's people have met the challenges presented by the State's widely varying topography.

Systematic control of abundant but poorly distributed water resources is seen as the key to much of Oregon's economic progress. Viewers are shown how a network of dams on the State's rivers controls floods, produces hydroelectric power, and provides irrigation water, and how the reservoirs behind several dams have been made into scenic recreation areas.

Succeeding episodes depict the different sectors of Oregon's economy today: for forestry, scenes of timber management, lumbering, and wood products manufacturing; for agriculture, sequences illustrating the variety of the State's farming operations; for fisheries, views of salmon using fish ladders to bypass dams, and of fish hatchery and stocking practices; for minerals, sequences on aluminum, titanium, zirconium, and nickel ore processing; for leisure-time activities, scenes of Crater Lake National Park, ocean beaches, water sports, along with the Pendleton Roundup, Ashland's Shakespearean Festival, Albany's Timber Carnival, and Portland's Rose Festival. Produced by Audio Productions of New York, the film is a con-

stant reminder that man must work in harmony with nature to assure wise development and use of natural resources.

Prints of "Oregon and Its Natural Resources" can be obtained on free, short-term loan from Motion Pictures, Bureau of Mines, 4800 Forbes Ave., Pittsburgh, Pa. 15213. Prospective borrowers should state that they have available a 16 mm sound projector and an experienced operator. The Bureau pays outgoing postage; the borrower pays return postage and for any damage to the print other than normal wear.

FEDERAL CIVIL SERVANTS OF THE YEAR—BALTIMORE FEDERAL EXECUTIVE BOARD AWARDS LUNCHEON

Mr. MATHIAS. Mr. President, the difference between what the President of the United States can do and what other men can do is the 6 million hands, the 6 million feet, and the 24 million workday hours of the Federal Civil Service that he can count on.

If the President is to accomplish the reforms that he seeks—whether in the area of welfare or the draft, it will be through the dedicated effort we have come to expect from the civil service.

To the civil servants, we owe the debt of recognition. Last week, I had the pleasure of addressing a luncheon at which seven civil servants out of some 65,000 Federal employees in the State of Maryland were singled out for their achievements in the nonscientific and the scientific career fields.

In the nonscientific field, Mr. Harold Brager of the Baltimore office of the Internal Revenue Service was selected as the Outstanding Federal Civil Servant of the Year. His counterpart on the scientific side was Mr. George Friedman of the Social Security Administration in Baltimore, Md.

I ask unanimous consent that the complete list of the finalists and their sponsors in the Federal civil servant of the year program be printed in the RECORD.

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

FINALISTS Nonscientific

Harold Brager. Sponsored by Mr. Irving Machiz, District Director of Internal Revenue, Baltimore District Office.

Joseph W. Hinton. Sponsored by E. L. Perry, Captain, USCG, Commanding Officer, U.S. Coast Guard YARD, Curtis Bay, Maryland.

James R. Thomas. Sponsored by Dr. Victor C. Welch, Hospital Director, Veterans Administration Hospital, Perry Point, Maryland.

Paul K. Shutt. Sponsored by Paul R. Cerar, Colonel, CMIC, Commanding Officer, Department of the Army, Edgewood Arsenal, Edgewood Arsenal, Maryland.

Scientific

George Friedman. Sponsored by Robert M. Ball, Commissioner of Social Security, Social Security Administration, Baltimore, Maryland.

Charles E. Depkin. Sponsored by Paul A. Troup, Jr., Colonel, Infantry, Acting Commander, Department of the Army, Materiel Testing Directorate, Aberdeen Proving Ground, Maryland.

Peter B. Ferrara. Sponsored by Rudolph A.

Axelson, Colonel, GS, Commanding Officer, U.S. Army Land Warfare Laboratory, Aberdeen Proving Ground, Maryland.

WALTER REUTHER

Mr. RIBICOFF. Mr. President, the death of Walter Reuther is a great tragedy.

Walter Reuther was involved in every major social issue of his time. And he was ahead of his time on many of them.

As an activist, young people can look upon no better example. To Walter Reuther, the needs of the workingman transcended merely higher wages.

His desire to improve the human condition took him wherever injustice and inequity existed. This passion was in him as a 16-year-old corrugating plant worker in Wheeling, W. Va. It was as strong last month when he was reelected for the 13th time as president of the United Auto Workers.

His vision of how to revitalize not only the American trade union movement, but the entire fabric of society, made him one of the truly great social architects of our time. Walter Reuther's untimely death is a tremendous loss, not only to the 1.8 million working men he led, but also to the poor whose cause he championed with great vigor and understanding.

He appeared as a witness before my Subcommittee on Executive Reorganization, first in the crisis of the cities in 1966, then in health care in 1968.

In both sets of hearings, one found in Walter Reuther a man of deep commitment and a deep passion for the great problems and issues facing this country.

Walter Reuther had a particular appeal to and love for the workingman because he was a great teacher who understood, and genuinely loved, people. It was easy to know and like Walter Reuther. He was an outgoing man. He was a kind and humane man.

I am grieved that we have lost at this critical time in our history so important a national voice.

I ask unanimous consent that an editorial from today's Washington Post be printed in the RECORD.

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

WALTER REUTHER

It was hard to resist Walter Reuther. He took you by storm, by charm, by agility in argument, by the unrelenting force of his own certainties, by the infectious exuberance of his personality. Politicians, industrial potentates, peers in the labor movement fought him and usually succumbed to him in one way or another. He left his imprint upon the social and economic life of the United States more indelibly, perhaps, than any political figure in his time, Franklin Roosevelt excepted. He was part labor leader, part social reformer, part evangelist. But it was always through the labor movement, as the responsible head of the United Auto Workers Union, that he functioned. He understood that the welfare of workers was inseparable from the welfare of the national community.

Nothing seemed insurmountable to Walter Reuther. So he was ceaselessly putting forward romantic, imaginative schemes. He proposed when America got into World War II a fantastic idea—which came to be known as the Reuther Plan—for converting the ma-

chine tools of the automobile industry into instruments for manufacturing airplanes; it resulted in the greatest air armada ever known. He sought for the workers he represented not merely pay increases but a share in the productivity of industry—a share even in industrial planning—that would ensure for them a full participation in the potentialities of the American economy. He was an extraordinarily shrewd, resourceful and tough bargainer for all sorts of innovations initially derided and resisted by industry—pension plans, productivity raises, profit sharing, long-term contracts, health and welfare benefits, increased leisure time, a guaranteed annual wage.

Reuther made the UAW a fighting force for social ends beyond the special interests of its members. He led it into the acceptance of fair employment formulas; and he made it a spearhead of the drive for civil rights. He appealed to the best instincts of his followers and of his countrymen generally. "The unfinished business of this century," he said, "is the problem of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices and profits . . ."

In short, he thought of labor unions as a movement rather than a business. As president of the Congress of Industrial Organizations as an architect of that group's merger with the American Federation of Labor and as vice-president of the combine, he sought, against rather obdurate odds and with scant success, to revitalize the labor movement and to focus its attention on larger goals than mere wage increases. Failing in this, he took his union out of the AFL-CIO to form a new alliance. He leaves an immense estate to his heirs. There is very little of fortune in it because he valued frugality more than indulgence. But there is a rich bequest of idealism, of optimism, of social statesmanship. And, as always, all Americans are among his beneficiaries.

DEATH OF JOHN J. McMULLEN OF CUMBERLAND, MD.

Mr. MATHIAS. Mr. President, Maryland lost one of her most distinguished residents recently when John J. McMullen of Cumberland passed away.

Mr. McMullen distinguished himself in all that he did, be it as publisher of Cumberland's two daily newspapers or as a member of the State roads commission. A quiet man, he shied away from publicity while working diligently for a number of worthy causes to benefit the Cumberland area. He will be missed by all who knew him and by those who benefited by his tireless efforts on behalf of the community.

I ask unanimous consent that an editorial published at the time of Mr. McMullen's death be printed in the RECORD.

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

JOHN J. McMULLEN

John J. McMullen, chairman of the board of the *Times and Alleganian Company*, shied away from personal publicity even though he was the publisher of Cumberland's newspapers for many years. Mr. McMullen, who died Monday, enjoyed being the first to know what was going on in the community and he wanted other people to know about it, but he often requested that his name be kept out of a story when in fact he was the most important participant in the event being related.

No one, except his most intimate associates,

had any conception of the many area betterment projects in which he played a major and decisive role.

One of his behind the scene activities was his interest in the establishment of Allegany Community College. He was an important figure in helping make possible the new campus and was instrumental through his state connections in having Route 40 and Williams Road joined with a modern link so that the college could be reached in easy fashion from two directions.

Mr. McMullen was a "born Democrat" but he never became too immersed in Democratic politics to realize that his party did not always have the best candidates.

If there was any one thing which dominated Mr. McMullen's life in recent years, it was his desire to improve Western Maryland's highway connections with all the major cities.

Both as a member of the Maryland State Roads Commission and as an individual, Mr. McMullen worked hard to reach these goals. He accomplished much of this during his lifetime and was looking forward to the bidding on the phase of the National Freeway contract which would take the road to the Garrett County line. The highways of this area will always furnish a monument to his attainments.

He was chairman of the Upper Potomac River Commission, a group which constructed the Savage River Dam. This led to a cleaner and controlled supply of water in the Potomac River and the project was instrumental in the refurbishing of the Luke Mill of Westvaco, Inc. He was also looking forward to construction of the Bloomington Dam.

Mr. McMullen always looked at the "big picture" and never allowed little things to blur the scene. He felt that if something was worth doing and would improve Western Maryland, a way could be found to accomplish the task.

Not the least of Mr. McMullen's traits was his friendliness and his willingness to help people. This was demonstrated by the many times he went out of his way to be of service to someone who needed assistance and to his keen interest in the Allegany County League for Crippled Children.

Mr. McMullen served his community well and will be missed.

ORAL CONTRACEPTIVES

Mr. METCALF. Mr. President, the May 1970 issue of the Progressive includes an article, entitled "The Pill and the Public's Right To Know," written by the distinguished reporter Mr. Morton Mintz. The article deals with the 9 days of hearings held early this year by the Small Business Committee's Monopoly Subcommittee under the chairmanship of the junior Senator from Wisconsin (Mr. NELSON).

The primary purpose of the hearings, as stated by the subcommittee chairman, was to determine whether or not women are being given adequate information about oral contraceptives so that they may make an intelligent and informed decision with regard to their use. It is interesting to note that a Gallup poll conducted during the first week in February showed that a startling two-thirds of pill-taking women said they had never been told about the possible hazards by their physicians. On the basis of this, the February 9 issue of Newsweek concluded:

In light of the (Gallup) survey, the Subcommittee's concern was well founded.

In addition, Dr. Charles C. Edwards, Commissioner of the Food and Drug Ad-

ministration, stated he had "come to the conclusion that the information being supplied to the patient in the case of oral contraceptives is insufficient and a re-evaluation of our present policy is in order." To remedy the situation the FDA will require that a "reminder leaflet" be placed in each package of oral contraceptives going to the user.

Mr. President, I commend the Senator from Wisconsin for his courage and persistence in bringing this vitally important matter to the attention of the public. In my opinion he has, indeed, performed a great service to the American people.

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 PILL AND THE PUBLIC'S RIGHT TO KNOW (By Morton Mintz)

During the recent hearings on The Pill, spokesmen for population control organizations charged that vast numbers of women were being scared off the drugs, would become pregnant, and would bear children who, being unwanted, would be beaten by their parents.

Phyllis Plotrow, former executive director of the Population Crisis Committee, went so far as to suggest that there will be a crop of "Nelson babies," in dubious honor of Senator Gaylord A. Nelson, the Wisconsin Democrat who is chairman of the Senate Monopoly Subcommittee. His Republican colleague from Kansas, Senator Robert J. Dole, who can be counted upon by the drug industry for support at climactic moments, came through again. The "Nelson babies" phrase, he said, "is all right with me."

If it really is all right, which it really isn't, then it also is all right, presumably, to personalize any diseases caused by The Pill—say, "Plotrow strokes" or "Dole thromboembolisms."

This means little episode would not be worth recounting were it not for a couple of facts. One is that the "Nelson babies" phrase attracted substantial attention in news media. A second fact is that a troubling impression emerges from a reading of the hearing transcript: that the slur on Nelson was symptomatic of the attitudes of certain population control advocates. They were angry not only at Nelson, who happens to be one of the most ardent and articulate supporters of family planning on Capitol Hill, but also at much of the press and even, far-fetched as it may sound, at the application of democratic process to their particular cause, worthy and important as it is.

Consider Dr. Harold Schulman of Albert Einstein College of Medicine. While denying that he was urging "a type of censorship," he said, "If hearings such as this are going to be held, I believe the committee must carefully plan and screen all individuals who are invited to testify as to the content of their testimony." The ABM, Vietnam, Laos—subjects such as these may be the subject of Congressional hearings but not, he was suggesting, something as sensitive as The Pill.

Dr. Anna L. Southam, of Columbia College of Physicians & Surgeons, told the Subcommittee, "I beg the press to report accurately or not at all." But she created a strong impression that, deep down, she would prefer no reporting at all to accurate reporting of, say, a statement that The Pill "should be monitored and restricted to women who cannot use other methods effectively." That statement happens to have been made by Dr. Philip A. Corfman, director of the Center for Population Research at the National Institute for Child Health and Human Development. Dr. Southam did not say if she was troubled by the accurate reporting of the

uneasiness about widespread use of The Pill acknowledged by Dr. Louis M. Hellman, former chairman of the Food and Drug Administration's outside consultants on contraception.

So far as is known, no one has complained of inaccuracy in the reporting of another authoritative statement: that until recently the effects of The Pill were "inadequately investigated or ignored. . . . No tissue or organ system is free from a biological, functional and/or morphological effect. . . . Many of the changes appear to be reversible after short periods of treatment, but it is impossible to form judgments on the reversibility of some of the changes resulting from prolonged administration." That statement was made by Dr. Hilton A. Salhanik of Harvard and two other scientists who, in behalf of the National Institutes of Health, ran a workshop on the metabolic effects of The Pill.

Dr. Southam also was upset by "non-medical science writers" (possibly including the generalist writing this article), as was Dr. Schulman. This was a way of saying that they disapprove of those reporters who disclosed, among other things, that the safety of The Pill had not been demonstrated before massive use began. In Dr. Southam's view, such reporters do "a disservice to the consumer who should depend on her doctor for advice." Which doctor? Southam or Corfman? Schulman or Salhanik? Perhaps Alan F. Guttmacher, president of Planned Parenthood-World Federation. His case may be the most interesting of the lot.

Physicians have prescribed The Pill for millions of American women—far more than the 8.5 million estimated to be taking it currently. In his prepared statement, Dr. Guttmacher cited a Gallup Poll in the February 9 issue of Newsweek. One highly revealing disclosure in the article was that two-thirds of the women quitting The Pill said their doctors had failed to apprise them of the risks—some of which, especially blood-clotting diseases, have been demonstrated. When asked about the disclosure by Senator Nelson, Guttmacher said, "No, I do not remember that."

Guttmacher did not assert that doctors had educated themselves about The Pill before massively prescribing it; indeed, he conceded—under questioning—that "perhaps the American physician has been remiss in not trying to educate himself about the intricacies of The Pill." For such hope as it may offer, his claim was that the medical profession is "educable."

Nelson brought up one of the numerous drug company pamphlets that made blatantly misleading, and sometimes downright false, euphoric statements about safety. Guttmacher agreed, as he had to do, that such statements were far out of line. But he had not, and other population-control advocates had not, protested the pamphlets when protest might have done some good—during the decade of the 1960s when doctors were handing them out by the millions. The protests came from the FDA and the "non-medical science writers" disdained by the Southams and the Schulmans.

It was with poor grace that the population-control leaders laid down a barrage of attacks on Nelson for holding hearings, the entire purpose of which was to determine if women were being adequately informed about known and possible hazards of The Pill. In an exchange with the Senator, Guttmacher did say that the hearings had "served a useful purpose in making the doctor more careful," and General William H. Draper, Jr., honorary chairman of the Population Crisis Committee, predicted that "the long-range effect . . . will be constructive and in the interest of the American people."

But on the whole Guttmacher's performance was badly flawed. He went through the tired and meaningless routine of comparing the fatality rates of women on The Pill and

women in auto accidents. He kept saying that it hasn't been proved, or that it is "conjecture," that The Pill may cause cancer, heart disease, diabetes, or other diseases. That is true, but he failed to say that the testing which would establish whether The Pill does or does not cause these and other dread maladies has not been done.

Last September the FDA's consultants on The Pill produced a report of almost unrelieved grimness. To escape it they came up with a legalistic gimmick. Saying that the law does not define safety, they drew the conclusion that The Pill earns "the designation safe within the intent of the legislation." Dr. Guttmacher approved of that conclusion. It is "verbiage which is difficult to define," he testified. "But at least it is verbiage which does create a certain sense of complacency in the user."

Dr. Guttmacher himself has produced verbiage which tranquilized women so they could be hormonized. Until studies demonstrated a cause-effect relation between The Pill and clotting, he was saying it hadn't been proved that there was such a connection. "It can be stated flatly that the pills do not interfere with a woman's ability to bear children when she stops taking them," he said in a signed article in the February, 1966 issue of *Good Housekeeping*. It can be stated flatly that this statement, challengeable even before he made it, is in error: Some women do become infertile.

In the February 9 *Newsweek* article, it was noted that eighteen per cent of the women polled recently had stopped using The Pill, and that only one-third of them, or six per cent, had given as their reason doubts generated by the Nelson hearings. But on February 24, Dr. Elizabeth B. Connell of Columbia, and the next day Dr. Guttmacher, put the blame on Nelson for the entire eighteen per cent. With the eighteen per cent as a base, they made extrapolations about the ultimate number of resulting pregnancies (with scant regard for those women who switched to methods other than The Pill) and child batterings (without acknowledging the lack of an established correlation between children who were unwanted at the time of conception and children who are beaten.) It was even suggested that large numbers of women, because of the hearings, already had become pregnant and were seeking abortions. This suggestion was knocked down by the calendar.

The Nelson hearings began on January 14. Dr. Connell's testimony was figured to have been completed and mailed off to the Subcommittee on February 19. That was five or six days short of the time needed for a number of women to be frightened by the hearings, stop using The Pill, become fertile, conceive, and be reliably tested for pregnancy.

Some other points got buried in the rather fast shuffle in which witnesses such as Dr. Connell engaged. For example, millions of women have given up The Pill over the years because they didn't like the synthetic hormones, or because of other reasons unrelated to criticism of the drugs. Nelson cited a Chicago study showing that within two months of inception of use, forty per cent of a group of women stopped using The Pill.

At one point in the hearings Nelson said in exasperation, "I think there has been a rather great con game played on the American public." But why would such a thing be done? The answer is in significant part that The Pill drove a wedge between "woman" and "women"—between the individual and social engineering, between safety for one person and efficacy among millions.

Once evidence of hazards began to develop and be reported, the population control people were put in a dilemma. How could attention be called to the risks without peril to their cause? How could they call atten-

tion to dishonesty in pamphlets published by manufacturers and distributed by doctors without simultaneously faulting, say, an assertion such as one made by Dr. John Rock, in the January, 1968 issue of *Family Circle*, that The Pill "is perfectly safe"? How could they help but be nervous about fair reporting? How could they not be privately terrified by the prospect of Senate hearings intended to elicit literally vital facts, rather than "verbiage" which creates "complacency" in the user?

During an exchange with Guttmacher, Nelson asked, "Do we have a right not to have public hearings and not to make the information available on the ground that all the press may not carry it the way some people think they ought to carry it? Or that it is too complicated for the public to understand? Is this the kind of decision that we have a right to make, to withhold knowledge developed by the [Government itself], or should these matters be made a matter of public knowledge, counting, as it seems we always have to do, upon the ultimate good judgment of the public to come to a reasonable conclusion?"

"Very frequently, in a free country, people do not come to reasonable conclusions," Nelson went on. "That is no reason for submitting an arbitrary system. . . . This is one of the risks, it seems to me, of having a free society in which there are many risks."

It is useful to see The Pill first of all as a piece of technology, much as DDT, say, is a piece of technology, albeit in a vastly different area. We did not know what we were doing when we bought The Pill, just as we did not know what we were doing when we bought DDT. The testing of The Pill having been ludicrously inadequate, and massive unscientific and sometimes dishonest promotion of The Pill having proceeded apace despite the inadequacy of testing, we are today, and will remain for a long time, ignorant of the full range of its potentials for pollution of the bodies of millions of human beings. We have not even undertaken the studies which would tell us of possible effects on the offspring of some of those human beings.

The issue is not whether sales of The Pill should be halted (among other things, this would create a bootleg market). Neither is population control the issue (not only because Senator Nelson is for it, but also because the effectiveness of The Pill in controlling world population has been drastically oversold). The issue, rather, is the rational and humane use of technology. It is not easy to forgive a con game in which women who do not need The Pill, because they have acceptable alternatives, are induced to use it in order to provide reassurance to women who do need it.

KENT STATE—TARGET: MIDDLE AMERICA

Mr. FANNIN. Mr. President, the tragedy at Kent State not only has stunned a nation; it has struck so deeply because the campus in our minds is so representative of the quiet countryside of middle America.

However, Fritz Marquardt, editorial page editor of the *Arizona Republic*, in an editorial entitled "Target: Middle America," published on May 6, 1970, has set forth some discerning facts that might have warned about the tragedy.

The House Committee on Internal Security in its printed record of hearings already has reported that the Kent State campus was a target of the "war" declared by the Students for a Democratic Society—SDS—as early as the 1968-69 academic year.

The editorial cites this public record to include utterances of SDS spokesmen at Kent State in the Spring of 1969 that:

We'll start blowing up buildings. They used guns at Cornell and they got what they wanted—it will come to that here.

Mr. President, the "quiet countryside of middle America" is the target of those bent on violence and disruption. It is a tragedy when innocents fall victim to their brew.

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:

TARGET: MIDDLE AMERICA

Students and national guardsmen confronted each other Monday afternoon at Kent State University in Ohio. Four students, including two girls, were killed. They were the first fatalities in the campus unrest that has been plaguing the nation for the last four years.

Today Kent State University is closed. It may be shut down for the remainder of the academic year. Some 19,000 students have gone home, their educations disrupted, perhaps ended, because of the riot.

No one, except the Communists and Nihilists, can take any satisfaction from this tragic event. The nation can only hope that a many-pronged investigation will reveal what really happened at Kent State. Americans are entitled to know exactly what led to this carnage.

In a color story describing the killing ("war" was the word used) the Washington Post News Service said, "This deadly encounter came not at one of the more publicized 'radical' campuses of the East or West coasts, but in the quiet countryside of Middle America."

What the Washington Post didn't say was that Kent State University had been forced to drink the witches' broth of revolution for months. The "war," again to use the Post's term, should have caught no one by surprise. In the academic year of 1968-69 the Students for a Democratic Society (SDS) deliberately turned Kent State into a laboratory for revolution. The story is told in the printed records of hearings held by the House Committee on Internal Security in Washington.

In the winter of 1968-69, according to the testimony of Dr. Robert I. White, president of the university, "The signals coming from SDS were so clear that tensions and concerns were evident throughout the entire campus, even to the most casual observer."

Among the signals noted by the House investigators, was a 10-page mimeographed "Organizer's Manual for the Spring Offensive," which was distributed by the local chapter of SDS. The manual demanded an immediate withdrawal of American forces from Vietnam, an end to Reserve Officers' Training Corps programs in this country, open admission to the university of the Third World (i.e., black and white "working class" members), and so on.

The Organizer's Manual stressed the need for "escalating actions" as follows: "During the course of the struggle it will probably be necessary and helpful to carry out a series of escalating 'mini' actions to help build consciousness and dramatize the issue. Beginning with guerrilla theater actions in dorms we can escalate to disrupting classes, street marches, quick assaults on buildings, etc., before moving to the major confrontation of the struggle."

Whether Monday's action was "the major confrontation" remains to be seen. But this year's demonstrations followed three major disturbances in the spring term of 1969. The first occurred April 8, when 35 to 40 SDS marchers tramped through various university

buildings chanting "Ho, Ho, Ho, Ho Chi Minh."

The second disturbance took place on April 16, when 100 supporters of SDS stormed through two sets of locked and chained doors in an effort to disrupt a disciplinary hearing that had grown out of the April 8 disturbance. "Open The Hearings" and "Free All Political Prisoners" were the war cries of the demonstrators.

The final disturbance of the spring of 1969 came on May 22. One witness testified that Rick Skirvin, a speaker at a rally in front of the Student Union Building, said: "We'll start blowing up buildings, we'll do anything to bring this (obsenity for school) down."

Earlier, an SDS spokesman, Joyce Cecora, said, "They used guns at Cornell and they got what they wanted. It will come to that here."

Outsiders played a leading part in preparing for Monday's bloody affray at Kent State. On April 16, 10 demonstrators were identified as non-students. On May 22, of one group of 15 demonstrators, five were identified as students, five were definitely established to be non-students, and the other five were not identified. One SDS leader who showed up at Kent State early in the game was Mark Rudd, the leader of the demonstration at Columbia University.

The Associated Press reported that seven students were convicted of inciting to riot in last year's affair. Four of them, "all local leaders of Students for a Democratic Society," were released from Portage County jail at Ravenna last Thursday. Whether they were back at Kent State for this week's demonstration remains to be seen.

Kent State University obviously is a major target of a revolutionary group that wants to destroy the government of the United States. That group, the Students for a Democratic Society, is taking every possible advantage of rational dissent and turning it into an assault on society.

Where all this might well lead was pointed out by Milton S. Eisenhower, chairman of a Presidential Commission on Violence. Speaking at the Kent State University Commencement exercises in 1968, Eisenhower said: "It is but a short step from licentiousness and persistent violence to anarchy, and the . . . almost inevitable cure for anarchy is dictatorship, of the right or the left."

"The quiet countryside of Middle America," to repeat the words of the Washington Post, is now the goal of the radicals and anarchists who apparently feel they have carved out their empires of destruction on both coasts.

THE SILENT MAJORITY SPEAKS

Mr. HARTKE. Mr. President, last Thursday, May 7, I spoke to a group of Evansville, Ind., businessmen about the present state of the economy. In that speech I expressed my belief that the 270-point stock market decline since December 1968, constitutes a massive vote of nonconfidence by the silent majority in President Nixon's economic policies. It represents their belief that inflation is continuing, not abating as claimed by the administration.

Not only are these investors right but present governmental policies, while failing to curb inflation, make it extremely unlikely that the Government will achieve a much-needed surplus. The present administration's policy of slowing down the economy forgets that the Federal Government is a 50-percent partner with every corporation in this country. When corporation profits decline, so does Government revenue.

I ask unanimous consent that my speech be printed in the RECORD.

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

THE SILENT MAJORITY SPEAKS

The unsilent majority is trying to speak to President Nixon but he refuses to listen.

On Monday, the stock market declined 19.07 points. This was the largest single day's decline since President Kennedy's assassination more than six years ago. The losses were general, including both glamor and blue-chip stocks. This black day on the stock market was merely a continuation of the worst stock market decline since the depression. Since December of 1968, the Dow-Jones average has lost more than 270 points. By Wednesday, stock prices were at a 6½ year low—the lowest since August 9, 1963.

While some of Monday's decline was caused by force-selling to cover margin accounts, most was attributed to a "buyer strike" and selling by institution and mutual funds. The message is clear—the small investors or their agents are getting out and staying out of the stock market. As one stock market analyst remarked, "There is simply no reason to buy stock." President Nixon prides himself on his mystical ability to listen to the silent majority—somewhat comparable to his former talent of helping President Eisenhower make lonely decisions. President Nixon should spend less time listening to the silence and more time listening to the actual voice of the stock market.

The 270 point decline of the stock market constitutes a massive vote of non-confidence by the silent majority in Richard Nixon's economic policies. The 270 point decline in the stock market is an expression of investors' belief that inflation is continuing, not abating as claimed by the Administration. And the investors are right. The stock market is going down as a measure of how inflation is going up. Investors know, if President Nixon does not, that the Cambodian escalation and the mini-withdrawal from Vietnam further aggravates our war-induced inflation.

Meanwhile, back at the White House, President Nixon refuses to either acknowledge or act on the dire warnings of the 270 point decline. Some people apparently view the stock market merely as a gambler's pit with as little impact on the American economy as a French bicycle race. Unquestionably speculative adventure exists in the stock market, but it has been, and remains a thermometer registering the health of the American economy. This thermometer shows that our economy has both a severe chill and a high fever. The 270 point decline reflects what has already happened and foreshadows what will happen in our economy.

The stock market decline merely mirrors what has already occurred in the credit markets. Due to the high interest, tight money policy pursued by this and the previous Administration, the private credit markets have suffered, for the last two years, their own 1929. President Nixon's decision not to change his policy but to continue it has caused a credit back-up stretching from New York City to the towns and townships of Indiana.

The credit capital is New York City, yet that city administration is so out of money that Mayor Lindsay has had to close down three anti-drug centers. When the Mayor of New York City cannot borrow money, the Mayor of Gary will not be able to borrow money for school construction, the Mayor of Portage will not be able to borrow money for sewer construction, the Mayor of South Bend will not be able to borrow money for hospital construction. Some Indiana towns, like Lafayette, unable to obtain credit through usual sources, are borrowing money on the basis of taxes allocated for the next year's

operation. The credit crunch is felt throughout the country. \$21,440,000 school bonds of Pennsylvania will probably fail to sell because of a 7 per cent ceiling on interest.

High interest policy creates a high roller's game for high priced money between big business and big government, freezing out the small businessman and municipalities. Big business capital expenditures continue to increase and the high interest costs are transferred by tax deductions to the average American taxpayer. Ironically, President Nixon's silent majority, forced from a high-stakes game for credit, ends up paying for it. Money for the construction of a gambling establishment in the Bahamas exists, but increasing numbers of businesses will fail because of lack of credit. 921 businesses failed this March, a 6 per cent increase from last March.

The main concern for most businessmen will not be greater profits but just keeping solvent. There will be a lot of business, but little profit—nothing sticking to the ribs. The businessman and the worker too find themselves on a whirling carousel that is out of control. This is the most frightening fact of the present situation—the economy is completely out of control and the Administration does not know it. They make economic predictions which are discredited within days. The Administration is out of touch with Congress, it is out of touch with business. President Nixon believes in splendid isolationism domestically if not in foreign affairs.

Municipalities need to borrow at reasonable rates to keep taxes in check. Municipalities, unable to borrow at reasonable rates are overburdening an antiquated property tax system. The high interest rate is being transferred to the homeowner, shopkeeper, the gasoline station manager in the form of higher property taxes. Of course, as much as possible, the businessman transfers his increased cost of doing business to the consumer. The high interest rates are freezing the property tax into higher costs for bacon and eggs.

So much for the prosperous past. What does the 270 point decline tell us about the happy future?

- (1) It foretells continued business failure.
- (2) It foretells continued decline of corporation profits resulting in
- (3) substantial government deficit. The present Administration's policy of slowing down the economy forgets that the Federal government is a 50 per cent partner with every corporation in this country. When corporation profits decline, so does government revenue. President Nixon's budget grossly underestimated the loss of Federal revenue due to the slowdown of business activities. Because of this and increased government spending, we now face a government deficit in the neighborhood of 8 billion dollars.

It also foretells:

- (4) continued high interest rates. Only last Thursday Arthur Burns, the new Chairman of the Federal Reserve Board stated that interest rates have already "passed their peak." Only two business days later, interest on the bond market scored a record high. The price for triple A corporate bonds reached a record high of 9.19 percent, and yields on Treasury short term bills rose to their highest level in three months. Even for this Administration, this was quick refutation of their predictions. Interest rates will be higher because of the government deficit and its need to refinance \$18.6 billion of maturing debts.

- (5) Continuing unemployment; the prediction of some economists of 7 per cent unemployment now seems a tragic possibility.

- Finally, (6) continued deterioration of our balance of trade because our goods are over priced and in many cases, we cannot finance them.

After almost two years, it is time to admit that the present unselective high interest,

tight money policy is ineffective and counterproductive. It is asphyxiating the Federal government and threatening the very existence of state and local governments. Advocates of state rights should be greatly disturbed by the monetary policy of the national government. The present policy fights the economy, not inflation. Money is the basic food for our economy, without it our economy ceases to exist. We should immediately lower interest rates and expand the money supply to about 5 per cent to get the economy going again.

We should undertake measures to immediately increase this country's productivity. One of the most unsettling symptoms affecting our economy is the market fall-off in business productivity. Output per man-hours in 1969 rose at less than one per cent, compared with a 3.3 average since 1945. Productivity is a real test of our strength as a nation, and therefore I fought for a small business and farmer's investment tax credit. Government bureaucrats and academic theorists just do not seem to realize that when business is profitable, workers productive; government prospers.

We should abandon the present oil import quota system which seriously inflates the price of gasoline for every American.

To reduce the severe strain on credit markets, we must balance the budget. Reducing or eliminating unnecessary government expenditures for such things as the SST, a plane for the wealthy only, the ABM, part of our missile-madness, and farm subsidies, among others, will greatly help to balance the budget. I must confess, however, that if President Nixon insists, as he is doing now, on slowing down the economy and speeding up the war, balancing the budget will be impossible.

The tragedy of the Nixon Administration is that when change was so desperately needed both in foreign and economic policy, President Nixon chose a policy of continuity, not change. He has chosen to continue a foreign policy that caused our present economic dislocations. The cost of Vietnam is inflation. He has chosen to continue an economic policy that neither cures nor contained this inflation. President Nixon's failure to make the hard decisions have caused the hard problems of today.

PROBLEMS OF BALTIMORE

Mr. MATHIAS. Mr. President, the Baltimore News American has initiated a campaign to help make Baltimore and vicinity a better place in which to live, work, and do business.

Through a series of articles, the paper plans to "point a finger at those who are doing Baltimore a disservice, deliver a pat on the back to those who are doing it a service and—perhaps most important—awake from lethargy those who are doing nothing."

It is good to see a newspaper roll up its sleeves and commit its energy and resources to solving the crime, dirty air and water, poor housing, falling tax base, and related problems which have beset Baltimore and other cities.

Although no one person or institution can do the work needed to rehabilitate our cities, the News American is to be commended for this effort to help Baltimore. It is to be hoped that other institutions will consider starting similar programs to help our Nation's cities in their time of crisis.

I ask unanimous consent that an article which explains the News American's commitment program be printed in the RECORD.

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

A DECLARATION OF THIS NEWSPAPER'S POLICY: COMMITMENT

The News American opens today a campaign we are calling Commitment.

It means simply that we are committing ourselves to helping make Baltimore—and its environs—a better place in which to live, work and do business.

It means that The News American is Committed:

To making the leaders and institutions of government respond quickly and effectively to the needs of our people.

To improving our court and penal systems.

To reducing the crime rate.

To reducing environmental pollution.

To improving our educational system.

To reducing the costs and improving the quality of health care.

To improved housing, both public and private.

To eliminating drug abuse.

In this effort we hope to establish a close working relationship with the community improvement organizations and neighborhood action groups which are trying to provide a better Baltimore. We solicit their help and suggestions and earnestly pledge our support.

The crisis of our cities is the major problem facing the United States. Baltimore with its high crime rate, its shrinking economic base, its spreading blight, its inadequate schools, its unresponsive institutions, its racial polarization, and its apathetic and fearful citizenry crystallizes the American dilemma in miniature.

But there is another side to life in the city.

We live in a city full of charm, rich with untapped resources in services, in housing, providing opportunity for all and peopled by colorful, imaginative and vital individuals.

We believe that the deterioration of this city is not an irreversible process and that the News American and its readers can play an important part in this effort.

Through commitment, we hope to point a finger at those who are doing Baltimore a disservice, deliver a pat on the back to those who are doing it a service and—perhaps most important—awake from their lethargy those who are doing nothing.

Neither this newspaper, an institution or an individual person can do the job alone. The commitment must be made by all, working in a united effort toward a common goal—the preservation and enrichment of Baltimore.

Too often in the past we have heard the cry that it is Government that must build better neighborhoods and create a better Baltimore.

But government alone can not do the job. Individual effort is needed by institutions and—most importantly—by people, your neighbors and you.

In his January, 1969 Inaugural address President Nixon underscored the necessity of commitment when he said:

"To a crisis of the spirit we need an answer of the spirit. We are approaching the limits of what government alone can do."

"Our greatest need now is to reach beyond government, to enlist the legions of the concerned and committed. What has to be done, has to be done by government and people together or it will not be done at all."

We do not ascribe to the theory, frequently voiced from the suburbs, that it is too late to save the City.

Baltimore will not disappear and neither will its problems. The danger is as real to those outside its boundaries as it is to those within, for the failure of this city will only mean that its bills must be paid by the people in the 23 counties of this state.

The question of whether or not we should

make the effort to save our cities is no longer relevant; the focus now is how.

Commitment will focus its attention in several areas:

What contribution can an individual make that will make a difference in the future of this city?

How can institutions, governmental and private, be made to respond to the needs of the city and its people?

Commitment will concentrate on all aspects of city life—provoking, hopefully, not discussion but action. The program will focus on the positive aspects of city life and attempt to deal with the problems not simply by criticism but by providing constructive alternatives.

Our function will be to spotlight the problem areas and encourage you, our readers, to do something about them.

YOUTH CAMP SAFETY

Mr. RIBICOFF. Mr. President, within a few weeks millions of youngsters will make preparations to spend all or part of the summer at camp. For most, camp will be a healthy and rewarding experience. Tragically, however, for some, it may mean injury or even death.

A careful study has shown that safety regulations affecting camps are generally weak or nonexistent. Most states lack comprehensive camp safety and health laws and over a third of them have no laws on the subject at all.

A timely and informative article in the May issue of the Kiplinger magazine, Changing Times, points out some of the potential hazards of youth camps.

The article stresses that while most camps are safe and well-run organizations there is little reliable information available to the parent seeking to make the right choice.

I have introduced a bill to remedy this situation by establishing nationwide standards for camp safety. The bill (S. 809) would provide a parent a readily available test with which to judge the camp of his choice.

In the absence of such standards, I highly recommend the Changing Times 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:

CHECK THE KIDS' SUMMER CAMP FOR SAFETY

Two years ago in California, four children were killed and 58 others were injured when a flatbed truck driven by a camp counselor overturned on an expressway.

At a camp in Michigan a child learning to scuba dive went down too deep and came up too fast. Surfacing, he forgot to exhale and his lungs burst.

An earlier tragedy that filled the papers still haunts the memories of the families involved. One warm day in July a group of touring American boys paused on their way up an 11,000-foot mountain in Canada's snow-capped Rockies. At 8,600 feet their adult leader dropped out of the climb, but he gave the boys permission to scale the peak that is shunned even by skilled alpinists in warm weather.

Clad lightly, 11 of the 16 youths had struggled to 9,500 feet when sun-softened snow rumbled above them for an instant and then swept seven boys to their deaths 1,000 feet down the mountain.

This year more than 7,000,000 boys and girls will troop off to spend part of their summer at camp. For the vast majority, camping in cabins, cottages and tents along-

side lakes and rivers or in forests will be a pleasant adventure, fondly remembered. For a few others it may well mean injury or death, and for survivors like those in the accidents described above, a lifelong memory of tragedy.

True, there is risk in nearly everything we do. Kids properly supervised in a reputable summer camp are probably safer than their friends running around the streets at home. But how can a parent considering summer camp for his youngster tell the good one from the loosely run outfit that entrusts kids' safety to staffers scarcely older or wiser than the campers themselves?

WHAT LAWS, WHERE?

A glance at the camp-safety record of many states proves that the decision is not one to be left to chance.

Most states provide little or no supervision to protect children from the kind of accidents that can cripple or kill. Based on the best information available, the leading cause of camp fatalities is drowning, which kills an estimated 40 youngsters each summer. Yet 40 states have no requirements for counselors who oversee water activities.

In 46 states there simply are no rules governing either the qualifications of vehicle drivers at camps or the types of vehicles that tote campers to and fro.

Nineteen states neither inspect nor regulate children's camps in any way. Although states demand reports on fires, highway accidents and industrial injuries, only a couple require children's camps even to keep medical records of severe illnesses or bad accidents.

Luckily for some campers a few states, such as Michigan and Colorado, have pioneered safety legislation that saves lives. And the American Camping Association (ACA) has developed over the years a set of health and safety standards that camps must meet in order to display the association's emblem. After a camp requests membership, a couple of inspectors trained in ACA standards check the camp's facilities and equipment, leadership, health and safety precautions, and note in writing how well activities are supervised.

Between 14% and 16% of camps applying for accreditation by ACA fail on the first try. Usually, the camp owner or director corrects the deficiency in a jiffy. Still, recommendations by the touring inspectors are just that. If a camp owner balks, all the ACA can do is deny him accreditation.

Only a little over a quarter of the 11,000 or so youth camps belong to the ACA. Most youth agency camps have their own standards or use the ACA's. This leaves the safety of thousands of others strictly up to the owners, directors and managers or to state officials, who often do little more than inspect routinely for adequate sanitation and water purity.

Of course, there are camps that could meet ACA's standards but have never applied, and there are good camps even in states with feeble laws.

But picking one worthy of your trust is not to be done by thumbing through fancy brochures picturing campfire songfests and canoeing on placid lakes.

HOW TO DECIDE ABOUT A CAMP

The best way to judge a camp is to visit the place yourself. Talk to the counselors and director. Notice whether facilities and equipment are well cared for. If a visit is impossible, try to find someone who knows the camp and ask for an appraisal. You might talk to youngsters who've been there; ask the camp to mail you a list of some campers from your area.

You would also be well advised to find out how long the camp has been in business, whether it is ACA-accredited and just what your state camping laws do cover.

Satisfy yourself on as many of the following points as you can, most of which are ACA recommendations. Observations during a visit will take care of many of them.

Personnel

Is the director 25 or over and does he have a college degree related to camping? Has he taken a refresher course within the past three years?

Counselors should be at least 18 years old in day camps, 19 in resident camps. How many counselors for each camper? Be wary on this point. Some camps pad ratios merely by calling every staff member a counselor, even if he doesn't work directly with campers. For a day camp with 8-year-olds a good ratio is one counselor to ten campers. The ratio should be one to eight where the kids range from 6 to 8, and one to six if they are younger.

Campsite, facilities, equipment

The camp should be well back from highways, and foot trails should be as far as possible from traffic. Inspect for such hazards as rocks, hunks of metal and poison ivy. If sleeping accommodations are not all at ground level, are fire escapes and protective devices provided for all other floors? Is the swimming area roped off and is there lifesaving equipment?

Be sure that the waterfront program is always under the direction of an experienced person over 21 years who holds a current American Red Cross water safety instructor's certificate. A certified senior lifesaver should be available for every 25 swimmers.

Can all watercraft be locked up when not in use? If there is a pool, it ought to be fenced. Any potential hazards—rifle and archery ranges, cliffs and the like—should be properly marked off and shooting equipment stored in locked cabinets.

Ask whether the camp is covered by proper accident and liability insurance.

Health

A good camp requires a physical exam for each camper before he checks in, as well as proof of inoculations and vaccinations and a medical history. It has a doctor or registered nurse on the staff or a physician on call.

Be particularly careful here. Some camps rely on the town doctor. If the camp is near a crowded summer resort, the doctor may be too busy when he's needed most.

Sanitation

You want to be certain that the camp complies with state and local health laws, has water that has recently been certified as safe, and stores its milk and food supplies away from obvious sources of contamination.

Transportation

Notice whether transportation equipment appears to be in good shape. Do vehicles provide safe seating for all passengers? Is there a safety-education program for personnel and campers who will use the vehicles?

Don't shy away from asking questions. Remember that a well-run camp should be eager to show you that it measures up to the very best health and safety standards.

ONE FAMILY'S TRAGEDY AND A BILL IN CONGRESS

Five years ago this spring, Mitch Kurman of Westport, Conn., waved his 15-year-old son, David, off to a camp in New York State.

Early in August of 1965 the Kurmans were asked to send money to replace some clothes David had lost overboard while canoeing on the Montreal River in Ontario—the first hint of trouble. Later the same month Kurman and his wife got a phone call, David was lost on the Penobscot River.

The Kurmans flew to Maine and looked with dismay at the west branch of the Penobscot, a churning, white-water rapids used by a paper company to shoot logs downstream. State police and townspeople agreed it was no place for canoes.

"In this stretch where the boy lost his life, below the Ripagenus Dam, logs actually tumble end over end. They don't float," Kurman says.

After the recovery of David's body and a memorial service, Kurman began poking into laws governing the qualifications of camp personnel like the counselors who led the fatal canoeing trip in Maine. To his amazement, he learned that most states neither license youth camps nor set training standards for counselors.

Kurman took his findings to Sen. Abraham A. Ribicoff (D-Conn.), who introduced a bill, called the Youth Camp Safety Act.

The bill would authorize the Secretary of Health, Education and Welfare to set minimum camp-safety standards and reimburse each state adopting the standards half of the administrative costs.

Ribicoff declares: "The bill is aimed at fly-by-night operations and those camps which are unaffiliated and unaccredited by responsible camping organizations."

"I have no desire to take the adventure out of camping, but I see no reason why the benefits of camping cannot be rendered in a safe and healthy atmosphere. Many camps already measure up to the highest safety standards. Others will be given the incentive to improve. Those that fail to provide a safe environment do not belong in business."

The bill was drafted four years ago. Although it has the support of a dozen cosponsors from both parties and the backing of a majority of members of the American Camping Association, it has never been approved.

Some objectors argue that the need for federal legislation has not been shown, ignoring the fact that the only complete survey of camp safety is one done 40 years ago. Yet last summer when the House of Representatives had a chance to order a realistic, modern study, it rejected a bill by Rep. Dominick V. Daniels (D-N.J.) that would simply have authorized a survey of the extent and effectiveness of state camping laws, such as they are.

THE MOST LIKELY MISHAPS

When a camper gets hurt, the injury is most likely to be a cut, bump or bruise from a collision with a tree, a post or another camper or from getting bopped with a ball. Next in order are falls from trees, buildings or horses.

These accidents accounted for nearly 60% of 1,134 camp injuries analyzed by Dr. Arthur E. Gjersten of the State University of New York and reported in *Camping* magazine.

He also found that an accident is most likely to happen on the camper's fifth day, either in the game area or on the waterfront. As you might suspect, boys 10 to 14 ranked at the top of the injury list, having 35% of the injuries, compared with 23% for girls of the same age.

Although most injuries were not serious enough to bar kids from camp activities, Dr. Gjersten says, "there is still a great deal to learn about camping accidents, and a study done on a nationwide scale would go a long way toward providing the answers camp directors and others need."

BOOKS BY CONVICTED ADVOCATES OF VIOLENCE

Mr. FANNIN. Mr. President, the tragic events of the last few days makes clear one thing: Violence feeds on itself and, if not curbed, can escalate into the

destruction of human life as well as of entire institutions.

Thus, it is with concern and alarm that I call attention to a book written by a convicted advocate of violence, Jerry Rubin, just published by the well-known book publisher, Simon & Schuster.

The publicity given the book by the firm and its blurb on the dust jacket, as described in an article published in the May 9 issue of *Human Events*, seem to me the height of irresponsibility.

I recall an article published a few weeks ago in the *New York Times*, stating that every one of those convicted in the Chicago trial had a book contract with a major publishing firm to "tell their story."

If Rubin's book is a sample of what is to come, then I can only agree with the charge that many of America's enterprises, particularly in the field of communications, seem to be concerned solely with profits and provide a real example of "the public good be damned."

I ask unanimous consent that the article from *Human Events* be printed in the *RECORD*.

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

[From the *Human Events*, May 9, 1970]

BOOKS BY CONVICTED ADVOCATES OF VIOLENCE

IN the wake of the violence that swept across the campuses and the country last week, Capitol Hill has become intrigued with a depraved little volume published by Simon and Schuster called *Do It!* Written by Jerry Rubin, one of the "Chicago 7" gang recently convicted of crossing state lines to provoke a riot, the book—aside from being saturated with pornography and obscene language—spells out some of the thinking of America's youthful revolutionaries.

Rubin, indeed, is quite frank. He says the idols of the New Left are Che Guevara, Fidel Castro and the Viet Cong—and he appears to relish the idea of bringing guerrilla warfare to the United States.

Maintaining that "Representative democracy is the enemy," Rubin sees his goal as smashing the existing order. Black Panther Eldridge Cleaver writes in the foreword, in fact, that he "can unite with Jerry around hatred of pig judges, around hatred of capitalism, around the total desire to smash what is now the social order in the United States of Amerika [sic]."

Rubin suggests he approves of virtually any tactic to bring down the Establishment, including sabotage, treason and the killing of cops. "We've combined youth, music, sex, drugs and rebellion with treason—and that's a combination hard to beat," he says at one point.

At still another: "When in doubt, burn. Fire is the revolutionary's god. Burn the flag. Burn churches. Burn, burn, burn." Jerry is also for stealing: "All money is theft," he says. "To steal from the rich," he continues, "is a sacred and religious act. To take what you need is an act of self-love, self liberation. While looting, a man to his own self is true."

The well-known Yippee leader acknowledges that the demands of demonstrators are deliberately unreasonable. The basic bargaining tactic of the revolutionary, he says is: "Give us an inch and we'll take a mile. Satisfy our demands and we got 12 more. The more demands you satisfy, the more we got. . . . Demonstrators are never 'reasonable.' We always put our demands forward in such an obnoxious manner that the power structure can never satisfy us and remain the power structure. Then, we scream, right-

eously angry, when our demands are not met."

Rubin has lots more, but what is truly incredible is that Simon and Schuster have not only published this evil little tome, but that they are promoting it in a way as though they endorse it.

The back of the book, in fact, carries this "hip" message from the publishers: "DANGER! This book will become a Molotov cocktail in your very hands. Jerry Rubin has written The Communist Manifesto of our era. *Do It!* is a Declaration of War between the generations—calling on kids to leave their homes, burn down their schools and create a new society upon the ashes of the old. . . .

"This book is the most important political statement made by a white revolutionary in America today. Eldridge Cleaver, Black Panther leader in exile, has written an Introduction to it from Algeria. . . . *Do It!* is to be danced to. Read aloud. Studied. Memorized. Debated. Burned. Swallowed. Eaten. But most important, after living through the experience of this book, take its final advice: *Do It!*"

Though the publishers are somewhat flip-pant in tone, their advice still comes through loud and clear. *Do It!*; i.e. join with Jerry to further the destruction of America.

In short, Lenin continues to be proved right in his belief that capitalists—some, at any rate—are willing to peddle almost anything for a few bucks—even if it eventually leads to their own destruction. For those who may disagree with the publisher for pandering to anti-American revolutionaries, we suggest they write to Simon and Schuster, Rockefeller Center, 630 Fifth Avenue, New York, N.Y. 10020.

WALTER REUTHER: A GREAT HUMANITARIAN

Mr. YARBOROUGH. Mr. President, the world was shocked and saddened by the tragic loss of Walter Reuther and his wife on May 9. Not only has the American labor movement lost one of its greatest leaders, but the poor, underprivileged, and suppressed peoples of the world have lost a devoted friend who dedicated his life and his boundless energy to improving their lives. Walter Reuther was more than a labor leader; he was also a humanitarian. He worked to improve the lot of working people all over the world, at home and abroad.

From the day of his birth to the day of his death, Walter Reuther's life was intertwined with the American labor movement. Walter Reuther was born the day before Labor Day, September 1, 1907. His father was an organizer for the United Brewery Workers. He left school at 15 to become a tool-and-die maker. In 1937, at the age of 30, he founded the UAW. His first local had only 78 members, but through his leadership the UAW has grown to its present size of 1.6 million members.

Walter Reuther was an honest and aggressive leader who put the welfare of his members ahead of his own safety and comfort. His legendary achievements as a negotiator provided goals for labor leaders throughout the world. Among his many precedent-setting victories at the bargaining table were:

- First, the first profit-sharing plan;
- Second, the first guaranteed annual income plan; and
- Third, the first management paid pension.

In addition to these innovations, Walter Reuther negotiated for his members wages, hours, medical programs, and vacation benefits that were among the best in America.

Walter Reuther believed that labor must play a constructive role in all facets of American life. Therefore, he fought hard to keep the UAW free of corruption and Communists. His zealous efforts resulted in two attempts being made on his life. Despite the personal danger he constantly lived with, Walter Reuther never retreated in his fight to keep the labor movement from being taken over by those forces that would have destroyed it.

Although his leadership in labor-management relations will long be remembered, it was Walter Reuther's courageous stands on the great human issues of this century which secure his place in history. In the early days of the civil rights movement, before it became a popular and fashionable cause, Walter Reuther spoke out for equal rights and equal opportunity for all Americans. When the migrant workers of the Southwest began their historic struggle for decent wages and working conditions, Walter Reuther and the UAW were quick to give them full support. Walter Reuther was concerned for the poor people of the country and, therefore, was one of the first to advocate a guaranteed annual income for all Americans.

Walter Reuther was particularly concerned about the health of our people. He organized a committee of 100 professional people, labor leaders, and public officials to work for a program of national health insurance. I am privileged to serve on this committee, and I earnestly hope that Congress will act to pass such a program. Nothing could be a more fitting tribute to Walter Reuther.

Walter Reuther was also deeply disturbed by the tragic war in Vietnam. He was one of the first prominent Americans to speak out against the war and call for early settlement of it. To those who argued that the war was necessary to insure full employment, Walter Reuther answered that the urgent needs of this Nation require an all out effort that could utilize the talents and energies of all American workers. In his last appearance before the Labor and Public Welfare Committee, Walter Reuther outlined his plan for the conversion of our present wartime economy to peacetime production without jeopardizing the jobs of our workers.

In the final analysis, Walter Reuther was a maker of history not just an observer. He solved problems rather than created them. Above all else he was a good and just man. As immortal Shakespeare wrote:

His life was gentle, and the elements So mix'd in him that Nature might stand up And say to all the World, "This was a man!"

I am grateful that I had the opportunity to know Walter Reuther. The Nation and the world have benefited from his vision, wisdom, leadership, and kindness. He will be missed by all those who love humanity.

DIRE VIEW OF UNITED STATES FROM ABROAD

Mr. SAXBE. Mr. President, the eminent British historian, Arnold Toynbee, has written a brief commentary entitled "A Dire View of the United States From Abroad." His social and historical expertise has enabled him to incisively capulize our current image in handling our foreign and domestic problems.

Toynbee has written about the rise and fall of 26 civilizations. As one so expert in the decline and fall of civilizations, it is comforting that, in spite of his dire view, he still sees hope in ours.

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:

A DIRE VIEW OF THE UNITED STATES FROM ABROAD

(By Arnold J. Toynbee)

LONDON.—To most Europeans, I guess, America now looks like the most dangerous country in the world. Since America is unquestionably the most powerful country, the transformation of America's image within the last 30 years is very frightening for Europeans. It is probably still more frightening for the great majority of the human race who are neither Europeans nor North Americans, but are Latin Americans, Asians and Africans. They, I imagine, feel even more insecure than we feel. They feel that, at any moment, America may intervene in their internal affairs with the same appalling consequences as have followed from American intervention in Southeast Asia.

For the world as a whole, the C.I.A. has now become the bogey that Communism has been for America. Wherever there is trouble, violence, suffering, tragedy, the rest of us are now quick to suspect the C.I.A. has a hand in it. Our phobia about the C.I.A. is, no doubt, as fantastically excessive as America's phobia about world Communism; but, in this case, too, there is just enough convincing evidence to make the phobia genuine. In fact, the roles of America and Russia have been reversed in the world's eyes. Today America has become the world's nightmare.

Like Communist Russia, America has committed atrocities in the cause of truth and justice, as she sees them. We believe that American fanaticism, too, is sincere. This makes it all the more alarming.

In terms of the number of lives taken and of lands laid waste, America's score is, unhappily, far higher than any other country's since the end of World War II. Would I rather be a Vietnamese who was being "saved" by the American Army, or be a Czech who was being "saved" by the Russian Army? Of course I would rather be the Czech. The number of lives taken and the amount of devastation caused by the 1968 Russian military intervention in Czechoslovakia were small, measured by the standard of America's record in Vietnam.

How is America dealing with her problems? As we see it, she is failing to deal with them, and this is the most terrifying feature of American life today. The American people seem to us to be moving rapidly toward civil war: middle-aged noncombatants against young men subject to the draft; the affluent against the poor; white against black; students against the National Guard (the most immediately perilous of all these multiple confrontations).

The American home front is more crucial than the ports in Vietnam and Cambodia and Taiwan and Korea and the Middle East. The decision on America's home front is going to decide the fate of the world, and the rest

of us can do nothing about it. We have no say, but we, too, are going to be victims of America's domestic agony.

With growing anxiety, we watch a spectacle that we never expected to see. Who would have foreseen that America would repudiate George Washington's warning against entangling alliances? Or that America would cease to be a land of hope? And who would have expected to find himself wishing that America would box the compass for a second time within one lifetime—wishing, I mean, that America would retreat again into the isolation from which we were once so eager to see her emerge?

Is there, then, no hope of reconciliation on America's home front? I catch a gleam of hope when I recall some words that I heard an American officer let fall two years ago in a discussion on the international situation. "There are going to be many more Vietnams," this officer said, "though the mothers of America won't like it."

The mothers of America: This representative of the Pentagon had detected the great power that was going to be the Pentagon's most formidable adversary. The Pentagon versus the mothers of America. In Cambodia we now already have a second Vietnam.

The mothers of America have still to go into action, and I believe this is a battle that the Pentagon cannot win. In the mothers of America I do still see home hope for the world.

THE COST OF THE VIETNAM WAR

Mr. HART. Mr. President, in a speech at Colby College, May 10, the Senator from Maine (Mr. MUSKIE) put the cost of the Vietnam war this way:

Can we buy them (the Saigon government) more time? Not if the price is the destruction of fundamental values and relationships in our own country.

Mr. President, I agree with the Senator's position, and I agree with the reasoning which led him to that position.

First, at most our commitment to the Saigon government was to give that government time to build the public support needed to build their own country.

In the words of Senator MUSKIE:

We have bought that time at tremendous cost to ourselves—in treasure, in lives, and in the neglect of pressing problems here at home.

Now it is time for the Saigon government to live up to its commitment to us.

Second, and again in the words of the Senator from Maine:

We who are older must be concerned that the policies for which we are responsible do not cause you to lose faith in our country's purpose and basic humanity. This is the challenge which hangs over all other questions raised by our policy in Southeast Asia.

Having reached the conclusion that "the most important immediate objective of our foreign policy must be to end our military involvement in Southeast Asia," Senator MUSKIE outlined the resolution he submitted yesterday, which he correctly called a "declaration of peace."

As a cosponsor of that resolution and as one who agrees with the points outlined in Senator MUSKIE's talk at Colby College, I ask unanimous consent that excerpts from his speech be printed in the RECORD.

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

EXCERPTS FROM REMARKS BY U.S. SENATOR EDMUND S. MUSKIE

I am here today because you asked me to come. And because I believe Americans must talk to each other about our war policy, which divides us so deeply and so bitterly.

We must do so calmly and rationally.

We must do so without attacking each other's motives. And without attacking each other physically.

Our objective is to improve our country—not destroy it.

I know that you share that objective.

I know that, whether you agree or disagree with our policy, you do so because you care about what happens to our country.

I have met with hundreds of thousands of young Americans in the last two years—and I know that the one thing you want above all—is that the United States should be wise, humane, compassionate and just. My generation wants that too.

The young people I speak to in every corner of our land are like you—not aliens, but Americans, born in our villages and towns and cities, raised in our families, educated in our schools. You are our children, and the only future America has.

We who are older must be concerned that the policies for which we are responsible do not cause you to lose faith in our country's purposes and basic humanity.

This is the challenge which hangs over all other questions raised by our policy in Southeast Asia.

And so I reach what seems to me an inescapable conclusion.

The most important immediate objective of our foreign policy must be to end our military involvement in Southeast Asia.

The rights and the wrongs of our intervention in Southeast Asia are the subject of continuing debate and they await the verdict of history.

Simply stated, our purpose was to buy the people of South Vietnam time to build a country.

We have bought that time at tremendous cost to ourselves—in treasure, in lives, and in the neglect of pressing problems here at home.

Whether that time has been used as effectively as it might have been—

Whether, indeed, the South Vietnamese people have built a viable country—

Whether they have built something that will survive after we leave—

Questions such as these will be answered only when the South Vietnamese people are completely on their own.

Can we guarantee them success?

Can we afford to buy them more time Not if the price is the destruction of fundamental values and relationships in our own country.

And that is the price which faces us.

To avoid paying that price requires that we make a clear, definite, unqualified commitment to our own people to withdraw all our forces from Southeast Asia.

Until April 30th, enough Americans believed that to be our objective to make the President's policy acceptable

—notwithstanding its ambiguities

—notwithstanding its emphasis on military rather than diplomatic initiatives.

The President's Cambodia venture undermined that uneasy support for understandable reasons:

1. Whatever its military justification, it sounded like just another replay of an old record—"if we will just take this one more military step, we can end the war quickly." How many times have we heard that record before as our involvement grew from 16,000 advisers in 1963 to more than 500,000 men in 1968.

2. Just ten days before his Cambodia speech, the President made another speech, announcing the withdrawal of 150,000 more troops in the next twelve months.

He said he made the decision after "full consultation" with his commanders in the field. He expressed no reservations, no doubts—no security risks to the troops.

And yet, just ten days later, he told us the Cambodian venture was "indispensable" to that troop withdrawal.

And, at his press conference the other night, he told us it was necessary to save "hundreds, if not thousands" of American lives.

3. In the first speech, the President told us that "negotiations" are the "key" to a settlement of the war. Whatever the military outcome of the Cambodia venture, how can it possibly add to the credibility of our commitment to negotiations?

4. It seems obvious—after the terribly divisive two years through which we have moved—that any policy in Indo-China—to be successful—must rest on a base of full public understanding and support. And yet—what was the sequence of events?

The reassuring first speech, expressing confidence that the end is in sight;

The reassuring appearance of the Secretary of State on Capitol Hill;

The failure to give Congress any advance notice whatsoever;

And then, suddenly, like a bolt out of the blue, the Presidential announcement of the Cambodian venture.

In one stroke, the President—

Raised the risks of a deepening and prolonged military involvement;

Reduced the prospects of a negotiated settlement;

Seriously undermined public and Congressional confidence in his policy;

And imposed additional strains upon the bonds of mutual trust and confidence which are essential to our unity as a people.

We in Congress—as a result—are being besieged by pleas to assert our responsibility in shaping Southeast Asia policy.

I cannot recall a similar flow of mail, telegrams, telephone messages, and personal appeals on any issue.

To respond—under our system of divided powers—is not easy.

The President is Commander-in-Chief. The Constitution does give him dominating authority in the field of foreign policy.

It is a desirable principle that in these areas of responsibility, we have the flexibility to exercise discretion in response to unanticipated contingencies.

Nevertheless, in the unprecedented circumstances in which we find ourselves, we in Congress have a responsibility to find legislative ways—awkward though they may be—to express our views of what our policy ought to be. The effort, whatever the legislative result, should influence our policy in a useful and constructive way.

A number of such proposals have been offered.

Tomorrow, I shall introduce my own resolution which provides the following:

1. That we commit ourselves to seeking a peaceful resolution of our differences with North Vietnam.

2. That we withdraw all our military forces from and cease military operations in Cambodia.

3. That we seek an immediate, standstill ceasefire throughout Indo-China.

4. That we commit ourselves to the withdrawal of all our forces and military personnel in a specified time, not to exceed 18 months.

5. That our delegation in Paris be strengthened with negotiators empowered and directed to facilitate a political settlement.

6. That we encourage a conference of Southeast Asian nations to settle political differences.

7. That we pledge technical and economic assistance to repair the damage of war.

8. That we urge the President to develop

a complete withdrawal plan, such withdrawal to be completed within 18 months.

9. That appropriate committees of the Senate submit legislation, not later than July 15, 1970, to implement these objectives.

Such a resolution, if adopted by the Senate, would constitute our declaration of peace.

RED CHINESE SPACE SATELLITE

Mr. THURMOND. Mr. President, May Day, May 1, is the day Communists celebrate their power and May 1, 1970, was significant because the Red Chinese Communist Government has a space satellite circling over America and the remainder of the world.

This achievement by the Red Chinese demonstrates their continuing efforts to become a world power. More serious it gives them the potential to orbit around the earth nuclear or other weapons.

The Communists in Red China have never hesitated to use blackmail to achieve their goals. They are ruthless and power mad.

In the last few years we have seen the Chinese set off a nuclear blast and now this space satellite. Perhaps this latest development may convince some people we need an ABM and defense forces with clear superiority if we are to survive in the remainder of this century and beyond.

An excellent editorial on this subject entitled "Dangerous Combination," was published in the Augusta, Ga., Chronicle of April 28, 1970. 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:

DAUGHTER OF COMBINATION

Although Communist China's first manifestation of the capabilities of its newly launched initial earth satellite centered on the broadcast of a revolutionary anthem, "The East is Red," the long-range implications conveyed far less harmony than did this or any other musical composition.

Despite the tremendous potential of earth satellites for the peaceful advancement of mankind's interests, the likelihood is all too great that what Peking aims at is a nuclear club with which to blackmail other nations.

The successful operation of a rocket powerful enough to launch the satellite—probably a multi-stage engine—indicates the strong probability that Mao's scientists and engineers also are developing long-distance ballistic missiles. No matter how much surprise may be felt by complacent Americans who have been eager to strengthen the Communist Chinese economy with trade and diplomatic recognition, it is really no surprise to the Administration in Washington.

It should have been noted more generally that on Feb. 20 of this year Secretary of Defense Melvin R. Laird told a joint session of the Senate's Armed Service Committee and Appropriations Committee that Peking "in the near future" would test either its first intercontinental ballistic missile or its first space satellite. Those who thought this was mere speculation to strengthen the Administration's desire for support of an expanded anti-missile defense system now may see the realism with which Secretary Laird assessed the situation.

Intelligence analysts estimate, in fact, that by mid-1975 Red China may be able to develop and deploy between 10 and 24 ICBMs capable of menacing the United States. It is not hard to foresee the pressure which Sen-

ate doves would put on the White House if Peking used the threat of nuclear attack in an attempt to force democratic nations to abandon Southeast Asia to a Communist takeover. The Maoists might thus, without any effective opposition, be able to exploit a rich-growing area that could feed all China while that nation used its own manpower for a program of conquest.

Space capabilities in themselves are not dangerous. When combined, however, with the unrest and the potential propaganda-reaction of a people whom Mao has kept ground down in abject need of the very essentials of life, the mixture could be explosive.

SECRETARY OF THE INTERIOR WALTER J. HICKEL

Mr. MOSS. Mr. President, last week the Washington Post published an editorial about the recent letter from Secretary of the Interior Walter J. Hickel to President Nixon.

The editorial points out that the Post had opposed Mr. Hickel's appointment to the post of Secretary of the Interior but has been impressed with the job he has done since taking office.

I find myself in the same position. I opposed Secretary Hickel for much the same reasons as did the Post, and I find myself today very much impressed with the way in which Secretary Hickel has functioned in the office.

I am also impressed with the courage with which he addressed himself to the President in his recent letter. He saw a need for action on the part of the administration and he said so.

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:

FAITHFULLY YOURS, WALLY

Such was the controversy over the appointment of Interior Secretary Walter J. Hickel that he was the last of the Nixon Cabinet members to be confirmed. People, ourselves among them, said he was insufficiently ardent about conservation. But he began to cross us all up rather quickly, first by becoming the alligator's best friend, then by becoming, pretty much across the board, conservation's friend. Now he has crossed up the critics again by becoming the first Cabinet member to stand up and take issue with this administration, and in the process emerge among his colleagues, as youth's best friend.

Since the business of leaking private letters to the President has been carried to a high art lately, it is useless to speculate about how this document came to public attention or whether Mr. Hickel would have written it quite the same way for publication. The important point is that it bears his name, and he stands by it, and it says some things that badly needed saying. It says that this administration, in so many words, "appears to lack appropriate concern for the attitude of a great mass of Americans—our young people." Now some of us have detected a suggestion, shall we say, of this falling for some time, in the remarks of the President, in the general attitude of the administration toward campus protest, and the Moratorium and the Mobe, and universities generally. And of course it has been most apparent in the mindless incitement of the young by the Vice President.

It is still too early to know whether Mr. Hickel's letter betokens something more than

a profound anxiety over this weekend, an anxiety which might vanish if all goes well, or turn into vindictiveness if it goes badly. Certainly there are signs, noted above, that the administration is approaching the weekend in a more conciliatory and sensitive spirit. There are even reports that a general command to "cool it" has gone out from the White House and that it specifically includes Mr. Agnew. This would make some sense, of course, because there is a very large contradiction between the way the White House is now behaving toward the challenge of this weekend's protest, and the way the Vice President approaches these things.

For now it is enough to hope—and there is a lot of hope in a letter from a Cabinet member urging greater concern for youth upon a President who only last September was saying "under no circumstances will I be affected whatever" by student activity against the war. Signatures on a letter are a formality most of the time but "faithfully yours, Wally" is a particularly appropriate signature for a letter from a member of the Cabinet bearing so much wise counsel, as well as candid criticism, to a President.

WALTER REUTHER

Mr. HARTKE. Mr. President, the organized labor movement has lost one of its most articulate and idealistic leaders. For more than three decades, Walter Reuther acted as the social conscience for organized labor. Now he is dead and it can only be hoped that his concerns will continue to be pursued with the same burning intensity, the same intelligence, and the same vision that he brought to them while he lived.

As president of the United Automobile Workers, Walter Reuther won unprecedented economic gains for his workers while at the same time never losing sight of what he considered the broader goal of the American labor movement: the improvement of the quality of life in this country and around the world. For him the view that a union's only responsibility was to effect improvements in wages, hours, and working conditions was both obsolete and wrong. For Reuther, involvement in social causes seemed both a natural and logical extension of unionism's more traditional objectives.

Clearly, in this time of acute social crisis, organized labor cannot afford to forget the lesson that Walter Reuther taught it. If this Nation is to progress and prosper we must have the help of those in the movement who treasure social improvement as much as they do gains in wages, hours, and working conditions.

CONGRATULATIONS TO NARCE

Mr. MOSS. Mr. President, May 22 of this year marks the 50th anniversary of the date President Woodrow Wilson signed into law the first civil service retirement legislation.

This important date, which marks the first time that Congress has officially taken note of the valuable services provided by civil service employees, is the subject of a celebration this May 13 for the members of the National Association of Retired Civil Employees.

I join with all Americans in my congratulations to NARCE on this anniversary, and I express my personal thanks

for the invaluable assistance and support the members of NARCE have given me through the years.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in Retirement Life for February 1970. The article is an excerpt from a statement written by Robert H. Alcorn, fourth national president of NARCE in 1955, marking the 35th anniversary of the signing of the retirement legislation.

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

THE 50TH ANNIVERSARY OF CIVIL SERVICE RETIREMENT

Because it so happened that I was one of those in the thick of the fight, I have been asked for a brief story of the long struggle for a retirement law for civil employees in the service of the United States Government. It was a long, hard, uphill fight. All that space here will permit will be but a few of the highlights as I recall them.

Soon after I entered the Government Service, on March 10, 1910, at the Naval Gun Factory in Washington, D.C., there developed a good deal of talk about retirement. The reason became quite clear as a newcomer observed the many very old employees, quite a few well past the age of 70. Within two years there was formed within the Gun Factory a small body of employees which was given the name of "Retirement Committee." This group set up a plan for raising funds to help in securing all possible information on existing retirement laws, in States and cities and in some industries which had a form of retirement. The Committee sent out subgroups to collect data, and to arrange interviews with some members of Congress. Finally, a sub-committee was appointed to get a bill drafted and introduced in the House and Senate. Copies of the bill were sent out to other employee groups, in Navy Yards, Naval Stations and Arsenals.

During this early period some progress was made by the Naval Gun Factory employees in contacting other groups. Many bills were presented to both House and Senate. Hearings were requested and some were held. But friends in Congress were few. As time went on, the convening of each new Congress saw many proposals for a retirement law. Support of some members was won and they in turn enlisted the support of other members, but they were not enough.

Year after year the fight went on. While it did seem that little progress was being made, there was the heartening fact that sympathetic groups in the Navy Yards, Naval Stations and Postal Service and elsewhere were coming to the front and were increasingly on the job.

Even so, it became increasingly clear that we not only had foes in Congress, but that in our appearances before House and Senate committees there was a deplorable lack of unity in our own ranks. In a hearing before a Senate Committee in 1917 a friendly Senator told us bluntly that we would not get any retirement bill passed until we could get together and work out a plan on which we could all agree. Shortly afterwards a meeting of leaders was called, and not until then was it decided to organize a conference in which all groups would be represented.

FRONT

I have at hand no record of the exact date upon which the Joint Conference on Retirement first met. It is of little importance as compared with the fact that it did meet, and that it was truly representative of the Civil Service employees of the United States in their various groupings. A motion was made and carried to appoint a special committee of not more than seven members to seek and recommend a compromise satisfactory to all.

The seven members were appointed and approved by the Conference, and in course of time this special committee made its report, with recommendations on a compromise. The plan was approved. A compromise bill was drafted and approved. At last we had moved our forces into a solid front.

WE WIN

A meeting with the Chairman of the Post Office and Civil Service Committee was arranged. They agreed to bring the compromise bill up for hearings when it should be referred. Senator Thomas Sterling of South Dakota and Congressman Frederick R. Lehlbach of New Jersey introduced the bills. This was in 1919. Nine years had passed since early talk in the Naval Gun Factory brought me into my small part in a history-making movement toward higher ground for the civil employees of the United States Government.

After some delay the hearings began. On the whole, the tide was clearly running our way, but the question of cost loomed up in the Senate Committee hearing as a bridge to cross. More data was needed. The Government Actuary and other financial specialists submitted reports.

Finally the Senate bridge was crossed and the Senate bill was reported out. After a hard fight the Sterling Bill was passed. Hearings were still on in the House Committee, but with the news that the retirement bill had passed the Senate, the Committee voted to report the bill out, in form identical with the Senate bill. It passed the House on the 17th of May, 1920. A proposal for the first Civil Service Retirement System in the history of the United States had been approved by both Houses of the Nation's Congress. With the signature of the President affixed, it would be come the law of the land. President Woodrow Wilson signed the bill on May 22, 1920.

Make no mistake—this was no one-man fight. Many loyal members of several groups fought and stood steadfast until victory was won. Many who fought in the great battle have long since passed on. Many members of Congress who helped to get a Retirement Law enacted have passed on. Many loyal, true, faithful friends—my friends, your friends—are still warm in my sweet and trying memories.

RUMANIAN INDEPENDENCE DAY SHOULD HELP INSPIRE SENATE TO RATIFY HUMAN RIGHTS CONVENTIONS

Mr. PROXMIER. Mr. President, May 10, 1970, marked the 93d anniversary of Rumanian Independence Day. This day is celebrated as a national holiday by Rumanian people around the world. And to others it is a tribute to the brave Rumanian people, for their unceasing devotion and dedication to the principles of freedom and liberty.

The courage of the people of Rumania in their long struggles for self-determination is legendary, and certainly serves as a sterling example to those of us concerned with the international protection of human rights. I think it fitting today that we recognize this courage, and join with the Rumanian people in their celebration of Rumanian Independence Day.

Throughout history, Rumania has been a crossroads between East and West. Partly for this reason, Rumania remained divided among her neighbors for nearly 400 years until she gained her independence in the second half of the 19th century. During those centuries Rumania was a part of the Ottoman Empire and was ruled by the callous agents of

the sultans. The Rumanian people suffered a great deal, and they struggled hard for the attainment of their freedom. In 1877, when the Russo-Turkish war was raging in the Balkans, Rumanians cast off the Ottoman yoke and proclaimed their national independence on May 10.

That was a memorable day in Rumanian history. Then, Rumanian forces joined the Russians in the war against the Turks, and at the end of that war their independence was confirmed by the Congress of Berlin. From that time until the First World War they enjoyed their freedom. In that war they fought on the victorious side of the allies, and in the end succeeded in having their lost territory restored to them. Rumanians were also involved, much against their will, in World War II, during which they became victims of Soviet aggression. A Communist government was set up there by Moscow, and to this day Rumanians live under Communist rule.

Today's Communist leaders of Rumania are reluctant to take orders from Moscow and often assert their right to independence within the Socialist-Communist community of nations.

In any event, the Rumanian people will not submit for any length of time to alien rule and will carry on their fight for freedom and human rights for all peoples suffering under foreign domination.

I think this struggle demonstrates just how precious these human rights are. It also demonstrates just how compelling are the arguments in favor of Senate ratification of the human rights conventions.

URBAN INSTITUTE STUDY USES SOCIAL INDICATORS

Mr. MONDALE. Mr. President, for some time now, an area of deep concern to me has been the state of our society—where we stand with regard to the conditions of life of our people, and how forces, movements, institutions, and circumstances cause our social state to change. This concern resulted in my introducing S. 5, the Full Opportunity Act, which establishes a Council of Social Advisers.

On April 27, the Washington Evening Star carried an article on an unpublished study by the Urban Institute, which is a pioneering attempt to measure social conditions in a metropolitan area. I congratulate the Urban Institute for picking up the ball in a most pressing area of social research need—that of developing meaningful, useful measures of social conditions and social change.

I am glad that this first study on Washington, D.C., will be followed by studies of other areas. I hope that my fellow Senators will recognize the need to give greater priority and financial support to the efforts of our social scientists in this area. My own bill instructs the Council of Social Advisers to develop a series of social indicators for the purpose of analyzing and interpreting social phenomena in our country. The bill has been favorably reported to the full Labor and Public Welfare Committee, and I hope it will soon be considered by the Senate.

The article is of interest because of its summation both of the substantive findings of the report with regard to the Washington metropolitan area, and of the methods used for determining those findings. I ask unanimous consent that it be printed in the RECORD.

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

RACIAL EQUALITY, JOBS SHOW DETERIORATION (By Michael Anders)

The Urban Institute analysts have measured for the first time the quality of life of people living and working in metropolitan Washington, with somewhat surprising results.

Their findings showed that there has been an apparent deterioration in several areas, including two—racial equality and employment—which generally were believed to have been bright spots.

The unpublished study marks the first time the quality of life in any U.S. city has been charted on such a broad scale and represents an important breakthrough in the sophisticated field of urban technology. It covers the years 1967 and 1968, the last two years for which data was available.

The study was written by Martin V. Jones and Michael J. Flax in the first of a series planned by the institute. Jones and Flax sought to determine whether living conditions in the Washington area were better or worse than three years ago, how the conditions compared with other urban centers, and if the rate of change was faster or slower than other cities.

An apparent improvement was listed in five areas with little or no change in two others.

The pair used the rapidly spreading technological principle of "social indicators" to measure life-style quality in 14 areas. The study was "limited" in that only one indicator was used for each area studied, although several indicators could have been employed.

Statistics on nonwhite and white employment, for example, were used to gauge racial equality.

Conditions that appear to have worsened, the report said, include crime, social order, air pollution and traffic safety in addition to racial equality and unemployment.

Most of these conditions also fell into a negative category when compared with other cities. Washington, for example, has one of the lowest unemployment rates in the country. But the study said unemployment here is either rising faster or dropping slower than other cities. The rate went from 2.3 percent in 1967 to 2.7 percent in 1968.

When compared with 17 other areas, the report said, social disintegration—as indicated by the narcotics rate—and housing conditions were changing at about the average rate for those cities.

EDUCATION, PARTICIPATION

On the plus side, the report said improvements were apparent in recent years in the areas of personal income level, poverty, health, mental health and community concern.

The study found that there has been little or no change in the area's education status, based on the draft rejection rate, or in citizen participation as indicated by voting in presidential contests. This is about the same pace as other areas are averaging.

The authors stressed they could not "detect significant trends" because the study was a comparison of only two years and several years of social charting would be needed before significant trends could be ascertained.

"We caution about reading into our measures of urban conditions more than we have specified," they said. "At best, we have meas-

ured representative qualities of urban life... in no case do we contend that our measure is a surrogate of the total quality in the area cited."

"Some experts may feel this report greatly oversimplifies an enormously complex subject," they said. "We believe that (there is) a real need for a simple set of urban quality measures."

BASIS FOR DECISION

Jones said in an interview yesterday that a statistical vacuum exists in the field of human resources and that social indicators would be a major benefit for nontechnical users of their report such as community groups.

When such an approach is fully operational in a few years, Jones said there will be a "good data bank for the people" to make decisions affecting their lives.

"It is better to do it on this basis than to talk to friends or because they had a bad experience at a hospital," he said.

Both Jones, who has a master's degree in economics, and Flax, who holds masters' degrees in economics and engineering, have been with the institute for about one year.

They previously worked for the Mitre Corporation, a non-profit systems analysis organization based in Bedford, Mass.

They presently are working on a study comparing Washington with its contiguous suburbs. It will be completed by early summer.

MR. FRANCIS M. WILSON, U.S. MARSHAL EXTRAORDINARY

Mr. SYMINGTON. Mr. President, I invite the attention of Senators to the outstanding public service given by Mr. Francis M. Wilson during his 9 years as U.S. marshal for western Missouri.

Mr. Wilson performed his administrative and law enforcement duties in such an exemplary manner that many knowledgeable persons considered him as one of the top two or three U.S. marshals in the country. He also established excellent working relations with local and State law enforcement officers. He was so well and favorably known for the type and character of office he conducted that a number of leading newspapers in his district commented upon his contribution as a public servant. The St. Joseph News-Press carried an editorial commending him for his service and a news feature story giving some of the highlights of his 9 years in office. Earlier this year, my colleague from Missouri (Mr. EAGLETON), placed in the RECORD an editorial from the Kansas City Star.

Thanks to action by Congressman WILLIAM R. HULL of Missouri, Mr. Wilson's services in another important capacity, that of field secretary to his Congressman, are still available to Missourians.

I ask unanimous consent that the St. Joseph editorial of February 9 and the article of February 22 on Marshal Wilson be included in the RECORD, together with that newspaper's report of his new position.

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

[From the St. Joseph (Mo.) News-Press
Feb. 9, 1970]

THE RETIRING MARSHAL

It is fortune of politics, as of war, that there be casualties.

Francis M. Wilson is one of those. A Democrat, he is to be replaced as United States marshal of the western district of Missouri by John Pierpont, a Springfield real estate man.

All federal judges of the sprawling western district will attest to the fact Mr. Wilson has made an excellent record during his nearly nine years as marshal. So, too, will countless lawyers and other persons who have had contact with that office during the period he has served.

First marshal to be named by President Kennedy, first marshal to be reappointed by President Johnson, and last Democratic marshal to survive during the Nixon administration, Mr. Wilson is deserving of congratulations for a job well done.

And to his successor, Mr. Pierpont, we wish the greatest success in his new position. It is a very important post.

PRESIDENTS, PRISONERS IN LOT OF MARSHAL

(By Harold M. Slater)

F. M. Wilson last week wound up a nine-year career as United States marshal of the Western district of Missouri that brought him into contact with Presidents of the United States, others high in government—and some of the most notorious criminals in the nation.

He has served as an escort for Presidents Harry S. Truman, Lyndon B. Johnson and John F. Kennedy, and he has had Black Panthers, Minutemen, and even the famed "Birdman of Alcatraz" in his personal custody.

In the nine years since President Kennedy selected him as the first United States marshal to be named in his administration, Mr. Wilson and his staff have handled more than 25,000 prisoners—some on long trips—without a single one escaping.

A Democrat, Mr. Wilson was replaced by Republican John Pierpont, Jr., a Springfield real estate man. Federal judges of the western district of Missouri made a valiant effort to have Mr. Wilson retained despite the change in administrations, but politics prevailed.

A resident of Platte City, Mr. Wilson has been active in politics since boyhood, as were his father and grandfather before him.

At a recent testimonial luncheon for the retiring marshal at Kansas City, Chief Judge William Becker of the federal court of the western district of Missouri paid tribute to Mr. Wilson for his devotion to duty, his loyalty, his generosity, his courtesy, friendliness and personal courage.

Where personal danger existed, said Judge Becker, Mr. Wilson personally took over the task and could be found in the center of greatest danger in performance of the duties of the marshal's office.

It brought to mind several incidents. There was the time, for example, about five years ago when an Ozark farmer defied a court order to vacate land the federal government has acquired for the Pomme de Terre dam. The farmer said no one was going to make him move—and he backed up his position with a shotgun and a pack of vicious dogs he maintained on the property.

Marshal Wilson went personally to the scene. He solved the vicious dog problem by throwing hamburgers loaded with tranquilizers to the canines. They relaxed peacefully. Then he drove over a fence to tackle the shotgun-armed hillbilly. There was no more trouble. The federal government proceeded with the dam project.

One of the prisoners he handled was controversial Maj. Gen. Edwin Walker, who had been ordered to the Springfield medical facility for tests. The order came from a Mississippi federal judge after trouble of a riotous nature in that state. Marshal Wilson took the general to the Springfield hospital.

Several times Marshal Wilson delivered

Robert Stroud, the "Birdman of Alcatraz," to federal court in Kansas City. Stroud, then a prisoner at the Springfield medical facility, had filed writs in an effort to secure the right to publish more books.

A convicted murderer who had served more than 50 years in federal prisons, Stroud had won fame by becoming an outstanding authority on bird disease and a widely recognized author on the subject while in prison at Leavenworth and Alcatraz.

Mr. Wilson has one particular memory of "The Birdman"—the food he preferred.

"Stroud had been on prison fare all those years so I asked him when we made stops on the trips to order anything he wanted," Mr. Wilson recalled the other day.

"He always ordered the same thing: A pound of raw hamburger and an apple."

When the late Attorney General Robert F. Kennedy made trips to Kansas City, Marshal Wilson was his escort. One of the places he took him was to Independence for a visit with former President Truman.

The marshal also served as escort for Vice-President Hubert Humphrey, for former United States Senator Wayne Morse, for the attorney general of South Korea, and many times for the United States senators from Missouri, including his close friend, Stuart Symington.

The characters he encountered as marshal are legion. One of those he remembers is a woman who told him she had perfected a special art of stealing.

"She had perfected a trick by which she could place a ham between her knees in a store and then walk out with it," the marshal chuckled. "She wore rather long skirts."

Associates tell of the night Marshal Wilson hid in the bathroom of a Joplin motel and then jumped out into the bedroom of the unit to arrest a man who had just made a sale of 50,000 illegal pills to an undercover agent of the food and drug administration.

Robert DePugh, leader of the Minutemen, has been taken by Marshal Wilson from Leavenworth prison to Kansas City federal courts quite a few times for writ hearings and other court matters.

The marshal and his men have transported federal prisoners to all the major prisons—to Sing Sing, Atlanta, Marion, Alcatraz, and even to Alaska and Hawaii. They have handled bank robbers, kidnapers, dope pushers and slayers.

But handling prisoners and serving the processes of the court are only part of the duties of a marshal. He also handles a variety of financial transactions. In Mr. Wilson's instance close to \$1,300,000 was handled by the office each year.

In connection with the paper work, the United States Marshal Bulletin last year gave Marshal Wilson credit for developing a new form for fee collections that now is being used nationally and which is saving the government at least \$9,000 a year. Last year, incidentally, Mr. Wilson's office served 7,088 legal papers of the federal courts. The year before the total was 7,289.

With the approval of Robert Kennedy, then U.S. Attorney General, Mr. Wilson named the first Negro ever appointed a deputy marshal in Western Missouri. His choice was William L. Gutheridge, who proved an excellent appointee who served with distinction until his death.

Mr. Wilson integrated federal prisoners in his custody to set a precedent, and also established the first "tank" for federal prisoners exclusively in the Jackson county jail.

As marshal, Mr. Wilson changed the office from strictly partisan to bipartisan, naming or retaining Republicans for half of the deputy posts which in years past had been filled almost entirely by adherents of the national administration in power.

He has had frequent contact with the Buchanan county jail where some federal prisoners are kept. Among the prisoners he

kept here overnight was Duane Pope, now under death sentence for the murders of three in a bank robbery at Big Springs, Neb.

The marshal's wife, Mary Kay, was present at the testimonial event in Kansas City recently where F. Russell Millin, former United States district attorney, presided as toastmaster and a host of federal jurists, high state officials, county officials, lawyers and other friends joined in a tribute to him.

Chief Judge Becker at that time said:

"Going from experiences to experiences in this world we see confusion occurring in various organizations. Often we are disappointed in the performance of the human race, but we continue to look and study what keeps this civilization going."

"Then you find somewhere a modest, quiet, intelligent, thoughtful, able, unselfish, kind, respected, dedicated and determined man. He keeps the system going by doing his duties and even more. When I came to the bench here I found such a man in F. M. Wilson, the United States marshal."

"He has the most efficient marshal's office in the United States. He has gone out of his way to be helpful to all of us, and to marshals elsewhere. He has been an able administrator. When there has been personal danger he has placed himself at the point of greatest exposure. He has all the earmarks of fine character, courage and real leadership."

Also, added Judge Becker, Marshal Wilson has never been late with the pay checks of the judges—one of his official duties.

It's things like that that really count, Judge.

Mr. and Mrs. Wilson and their four daughters reside in a mansion west of Platte City. He has been named field secretary for Congressman William R. Hull.

WILSON AN AIDE FOR HULL WILL SERVE AS FIELD SECRETARY

F. M. Wilson was replaced yesterday as United States marshal for the western district of Missouri, but he already has another job.

The Platte City Democrat is being appointed field secretary by Congressman William R. Hull. The appointment will be effective immediately.

The duties will not be new to Mr. Wilson. He was Congressman Hull's field secretary from 1955 until 1961 when President John F. Kennedy tapped him as his first appointee as a United States marshal.

John Pierpont Jr., Springfield real estate man, was sworn in yesterday to succeed Mr. Wilson as marshal. A Republican, he is a son of the man who served as sheriff of Greene county from 1936 to 1944.

Mr. Wilson in his position as field secretary will work out of Congressman Hull's office in Platte City. He will maintain a close contact with Hull's constituents in the 6th district and will assist with problems that arise.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

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

GUNMAN ROBS ALEXANDRIA MOTEL, RESTAURANT

A gunman held up an Alexandria motel and restaurant Sunday, handcuffed, the 87-year-old night manager and escaped with an undetermined amount of money, Alexandria police reported.

A man entered the Lincolnia Motel and Restaurant, 205 Breckinridge Pl., at about 1:20 a.m. Sunday, approached night manager Frank N. Charles behind the desk and asked for a room request form, police said.

When he had filled out the form, Charles asked him for \$12 in advance. Charles said the man then drew a revolver, forced him into the kitchen and handcuffed him to a sink.

The gunman then returned to the office where he pried open a file cabinet and removed \$400, according to police. He also took the money from the cash register in the office.

Entering the adjacent restaurant, which was closed, the gunman emptied the cash register there and left the premises, Alexandria police said.

Charles freed himself shortly and called police.

In other serious crimes reported by area police up to 6 p.m. yesterday.

STOLEN

A short wave radio, a dictating machine, an electric adding machine, a postage meter machine and \$238, with a total value of \$663, were stolen between 5:30 p.m. Friday and 10 a.m. Sunday from Dwsokin Inc, 2601 Connecticut Ave. NW.

A television set, an AM-FM short wave radio, a stereo system and equipment, and \$100 in pennies, dimes and Kennedy half dollars, with a total worth of \$620, were stolen about 11 p.m. Sunday from the basement apartment of Allen Ament, 1817 19th St. NW.

Approximately \$1,000 in cash was stolen sometime between 4 and 8 p.m. Monday from the cash drawer at the Green Velvet grocery store, 2401 Nichols Ave. SE.

VANDALIZED

A classroom at Roosevelt High School, 4301 13th St. NW, was vandalized between 3 and 4 p.m. Saturday by burglars who entered the building after throwing a rock through a front window and unlocking it.

ASSAULTED

George L. Awkward, of Washington, as treated at Walter Reed Army Hospital for a gunshot wound in the leg that he suffered during an attempted holdup. A man approached him at 2d and T Streets NE and demanded, "I want your money." When Awkward replied he had none, the man fired a shot at him and fled.

Louise B. Hackett, of Washington, was knocked unconscious during an attempted robbery in the 500 block of M Street NW. Three youths tried to grab her pocketbook and when she resisted, struck her over the head until she collapsed.

A metal safe containing \$700 in cash and numerous papers was stolen from Arrow Cleaners, 6233 Georgia Ave. NW, after a skylight was broken through.

Two hand levels, two sets of torches and an air-conditioner, with a total value of \$700, were stolen from a trailer at a construction site at 10th and I Streets SE sometime between 4 p.m. Friday and 7 a.m. yesterday.

Wilmer Trigger, of Washington, was treated at Freedmen's Hospital for facial injuries he suffered when he was attacked by an unidentified assailant about 6 p.m. Saturday at 8th and K Streets NW.

Eugene Holt, of Washington, was treated at Freedmen's Hospital for a gunshot wound in the upper leg that he suffered when two men approached him from the rear as he was walking in the 100 block of Randolph Street NW. "Old man, this is it," one of them

said, and Holt began fighting with them. Drawing a gun, one of his assailants fired at Holt, then the pair fled south on Randolph Place NW.

Garrot McMillon, was treated at Providence Hospital for injuries he suffered about 4:40 p.m. Saturday when nine juveniles attacked him in the 2300 block of Bladensburg Road NE. During the struggle, the youths threw bottles at McMillon, wounding him in the head.

Isaiah Howard, of Washington, was treated at Washington Hospital Center after he was hit in the mouth by a youth wielding a bottle who attacked him about 1:30 a.m. Sunday at 14th Street and Columbia Road NW.

A Northwest Washington man was forced to commit an unnatural sex act by a man armed with a revolver who approached him inside a laundromat in the 500 block of Adams Mill Road NW and led him to the 2300 block of 18th Street NW where the assault occurred.

ROBBED

Susan Marie Brill, of Silver Spring, was held up shortly after midnight Sunday by three young men who confronted her in the 1700 block of R Street NW. One of them drew a handgun and demanded Miss Brill's money. Taking her pocketbook containing a large amount of cash, the trio drove off in a black and red car.

Ernest D. Dillon, of Washington, was beaten and robbed about 5 a.m. Sunday by two men who approached him at 15th and H Streets NE. "I want some money," one of them told Dillon and when he refused, the man struck him over the head, knocking him to the ground. The pair removed his money and watch and fled on foot. Dillon was treated at D.C. General Hospital.

Noel Gillespie, of 3060 16th St. NW, was held up about 10:45 p.m. Sunday by three youths who approached him as he entered an elevator in his apartment building. One of them held a knife at his neck while the others took his camera and wallet. The trio stepped from the elevator on the fifth floor.

Scott gas station, 2990 Nichols Ave., SE was held up about 5:25 p.m. Sunday by a man who asked the attendant for change for a \$5 bill. As the employee reached into his pocket to get the bills, the man drew an automatic and told him, "I'll take all of it." Taking the bills and change from the attendant's change carrier, the gunman fled into an alley beside the station.

Virginia Mae Williams, of Washington, was held up about 12:15 a.m. by a man brandishing a gun who jumped from the bushes as she walked in the 3000 block of Stanton Road SE. The gunman chased her until she fell to the ground, pointed his handgun at her and said, "Give it to me." Grabbing her wallet containing bills and papers, the gunman fled on foot.

Rose Grondine, of 3380 Erie St. SE, was beaten and robbed as she was walking up her driveway. Two boys approached her from the rear, knocked her to the ground and fled with her purse containing money, keys, credit cards and glasses, heading east on Southern Avenue.

James Alexander Howard, of Washington, was held up shortly after 9 p.m. Saturday as he was walking near his home in the unit block of Ridge Road SE. Three youths grabbed a six-pack of beer from Howard and tried to flee, but he caught them. One of the youths pulled out a knife, held it at Howard's throat and warned, "If you move, I'll cut your throat." Taking his watch, the trio fled on foot.

William Bynum, of Washington, was held up about 4 a.m. by two youths in the 300 block of Oakdale Street NW, one of whom said to him, "Hey man, do you know Al?" As Bynum turned to look at them, both youths drew pistols. The gunmen forced him

to surrender his ring and cash and fled on foot.

Harry Luther Cooke, of Washington, a vendor for the Brandywine Ice Cream Company, was held up about 4:45 p.m. Sunday while he was selling at the intersection of 8th and Yuma Streets SE. Two young men approached his truck and asked for three ice cream bars. As Cooke turned to get the items, one of them drew a sawed-off shotgun and warned, "Don't turn around and give me all your money." Forcing the vendor to surrender his cash and \$50 worth of ice cream, the pair fled west on Yuma Street.

Maude Austin, of Silver Spring, was beaten and robbed about 6:50 p.m. Sunday by seven men who surrounded her in the 800 block of 50th Place SE. "Why are you up here?" one of them asked and, they then knocked her to the ground, tearing her clothing. Forcing Mrs. Austin to give them her pocketbook, the group dispersed.

Wilson McCormick, of Washington, was held up about 9:30 p.m. Sunday by two young men who approached him at Georgia Avenue and Peabody Street NW and told him to give them 50 cents. When McCormick replied he had no money, one of the men pulled out a knife and held him at bay while the unarmed man took his watch and ring.

Ernest D. Younger, of Washington, was robbed in the 300 block of U Street NW by a youth who placed an object in his back about 9:30 p.m. Saturday. "This is a gun. Where is your money?" the youth said to Younger and took the cash from his pocket before running west in the 300 block of U Street.

Barbara Cunningham, of 5739 East Capitol St. SE, was beaten and robbed during a quarrel with a man at her home who hit her before escaping with a wedding and engagement ring set.

Herman Christopher, of 770 Park Rd. NW, was held up in front of his home about 12:45 p.m. Saturday by two young men, one of whom asked him for a cigarette. One of them placed a hard object at Christopher's head and ordered, "Put your hands up and don't move." Taking his wallet containing cash and papers, the pair told Christopher, "Keep going and don't turn around," and fled on foot.

Mary Katherine Smith, of Alexandria, was held up about 11:25 p.m. Sunday by two youths who approached her at 16th and Shepherd Streets NW. One of them drew a gun, demanded her purse containing cash, and papers and fled with his companion.

High's dairy store, 5002 1st St. NW, was held up about 5:30 p.m. Sunday by a man who approached the cashier and told her, "This is a holdup." Forcing her to hand over the money, the lone bandit ran from the store.

Brentwood Valet Shop, 5920 Riggs Rd., Chillum, was robbed at 11:38 a.m. by four men, at least three of whom were armed, who took an undisclosed amount of money from the one employee and then locked her in a bathroom before fleeing.

WASHINGTON POLICE ARREST SUSPECT IN FATAL BEATING OF NORTHWEST MAN

A Northeast Washington man was arrested yesterday morning and charged with murder in the fatal beating of a 62-year-old man on May 2, police reported.

The suspect, Richmond J. Pauls, 47, of 1223 Orren St. NE, was arrested at the home of a friend at 6:30 a.m. and charged in connection with the bludgeoning death of Charles Grayson, of 1236 10th St. NW, who died at 4:35 a.m. yesterday at Freedmen's Hospital, according to reports.

Police said Grayson and a friend, Arrie Barber, 55, were walking in an alley beside Grayson's home on May 2 when a man appeared and attacked them with an unidentified object.

Mrs. Barber was admitted to Freedmen's

Hospital with a broken jaw and other facial injuries she suffered during the struggle, according to police.

In other area court and police actions reported by 6 p.m. yesterday:

SENTENCED

By U.S. District Court Judge Gerhard Gesell: Delbert R. Miller, 25, of Grafton, W. Va., 14 months to 5 years for grand larceny after trust; Joyce Ruffin, 25, of 325 17th Pl. NE, suspended sentence with probation for three years for forgery and uttering; Herbert H. Robinson, 32, of 4750 Benning Rd., five months to two years for inducing a female to engage in prostitution; Flanders Chapp, 34, of 1816 New Hampshire Ave. NW, five months to two years for inducing a female to engage in prostitution.

Also: Freddie Trice, 24, of 3030 30th St. SE, six months for petty larceny; Karl Carrington, 22, of 716 13th St. NE, 2 to 10 years for manslaughter; John H. Turner, 33, of 1031 Lamont St. NW, suspended sentence with probation for five years for robbery; Jerome Ivy Sutton, 20, of 8708 Hayes St. NE, 3 to 12 years for armed robbery.

By U.S. District Court Judge Oliver Gasch: Gregory Stewart, 20, of 1536 D St. SE, committed for 10 years under the Youth Corrections Act for armed robbery; Ronald H. Stewart, 21, of 3723 2d St. SE, committed for an indeterminate time under the Youth Corrections Act for robbery; Lynn Bernard Coffee, 20, of 1723 D St. SE, committed for an indeterminate time under the Youth Corrections Act for robbery; Rudolph Mercer, 22, of 2330 15th St. NE, two to eight years for carrying a dangerous weapon; Thomas Bunn, 43, of 2009 2d St. NE, suspended sentence with probation for five years for assault with a dangerous weapon.

Also: Winfield S. Dawson, 22, of 43 Underwood Pl. NW, 20 months to 5 years for transferring marihuana unlawfully, one year for unlawful possession of marihuana, to be served concurrently; Stanley Duell, 19, of 3038 Brightseat Road, committed for an indeterminate time under the Youth Corrections Act for taking indecent liberties with a minor; Lamont Ezell, 18, of 1371 Stevens Rd., SE, suspended sentence with probation for five years for assault with intent to commit robbery; Delano R. Tarlton, 19, of the Lorton Youth Center, one year under the Youth Corrections Act for grand larceny and attempted sodomy; David T. Gray, 22, no address listed, suspended sentence with probation for five years for embezzlement of mail by a postal service employee; John H. Davis, 31, of no fixed address, 3 to 10 years for robbery, 3 to 10 years for manslaughter, to be served concurrently.

By U.S. District Court Judge William B. Bryant: Billy S. Philpot, 19, of 243 Elm St. NW, seven years under the Youth Corrections Act for robbery; Harry Palmer, 25, of 1722 U St. NW, one year for attempted second-degree burglary, one year for attempted first-degree burglary, to be served concurrently; George Willard Bennett, 65, of 3355 16th St. NW, suspended sentence with probation for two years for operating a lottery.

By U.S. District Court Judge John Lewis Smith, Jr.: Meredith E. Reynolds, 28, of 787 Barnaby Rd. SE, one year for negligent homicide.

By U.S. District Court Judge H. Pratt: Evelyn A. Wheeler, 53, of 911 Varney St. SE, suspended sentence with probation for three years for manslaughter.

By U.S. District Court Judge Leonard P. Walsh: Douglas Kearney, 23, of 241 9th St. NE, two to six years for theft of government property.

By U.S. District Court Judge June Green: Walter L. Wright, 18, of no fixed address, committed for an indeterminate period of time under the Youth Corrections Act for robbery; Edward L. Towler, 21, of 2311 Wingate Rd., Suitland, committed under the

Youth Corrections Act for attempted robbery.

ARRESTED

Lewis B. Gleason, 19, of 1920 18th St. SE, turned himself in to Prince George's County police at 11:45 a.m. yesterday and was charged with two counts of sale of marihuana and one count of possession of narcotics implements. Gleason was released on \$1,500 bond.

Richard W. Grosskurth, 21, of 8609 Vista Dr., Oxon Hill, turned himself in to Prince George's County police at 11:45 a.m. yesterday and was charged with two counts of marihuana and one count of possession of narcotics implements. Grosskurth was released on \$1,500 bond.

Paul Mattingly, 23, of 428 Gwynn Dale Dr., Clinton, turned himself in to Prince George's County police at 1 p.m. yesterday and was charged with sale of Marihuana with his bond being set at \$500.

Bernard E. Berton Jr., 22, of Washington, was arrested yesterday by Montgomery County police in Silver Spring and charged with the early afternoon armed robbery of the Jewelry counter at the Hecht Co. store in Silver Spring.

Police said a clerk at the counter was forced at gunpoint to turn over \$3,590 in jewelry shortly after 1 p.m. All of the items with the exception of a \$200 watch were later recovered on the roof of a building near the Hecht Co. store, police reported. Police said Berton was apprehended by a uniformed policeman as he was running from the store, located at Fenton Road and Ellsworth Drive.

THE RED WOLF: ENDANGERED SPECIES IN THE BIG THICKET

Mr. YARBOROUGH. Mr. President, since 1966 I have sought to save the Big Thicket. I have introduced in this Congress S. 4, my bill to establish a 100,000-acre Big Thicket National Park. This beautiful and unique area of heavy rainfall and dense vegetation which covers parts of Hardin, Polk, Tyler, Liberty, and San Jacinto Counties, near Beaumont, Tex., is one of our country's most valuable regions of biological and ecological development. Until recently, this portion of the Texas gulf plains has remained an unspoiled refuge for rare species of plant and animal life. However, increasing development and exploitation of the area now threatens the existence of the Big Thicket and those endangered species which reside there.

One of these endangered species is the Texas red wolf, *canis rufus rufus*. The Texas red wolf is a small, slender, animal, closely resembling the Coyote. The only region where the Texas red wolf now survives in unmixed form is in the coastal prairie marshes of the gulf coast of Texas. The Bureau of Sport Fisheries and Wildlife of the U.S. Department of the Interior has listed the Texas red wolf as endangered and has recommended that action be taken to obtain additional refuge lands in the coastal prairie areas. This recommendation is found in the Bureau of Sport Fisheries and Wildlife Resource publication No. 34, "Rare and Endangered Fish and Wildlife of the United States," page M-11, December 1968:

Pure populations of the Texas red wolf today are known only from the coastal prairie marshes of east Texas. All efforts should be made to preserve these marshes in their present state.

Mr. President, we can preserve this endangered species by acting now to establish the 100,000-acre Big Thicket National Park.

THE MORAL IMPACT OF THE WAR IN SOUTHEAST ASIA ON THE AMERICAN PEOPLE

Mr. FULBRIGHT. Mr. President, last Thursday three distinguished theologians, a Protestant, a Catholic, and a Jew, testified before the Foreign Relations Committee concerning the moral impact on our people of the war in Southeast Asia. It was one of the most thoughtful and stimulating hearings that I have participated in during the 25 years I have been in the Senate.

The witnesses were Dr. John C. Bennett, president of Union Theological Seminary, New York; and Bishop John J. Dougherty, Auxiliary Bishop of Newark, N.J., and vice chairman of the Department of International Affairs of the U.S. Catholic Conference; and Rabbi Irving Greenberg, associate professor of history at Yeshiva University and Rabbi of the Riverdale Jewish Center in New York.

Their statements showed deep insight and perceptiveness on what this war has done to our country and our people, and the television networks would render a great public service by allowing Dr. Bennett, Bishop Dougherty, and Rabbi Greenberg to present them to the American people in prime time. It is a sad commentary on our society that the views of able men like these on the basic issues that shape our society receive such scant attention in the news media.

If every American were exposed to the wisdom of their comments on this tragic war, I am confident that there would be far greater demands from the public to put an end to this national tragedy.

I hope that Senators and the general public will read and ponder their statements before the committee. I ask unanimous consent that they be printed in the RECORD.

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

THE MORAL EFFECTS OF THE WAR ON THE LIFE OF OUR COUNTRY

(Testimony by John C. Bennett)

As background it may be helpful to raise the question as to the point at which the war itself becomes a matter of morality. When do we move beyond the judgment that it is a mistake of giant proportions to the judgment that it is an immoral war? In what I say I am not passing judgment on the personal motives of the various leaders who have initiated or escalated our involvement in Vietnam. However, good intentions based upon illusions can create an objective situation of moral horror and one that leads innumerable individuals into callous or brutal conduct and undermines the moral fiber of a nation and its institutions.

I do not see how we can draw an absolute line between an intellectual mistake and moral failure because when the nation and its leaders persist in the mistake for years, after its consequences for people in this country and in Vietnam are fully revealed, and when it becomes patent that this persistence in destructive error is a concession to the pride of a nation that has never been

defeated, it is time to see even the mistake in a context that calls for moral judgments.

The traditional thinking about the difference between a just and an unjust war in the churches has always placed great emphasis on two considerations and I believe that both of these are relevant to the discussion of this war. The first is really a common sense view of the degree to which the injury done to societies by the war is out of proportion to the good that can be achieved. One criterion of the just war, which may seem on the surface to suggest a rather craven caution, is that there should be a reasonable chance of success. But seen in the light of the principle of proportionality, this means that a nation should not sacrifice its sons or slaughter the people on the other side or ravage their country when the purpose for doing this cannot be realized. It seems to me that our leaders should have come to see that no amount of fire power from the air or from the land can create a nation in South Vietnam and establish a government around which that nation can rally.

The other emphasis in the discussion of the difference between a just and an unjust war has to do with the conduct of the war by means of policies and acts which are normally wrong in themselves, and here we should have in mind especially the treatment of civilians or helpless persons such as prisoners.

As we look at the record of what has happened in Vietnam, there are these two levels of immorality. One is the cumulative destruction of persons and communities and even nature itself by acts of war which might in individual cases be regarded as inevitable if there is to be a war at all. The body count, the destruction of towns and villages, the uprooting of people from their homes, turning them into refugees by the millions, the ecological damage which is now being seen to have long term effects on the land—these over a period of six years add up to a terrible accumulation of disproportionate evil. This is an evil for both sides but it has a new dimension when we see how the most powerful nation in the world has kept inflicting it on the helpless people of Vietnam and now the people of Laos and Cambodia must be added. The United States seems to be a captive of the momentum of its own destructive power.

When we move from this cumulative evil to particular acts which in any circumstances are immoral in themselves it is even clearer what the fighting of the war has done to Americans. The recent revelation of the massacres at Song Mai makes vivid the nature of this war as no other single event has done but it differs only in degree from many less publicized episodes involving the killing of non-combatants and the torture of prisoners either by our own people or by proxy by the South Vietnamese. One of the most significant developments in the discussion of Song Mai was the tendency of journalists to raise the question as to the difference between killing helpless people, including children, on the ground at short range when they are seen and the killing of them from the air, at longer range, when they may not be seen in so-called "fire-free" zones. I realize that the psychological difference is very great but how great is the moral difference when it is well known that there will often be many of the same helpless victims?

The most obvious effects of this war on the life of our country are that it has bitterly divided our people and that it has so diverted our attention and so used our national resources that we make no progress in solving national problems that cry to heaven for solution. The decay of our cities continues and tens of millions of our people remain victims of a culture of poverty and many of these of an oppressive racism. At home we seem to be a "pitiful helpless giant"

while we try to prove to the world that we are not one by a compulsive aggressiveness.

I shall emphasize here three quite specific effects of the war and I choose these because they are not discussed as often as the two that I have just mentioned.

The first is that our government has set an example of massive and brutal violence to the nation. I know no way of estimating the extent to which the violence on the streets and other forms of violence that have been so much noted is the result of the government's official violence but the only question is the degree to which private violence is the result of the official violence. In this war pictures of violence are brought into our homes, sometimes pictures of such American or South Vietnamese atrocities as the torture of prisoners. Undoubtedly there is a countereffect in that people in large numbers are outraged by what they see. Who knows how much violence will be brought back to this country by those who have been trained in it in Vietnam? The effect of the war in increasing violence at home needs to be combined with some less tangible results: all degrees of callousness and brutalization among people who will never become involved in overt violence of any kind. The collection of ears of Viet Cong by Americans is a symbol of the effect of the war upon people who would often be otherwise normal. This is connected with a habit of seeing people who are different from ourselves in color, size and culture as "gooks," as something less than human. The reports of the attitudes of a majority of Americans (65% in a survey reported in TIME) was discouraging because they seemed to shrug their shoulders rather than express moral shock. I know that much of this was a self-protective reaction stemming from a desire not to become emotionally involved and I do not believe that most Americans will be radically changed in character. There may well be growth in insensitivity to the inflicting of suffering balanced by the moral revulsion that I have mentioned. Sometimes the two may be combined and a small and much publicized minority, in their hatred of the war, may use violence to bring down the system responsible for it.

The second effect of the war upon the life of America is that more than any other single factor it has destroyed the confidence of a large part of our youth in the best institutions of our nation. This effect has been greatly enhanced by the contempt for youth who are critical, expressed by the President and the Vice President. I realize that the widespread alienation of young people has many causes and that some of these are deeply rooted in the culture and even without the war they would have produced some degree of revolt. The war, however, has been responsible for the intensity of emotion that unites so many hundreds of thousands of American youth in their alienation from what they think of as the "system." The feelings of moral outrage against the war on the part of the generation that is expected to do the fighting is by no means a fringe phenomenon but among students it extends from the left to the center. The recent editor of the Yale Daily News, Lanny Davis, said recently that "the war changed the whole atmosphere of the campus. It seemed an immoral enterprise." Former Vice President Truman of Columbia University at the time of the troubles there in 1968 said that there was a question whether university communities could survive if the war had to continue on. (Cox Commission Report, p. 10.) Moral rejection of the war has led to disillusionment about the institutions that have made it possible. The whole political process is now deeply distrusted because no matter who is elected and no matter how much a presidential candidate may be committed to ending the war, the war continues

and processes of escalation continue. This disillusionment has had powerful confirmation because of the extension of the war into Cambodia.

The third effect of the war that is closely related to the second is that so many thousands of our young men have been forced to face an intolerable dilemma in their own lives. Should they allow themselves to be drafted and be sent to fight in a war which they regard as gravely immoral or should they run the risk of going to prison for a period of two to five years or should they choose exile in Canada or in some other country. Again this is not a fringe phenomenon. In April 1969 two hundred and fifty-three campus leaders, student body presidents or editors, declared that they would not "participate in a war which we consider immoral and unjust." They were on record as choosing either prison or exile. This is an incredible development among those who can be expected to be leaders in the mainstream of American life in the future. There are tens of thousands of exiles in Canada. What does it mean for America to have so many political prisoners or exiles? It has been all too common in many times and places for a nation to punish its finest and most conscientious citizens as well as its thieves and murderers. But we have always hoped that this would never be a common experience in our country. It will greatly increase the alienation of youth and it will undermine respect for our institutions. It would help to re-establish confidence in the best of our traditions and ways of life if amnesty were to be declared for all who have been so affected by the war.

It may be a summary of all that I have emphasized as the effects of the war on our own national life to say that the tragedy of Indo-China is also the tragedy of America.

STATEMENT BY BISHOP JOHN J. DOUGHERTY

I address myself to the question of the impact of the war in Vietnam on the moral life of our nation. Since my experience is preponderantly with the Catholic segment of our society, I shall essentially restrict my assessment to the impact of the Vietnam war on that segment of our population. First, however, I must make reference to the larger context of the question for American Catholics, namely the teaching of the second Vatican council on war and peace, as stated in the *Pastoral constitution on the church in the modern world*, and the incessant and increasingly urgent pleas for peace of Pope Paul VI.

The fact of the deterioration of the moral posture of the American people is well documented by every news bulletin, and need not be substantiated here. What is laborious is the interpretation of the fact, the diagnosis of its causes, and the determination of its remedies. The first assertion of reason must be that the causes are multiple and critically complex, and the first conclusion is that simplistic solutions are senseless. The second conclusion might be that since the progression of the moral illness was gradual, health will not be restored to our society in a day. In his address to the United Nations in 1965 Pope Paul declared, "You are still at the beginnings . . . in changing that selfish and bellicose mentality which, up to now, has been interwoven in so much of history."

In any approach to the moral problems of our people we must be aware of their magnitude, their complexity and their gravity. And we must be aware that they are not isolated from the moral dilemmas of the peoples of the world. Technology has made our world a global village and men everywhere find themselves in an extremely complicated web of interaction involving the economic, the social, the political structures with the resultant psychosociological cli-

mate that envelops the globe and the terrifying element pervading that climate is violence.

What I am saying, in sum, is that the moral problems of the United States are bound up with the moral problems of the globe, and that they are staggering in their magnitude, and baffling in their complexity. We need to bring to bear upon them all the expertise we can summon, and even more we need men of vision with a burning love of justice for all men everywhere.

At the possible expense of burdening you with excessive abstraction may I add this observation before coming to my specific objective. I think it is relevant to the problem confronting us, especially to our youth. It is this, people do not usually get excited about moral principles directly. They get aroused by issues. Moral principles are abstract. Issues are concrete. I have seen no demonstrations for the just war theory. There have been countless demonstrations, violent and non-violent, over the issue of Vietnam. The relevance of this observation lies in the fact that policy decisions of the Government deal with issues. The issues and the decisions sooner or later dig up the moral principles, and the conscience of the Nation begins to find expression, moderate and immoderate, violent or nonviolent. And among the voices the voice of the churches must be heard, if they are to live up to their responsibility as the conscience of the Nation.

The significance of the impact of the Vietnam war on the moral attitudes of American Catholics is comprehensible through the history of the Catholic community. The distinguished Monsignor John Tracy Ellis, historian of the Catholic Church in the United States, has described the attitudes of the leaders of the Catholic Church up to the 1960's as "unquestioning compliance... with their Government's policy in regard to war and peace." He observes that, "the revolutionary decade of the 1960's brought a marked shift of opinion in this regard." He attributes the shift to the influence of the late President Kennedy and Pope John XIII.

In the spiritual leadership of the Catholic church this shift of attitude can be studied in the statements of the National Conference of Catholic Bishops in 1966, 1967, and the pastoral letter, *Human Life in Our Day*. In the second chapter of this pastoral the bishops, quoting from the second Vatican Council "Call upon American Catholics to evaluate war with an entirely new attitude." The bishops address themselves to the problem of arms control, conscientious objection and the war in Vietnam. In commenting on second chapter of the pastoral letter, James Finn described it "as one of the most significant pastoral letters to be published by the bishops of the United States." (*The Family of Nations*, Ed. J. S. Rausch, p. 8.)

Evidence of the shift of the attitude of the Catholic people is especially noted among the youth. Many have taken the position of selective conscientious objectors, thus subjecting themselves to the probability of trial and imprisonment. Evidence is not lacking of changed attitudes among American Catholics generally, although there is a notable segment of strongly conservative opinion.

The moral implications that I detect in this shift of attitude in a numerous segment of our people, strongly church-oriented, is that it widens the gap of the division of our people. A divided people must be the concern of religious leaders as well as government officials. A divided people is a political and social problem; it is also a moral problem. A certain measure of unity is indispensable to the survival of a civilization. The preservation of that measure of unity is the responsibility of every American, but especially of the elected leadership of our Nation. We may earnestly beseech them to strive to see the moral principles underlying policy decisions

of great moment, because they will eventually emerge for our good or ill. The basic moral principle underlying the war in Vietnam is justice, domestic and international justice, and religious leaders would be unfaithful to the prophetic tradition of the Old and New Testaments if they did not ask of our Nation's decisions: is justice thereby served?

THE MORAL IMPACT OF THE WAR IN INDO-CHINA

(Statement by Rabbi Irving Greenberg)

A discussion of the moral effects of the war in Southeast Asia must start with the realization that public life is the primary moral example in the United States today. We still turn to clergymen in some residual notion that they are the teachers and students of the moral questions. However, by and large they have little influence compared to the model of public life and behavior in the United States which is set by the President, the members of Executive, Congress, the judiciary, etc. These actions and these models are broadcast repeatedly and everywhere in the mass media and communication channels. They are perceived by everyone and learned environmentally which means they are more likely picked up, internalized and influence the actions and standards of everyone. Not all the sermons and classes in America reach a fraction of the people reached by one action of the U.S. Army or speech of the President.

This realization points up the moral disaster which is the net effect of the tragic error of the Vietnam war. For the past five or six years the dominant picture has been the continual futile killing, the body count, the use of napalm and civilian destroying projectiles, the desensitization of countless American boys in Vietnam and countless people here to the human qualities of the enemy and of the innocent civilians who make up so large a part of the casualties.

All wars cause some desensitization and killing of conscience. This is why all wars are at best necessary evils. But in this case, the very terms of the war—a civil war, one in which our base of support in the local population is so tenuous—inexorably drives us to excesses in this area. It was in a deeper sense inevitable that direct personal massacres of civilians and torture and shooting of prisoners. Every image of prisoners pushed out of helicopters, or children napalmed becomes a hideous moral example undermining the moral consensus which has united America and given it great strength and moral significance in the world. Each such incident tempts some to support or justify it in the hope that this one last excess will somehow break through to end the ghastly situation while driving others to ever deeper moral alienation from our society which tempts them to despair of our system or to join those who merely tear it down and not correct it. Not the least bad moral effect is on those who stand in the middle and savor the significance without committing themselves but whose moral sensibilities are shaped by it. And the long pause before massacres are identified or prosecuted or even condemned is especially debilitating to the moral authority of society—especially when it is noted that unpopular transgressions of far less direct brutality are quickly and outspokenly condemned by major figures.

These moral effects, however, are by now sadly familiar to all of us. I would like to point out some moral side effects which are less noticed but are having a profound impact on the moral condition of American society. One is the great distortions in personal lives and continual moral conflicts created in our young people. Those who condemn what they think are excesses of identification with the poor by college students

should ask themselves some time: is it because they are spoiled members of an affluent class? Or is it not really because of the crushing burden, of the nagging conscience that they were living by draft exemptions while the children of the poor unable to go to college were condemned to serve and die—in a war which the students feel is unjustified and futile? What is the effect on my capacity for objective judgment on people who are dying more because of the effects of their poverty when I am alive and sheltered because of the effects of my affluence?

There are also the countless lives distorted by people who stall their careers and development to stay in careers and studies which exempt them although they are of no long range significance to these young people. And what of the effect on young people who feel the war is unjust but cannot bring themselves to stand up to it because of their fear of the consequences of such acts—and therefore feel like moral betrayers. Or of the emotional costs of acts of defiance and resistance which take so great a toll that they may lead to bitterness, or estrangement from all established society? What of selective conscientious objectors driven to lie and claim universal objection, or to silence their qualms and serve, or to jail and/or criminal status—while countless others watch and see these effects. What of the feeling of lack of understanding which alienates parents and children, old and young, intellectuals and workers and corrodes the organic relationships without which no society or law can retain its legitimacy? What of the thousands of ministers who feel their profession demands moral response who then are cut off from congregations—and what of the thousands who remain silent or in conflict and are one with the congregation but feel like moral eunuchs—or who lose the respect of their young people? These side effects will persist long after this war is ended—if it is ended.

Another side effect of this war has been a tremendous blow to the respect for patriotism, democracy and international responsibility. Without commitment to such concepts, there can be no healthy body politic. They are the life blood of a free society. But these concepts have been invoked for years now in the context of upholding a series of shifting repressive dictatorships in South Vietnam with a weak or non-existent popular base. They have been used in the context of political figures tried kangaroo style and imprisoned or in the image of a police chief shooting a guerrilla prisoner in the head without trial or mercy. The result is a tremendous cynicism and a loss of faith in areas which are significant and which keep society one. Guilt by association with a policy error leads to a denial of the integrity of the valid concept itself. And the fact that statistically the more aggressive supporters of the war have been least responsive to the needs of democracy and redemption at home has only compounded the damage.

This brings me to another distortion which this war has introduced into our society: the distortion of priorities which spends enormous money and lives in a fight for the most questionable kind of freedom abroad but, therefore, lacks funds and resources to bring true freedom to realization at home. We are going to need extraordinary feats of technology to end pollution at home; extraordinary investments of funds and human help to free millions from the curse of poverty, sickness, inadequate education, broken families and lack of self-respect. When one reads of the extraordinary feats of detection, electronic surveillance, training, destruction achieved by our armed forces and technology—one dreams of these talents and funds used in empathy to free our own sufferers. The contrast in the funding and dedication to the war on poverty and the Indo-China war speaks volumes to people about our moral priorities. And every step deeper

into this war has cruelly disappointed the millions around the world who knowing the evils and hypocrisy of totalitarian systems, without romanticizing, looked to the United States as a moral alternative.

The last and not least cost of the war as moral pedagogy to our society is its revelation of our inability to admit error, or accept the tragic and ironic fate which history now doles out to us as it may do to all men. Let me make clear that the mainstream Jewish tradition is not pacifist. Peace is the highest, the greatest good. But Judaism had the moral realism to recognize that under certain circumstances war is a necessary and justifiable evil.

Even opponents of the war would do well to recreate the moral climate of the early days of our intervention. We can freely confess the role of idealism, the feeling of American responsibility for the world order. There was a phase in which we saw Communist China, then in its commune period which seemed to deny the elemental dignity of man, as expansionist and North Vietnam as a pure Chinese satellite. In this phase the fear of another Munich and the conviction that we dare not sell out or be indifferent lest World War II repeat itself colored the judgment of many. But when the pitiless light of events and facts and growing knowledge of Vietnam revealed the falsity of our assumptions, then our might placed a special burden of responsibility on us to recognize our error and withdraw. We should have admitted that Communist China was rent internally, that North Vietnam historically sought its independence from China, that the South Vietnam government could not or would not muster popular support. This inability to admit error has been the tragic force that has driven us deeper and deeper into the mire. Jews and Christians alike have idolized David the King of Biblical fame as the eternal dynasty, as ancestor of the Messiah. Jewish tradition points out that between David and his predecessor, Saul, it was David who made greater mistakes, did more tragic evil things. Then why was Saul stripped of the kingship and David immortalized? Because David could recognize and confess his errors and in most powerful contrition turn from his ways and redress injustice. This is the true strength which a moral leader must have. Saul was too weak, he would only rationalize and justify his errors. Power corrupts and is inevitably abused. Only those who can admit mistakes and accept the iron and tragedy of defeat of the assumptions can be trusted with power. Otherwise, the powerful would inevitably destroy the others. Otherwise, we have a "machismo" conception of manliness which places great emphasis on not being humiliated or defeated—as if the greater humiliation is not in resorting to force to cover up error and the greatest defeat is not in pouring good lives and vast resources into an escalating cruelty of frustration seeking one last knockout. Such a conception violates Jewish and Christian ethics of power alike.

It is true, there is one great force for continuing the war. It is the death of over 40,000 Americans and many times that many Vietnamese. Such is the moral order of the world that any human sacrifice—even for mistaken causes—become great forces for these causes and evoke further sacrifice and response lest we betray those who have gone before. Shall we now go to the parents of the 40,000 and say: we have erred and your children have died in vain? Shall all this patriotism and sacrifice mean nothing? I realize the full force of this dilemma. But the only corresponding answer must be: Shall we condemn another 10,000 Americans and another 50,000 Vietnamese to death rather than not admit? This was the moral weakness of a Vietnamization policy designed to purchase time and not betray the failure of the dead

but costing many more lives in the interim. The problem of repentance is that the person who has gone astray feels he has gone so far and it has cost so much that he cannot turn back. Yet we are told: "turn and live." The only answer is the moral courage to confess to the survivors of the dead the good intentions and the mistaken assumptions and the genuine patriotism which motivated their beloved ones death. And a plea to them: that if we can learn from this tragic error, if we can learn to modulate the use of power, if we can set the moral example of voluntary acceptance of defeat where it is the only honest thing to do, then these boys will not have died in vain. They will become part of the sacrifice which brought about a deeper international moral order and a United States tempered by tragedy to use its resources to embrace and heal the world—and itself. I believe our bereaved parents and our people are capable of the response of love and understanding and acceptance which such a confession would evoke.

Judaism has never felt that martyrdom or defeat is intrinsically morally superior to righteous victory. But inability to accept the tragic, the ironic, the possibility of mistake and failure is to be less than fully human. Perhaps this is our national problem. Maybe this explains our lack of empathy for the suffering, deprived and defeated in our own society wherefore we often condemn them to welfare without true charity, deprivation without hope and status without faith or trust in them. Maybe we need to admit error and know defeat before we can triumph over poverty and racism and hatred in our country by confessing our past errors and present defeats in this struggle too.

There is one last moral danger I must warn against. There is the grave danger that growing frustration and radicalization may lead to a new isolationism and a rejection of necessary national sacrifices for world peace. I believe that it is the exhaustion of our resources in a mistaken cause and bottomless pit that leads to the weakening of resolve to help those who want to help themselves. We can avoid the extremes of thoughtless intervention or total irresponsibility by joining together in distinguishing justified help for true democracies seeking their own existence and cooperation with all elements in the world as against inertial support for mistaken causes where there is no moral claim or national interest. What we need in our time is not the dismantling of power but greater and greater precision, calibration and proper direction in its use.

What has saved us from moral disaster is the response of millions of Americans of all kinds who have spoken up, taken responsibility, made moral decisions—some right, some wrong. The covering up of error by polarization, setting person against person, even seizing upon actual abuses to arouse hate, suspicion and repression can only raise the risk of moral disaster. Pitiless and uncharitable denunciation is related to thoughtless shooting of students—and to mindless responses of tearing down or blind destruction. The extension of the war now threatens to overwhelm the frail dikes of moral concern and community which have maintained moral legitimacy and democratic consensus in our country. This final moral disaster must be prevented. All of us must cling together against the demonic and the violence which is now unleashed in our society. We can do so only by becoming one community. Perhaps we can learn how to do this from an ancient Biblical model. On the Day of Atonement, the community, led by its leaders, become one by confessing its errors and sins before God and to those it had harmed. Then it turned together to new ways of life affirmation to overcome the evils of the past. I believe that only in this way can the demons of war, racism and poverty be overcome in our society.

Mr. FULBRIGHT. Mr. President, this morning the Foreign Relation Committee heard Gen. James M. Gavin, one of the most distinguished generals our country has produced. He is now retired from the Army and is head of a great private business.

His statement was followed by perceptive and profound testimony on the matters presently confronting our country in Southeast Asia. It is remarkable that his testimony was so similar in many respects to that of the religious leaders.

I ask that it be also inserted as a part of my remarks.

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

STATEMENT OF JAMES M. GAVIN

It is with heavy heart that I appear once again before your committee. There appears to be little doubt that, since I last appeared before this Committee, in 1966 and 1967, our situation has worsened in Southeast Asia and elsewhere abroad. Domestically, the tragic divisions within our country are too obviously before us all to need comment.

I was Chief of Plans in the Department of the Army, in the Pentagon, in 1954-55, immediately following the French capitulation at Dien Bien Phu, when the Joint Chiefs of Staff considered the various alternatives open to them at that time.

I would like to emphasize that I appear because it seems to me to be a patriotic duty to do so. I have no desire to attack any individual, or any past policies. I hope that I can make a constructive contribution to a better understanding of the involvement we now find ourselves in and what can be done to bring about the changes that we seek.

First, I would like to talk about Vietnam and how we became involved there. This discussion will concentrate entirely upon tactics. Then, I would like to talk about national strategy, if I may, for it seems to me that our confusion begins with a lack of understanding of strategy in the broadest sense. As long as we are uncertain as to our national goals, as to the proper meaning and role of strategy in the modern world, we shall continue to make tactical mistakes in area after area. There is always a military officer somewhere who wants to win a battle by taking one more hill or dropping one more bomb. That is his responsibility, but when the nation's leaders are clear both about their goals and how to bring these goals into reality, when they understand national strategy, then they know when to say "yes" or "no" in any given tactical situation.

I would now like to talk, from the blackboard, of the situation that confronted us in 1954 and 1955. In doing so, I would like to discuss the alternatives, the manner in which we met them and how we arrived at the point where we now are.

For some years I have followed the role of China in international affairs closely. I landed at Inchon with the forces of General MacArthur in October of 1950 and proceeded to Kimpo Airfield. I was with the Assault Marine Battalion when it seized that field. I was surprised to find that it had recently been thoroughly prepared for the introduction of modern air power. Huge U-shaped, freshly constructed revetments to house fighter bombers were newly built and scattered around the periphery of the field. Obviously, the North Koreans expected the intervention of a modern air force, and it most likely would be Chinese. Impressed by what I had seen, I returned to Tokyo within several days and I hastened to call on General Willoughby, MacArthur's G-2, to discuss with him the implications of possible Chinese entry into the war. He was of the belief that they would not enter the war,

that they had missed their opportunity to do so at Inchon when the landings were taking place. At that very time Chinese field armies were readying themselves to cross the Yalu and move south, which they ultimately did at great cost to us. I have no doubt now that China continues to watch uneasily what we are doing in Southeast Asia. She continues to be concerned lest we renew the plans that we had fifteen years ago to land in the Haiphong-Hanoi area.

I recently listened to a discussion between two Chinese experts on the likelihood of Chinese manpower intervention. They seemed to think it not at all unlikely if Hanoi developed serious manpower problems. I read in yesterday's New York Times an article in which a senior officer of our State Department stated that when the Administration decided to send troops into Cambodia and it believed the possibility of Chinese Communist intervention "was remote enough to accept a calculated risk." It seems to me at this point in our efforts to disengage our forces in Southeast Asia that no risk is acceptable, however carefully calculated. What deeply concerns me now is that out of the frustration and dissatisfaction with the conduct of the war in Southeast Asia, and the inability of our tactical commanders to realize that long sought "victory", there may be those who would be tempted to the ultimate confrontation, the war with Red China. We would then be exactly where we were when General Ridgway made the decision to recommend to President Eisenhower that we not seize Haiphong-Hanoi. The only difference would be, and a very significant one it is, that we already are on land and well established and we could force the confrontation by merely moving north, exactly as we moved west into Cambodia. From the viewpoint of the American people this would be absolutely catastrophic in its implications. To point out but one, I was in Moscow in November to discuss the possibilities of East-West trade, and I discussed the present preoccupation of the Soviets with the Chinese along the southeastern frontier of Siberia. They are quite concerned about it and indeed some feel that a very serious confrontation is inevitable. However, as long as the Chinese are very likely committed to a role in Southeast Asia, there will be little pressure on the Soviet frontier. Indeed, if this condition prevails, the Soviets will be free to pursue their own goals in the Middle East. The war in Southeast Asia is very much in the Soviet interest. And in terms of the Middle East and what may come of that troubled area, is very much not in our interest. One of the most immediate benefits that would come to us from an extrication of our forces from Southeast Asia would be a lessening of tension in the Middle East, in my opinion.

In summary, I would like to emphasize once again the over-riding importance of understanding the strategic strength of the United States, and of building and maintaining that strength. To dissipate that strength through ill-advised and poorly thought-out tactical ventures is certainly contrary to the national interest. There will always be those who will counsel seeking military victory without regard to the outcome of the war on which we have embarked. They confuse the means with the end; and leave unanswered the question, what is the goal we seek in this war? And while we pursue one more tactical victory after another, we lead the country down the road to strategic disaster. Our relations with other nations, the state of our economy, and the domestic condition scream for constructive attention; yet, everything that we are doing is tearing our country apart and alienating us from our best friends. We must bring our Southeast Asian involvement to an end as rapidly as possible, for each day of delay

increases the likelihood of the one confrontation we should avoid at all cost, a war with Red China.

Finally, I would recommend that the following specific steps be taken at this time.

First, that an outstanding citizen, not now in government, be designated by the President, and given cabinet rank, with the responsibility to bring about a resolution of the Southeast Asian involvement. The present situation we are in is unworkable. The Department of Defense must on one hand support its forces in Southeast Asia while it develops a plan for their extrication. And the Department of State must continue to maintain relations with our Vietnamese allies to assure them of our continuing support while it seeks to develop plans to bring our Southeast Asian involvement to an end. I presently observed the solution I am proposing in effect in France in 1960-62. In that situation a minister was appointed exclusively for Algerian affairs. All those participating in the Algerian situation reported to him in carrying out his responsibilities and he finally brought that conflagration to an end. Besides, when a problem transcends the interests of several governmental departments, it is good business to put one man in charge of the development of a solution to the problem.

Second, as a matter of highest priority, we must develop plans for the extrication of our forces from Southeast Asia and the cessation of hostilities. Any such plan should be based upon the retention, for some period of time, of the present logistical enclaves that now provide the backbone of our defensive structure in Indochina. These enclaves which I have discussed with this Committee before would give us both a bargaining counter at the peace table, provide for an orderly withdrawal of our forces, and would produce an immediate decline in the casualty rate. I would like to point out that in the resolution of the Algerian conflict, France provided for the retention of such base facilities as Mers-El-Kabir until the ultimate resolution of the Algerian problem. I believe the enclave strategy to be even more valid now than when I first proposed it before this Committee. Certainly, it would have prevented our escalation into Cambodia, and I would be glad at the conclusion of my testimony to answer any questions you may have on this matter.

Third, considering the critical condition of our society, one in which our young people are sent off to give their lives for their country and yet they are not allowed to vote, and one in which we urge them to work within the system, I think it is of the utmost importance that steps be taken without delay to give the right to vote to those 18 years of age.

Fourth, and finally, as soon as these measures have been taken, an all-out effort should be made to coordinate the measure taken to improve our domestic condition. For the same reason that I recommended that an individual of cabinet rank be appointed to deal with Southeast Asia on an ad hoc basis, I would now recommend a cabinet post for the individual charged with dealing with our domestic problems.

HUNGER AND MALNUTRITION

Mr. MONDALE. Mr. President, the true test of this Nation's will to end hunger and malnutrition is whether we can insure an adequate diet to every child in America. We have failed to do so in the past, and the tragedy of hunger and malnutrition in this country is largely a result of this failure.

In an article published in the April 5, 1970, edition of the St. Paul Pioneer Press, Lewis Patterson discusses the ex-

tent of malnutrition among our children and the effects of this condition. As Mr. Patterson points out in this excellent article:

The children of poverty, through generations, have become the parents of poverty. And the studies, here and abroad, indicate what doctors have nodded at all along: that a kid with a distended belly, plus bone-skin arms, is an underfed, under-protein eater. And a front-rank draftee for malnutrition.

Mr. Patterson points to the existence of hunger in my own State, as well as throughout the Nation. He reminds us that hunger and malnutrition is truly a national condition, one that knows no boundary lines.

Mr. President, I ask unanimous consent that this important article be printed in the RECORD.

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

THE POOR, HUNGRY CHILD—FEED HIM OR FACE THE EFFECTS OF MALNUTRITION

(By Lewis Patterson)

There is more than mere humanity involved in the upsurge effort in St. Paul and across the nation during the last few months to see that hungry undernourished children are fed—in schools, at day care centers, in hospitals—the latter even before birth.

An increasing number of national and local leaders in government, as well as private citizens, are saying that feeding the poor is the foremost necessary step in breaking the back of poverty.

Several years ago, at the advent of poverty programs, it was believed that teaching job skills to those Americans at the bottom of the economic heap, the low income people and welfare recipients, would solve the problem.

Then it was discovered that a great many of them could not learn.

Why? Malnutrition is the word. Not enough food. Not enough of the right kinds of food.

Dr. Ray Hepner, professor of pediatrics at the University of Maryland, nailed it down last July with the first clear-cut, definitive study in the U.S. of the ultimate effects of malnutrition on kids who are almost always hungry. And there are millions of them, almost everyone now agrees, from local social workers on up to President Nixon.

It would seem to be a solid guess that those who are fighting hardest for enough food for the poor—for an estimated 6.6 million American kids who are candidates to be victims of malnutrition are still basically impelled for humane reasons.

But it seems clear that more and more Americans—for whatever reasons—are beginning to recognize that poverty breeds poverty, and that poverty is costly in terms of welfare appropriations, public medicine, and crime.

You don't have to sit through very many public welfare meetings to get the drift of this idea.

To put it simply: The children of poverty, through generations, have become the parents of poverty. And the studies, here and abroad, indicate what doctors have nodded at all along: that a kid with a distended belly, plus bone-skin arms, is an underfed, under-protein eater. And a front-rank draftee for malnutrition.

It is no secret that the grade school drop out is not going to contribute as much, if anything, to the national economy as the high school or college graduate. And it is no use—in the face of overall statistics—to point out the exceptional poor boy in 100,000 who broke the barrier and rose to fame and fortune is the answer.

Dr. Hepner informed the U.S. Senate Select Committee on Nutrition and Human Needs of the study he directed which involved one-third of the 300,000 children in the city of Baltimore. Children of the poor were laboratory tested against performance by control groups of children from higher economic levels.

Dr. Hepner said that this only mass study in the U.S. of the effects of hunger and malnutrition showed that the children of the poor had a mean intelligence quotient of 75. This compared with 90 for the other children.

The shocker to Minnesota's Sen. Walter Mondale and other members of the committee—even though they had found shocking hunger conditions first hand in Appalachia and various southern states—was Dr. Hepner's comment on the children of the Baltimore poor:

"It is quite clear (through comparison with similar studies abroad) . . . that their comparative status is well below that of children of the same age group of Ethiopia, similar to those of children of West Pakistan and bordering on that of children of Thailand and Southeast Asia." All of which are termed underdeveloped countries and all of which have received financial aid from the United States.

Dr. Hepner said further: "Clear evidence in animal studies, and increasingly convincing evidence from child studies overseas, show us that malnutrition of many types during the developmental period of the brain produces permanent intellectual damage."

He said the study was brought on by concern over "the excess need for special education classes" in Baltimore. He also said the chances were less than one in 100 that the low IQs of any of the individual children were caused by reasons other than malnutrition.

How does all this tie with St. Paul and with Minnesota generally?

There has been no such study in Minnesota to measure the number of children who suffer because of lack of food, especially of protein foods—meat, cheese, milk—rather than diets of potatoes and bread.

But there are indicators:

Take the worst for a starter. Some 1,045 Minnesota families representing 4,056 persons—families not on welfare—have taken home pay of \$20 a month in cash after rent or mortgage payments, sustained medical costs (such as diabetes), and child care expense for working mothers.

Some 160,000 persons in Minnesota are welfare recipients. But it should be said that some of these will break the barrier because the biggest group are widowed, divorced or abandoned mothers whose children make up more than half the total. The mothers make up about one-third of the total and most of the rest are handicapped persons. But again, if history repeats, as poverty breeds poverty, many of the welfare children will be welfare parents.

But don't people on or off welfare who are eligible for food stamps or commodities they can pick up at the county seat eat well?

Until last October an elderly person with an income of \$138 a month—or a welfare recipient receiving that amount—\$35 a month was the budget for food. But he could increase this by taking \$18 of that \$35 to the food stamp center. By handing over the \$18 he could get \$24 worth of food stamps, a gain of \$6—up to \$41 a month. In some states he could stand in "the poor lines" at grocery stores and pay for his selections.

So what has happened? Now he can gain \$10, instead of \$6.

The Senate Select Committee headed by Sen. George McGovern, D-S.D., and including Sen. Mondale, went on a tour of poverty areas, followed by a sizeable crew of reporters. They pointed out poverty conditions, and especially hungry kids.

Mondale, especially, was pretty bitter and pointed out what could be done with the \$40 billion a year expended on the Vietnam war. He didn't fail to point out that a Look Magazine writer, a veteran of time spent in Vietnam, wrote that it would make no difference if the United States pulled out now, or two or three years from now, that the situation would be the same, that the Vietnamese had no faith in the South Vietnamese leaders and "would rather American troops went home." And that the magazine backed up its senior editor with an editorial supporting the idea.

But aside from that, Mondale wrote a long letter a year ago to Gov. Harold LeVander outlining what he learned.

"Hunger in Minnesota," Mondale told LeVander, "is as difficult to measure precisely as hunger in the nation as a whole, but some of the general measures make it possible to judge that a problem does exist in our state."

Mondale told LeVander that the Bureau of Labor Statistics concluded that a family of four in an urban area needed \$6,000 a year to feed its members properly and still meet other expenses.

He said that an estimated 600,000 Minnesotans live in families that receive \$3,000 or less in gross income per year and "must suffer some degree of nutritional deprivation."

Mondale suggested that many poor Minnesotans—the working poor as well as those on welfare—do not go to the county seats to pick up the "surplus" foods commodities handed out, or buy food stamps, because they were shamed, in some cases harassed or discouraged by county officials.

He told LeVander that the basic questions were: How many of the 170,000 school children in schools without school lunch programs are undernourished?

He asked how many children who should, by law, be receiving free school lunches are not. He also asked similar questions concerning welfare recipients and the working poor and added that, "We do not know . . . but we should, and I hope we will find out."

Mondale ended his letter to LeVander with this:

"As public officials, we share responsibility for the pitifully inadequate public efforts to meet the needs of the poor and the hungry in America. But assessing blame will not feed anyone. What we must share in the future instead is a firm resolve to move together in a nonpartisan attack which will draw all of our resources—local, state, federal, and private—into a united drive against hunger. I look forward to working with you in this effort."

A spokesman in Mondale's office said Saturday that LeVander never answered the letter of a year ago. Mondale's letter got fairly wide publicity.

But there has been response to the tour of the Select Committee to poverty areas.

St. Paul has been hailed for its advance in the school lunch program and both state and national officials have praised the work of Mrs. Virginia Ball, in charge of St. Paul's program.

A year ago no St. Paul elementary schools had hot noon lunches. Monday, Prosperity School will join the list of those that do and this will leave 17 elementary schools that do not. Some of these are in poverty areas that need it most. Mrs. Ball said the problem is that six of the remaining schools are to be replaced under the construction program and that the others have no space for either kitchens or serving areas.

Farley Bright, assistant commissioner in the state Education Department, though he highly praised the work of Mrs. Ball, said lack of facilities is no excuse for a school not to have a noon hot lunch program.

He could very well have been thinking of Minneapolis which has been especially fag-gard. Forty-nine of its 69 elementary schools have no school lunch program.

Many are in poverty areas.

Bright said the government will provide 75 per cent of the cost of providing facilities—kitchens and eating areas.

Mrs. Ball said the problem in St. Paul for the remaining 17 schools, is "poor space, old buildings with no room for kitchens, no room even to serve."

"But we're studying and figuring and we'll come up with some way to do it," she said.

This is not to excuse St. Paul—certainly not Minneapolis—nor any part of the State—but there are still 810 schools in Minnesota that have no school lunch programs.

But the point the critics make is this: How many in those school districts that have no noon lunch programs are kids that don't get much to eat?

Ethel Heaberlin, state nutritionist, shuffling through reports, came on a clipping from a national magazine which included pictures of the now familiar scene of kids in Biafra and India—the distended stomachs and arms and legs with bones covered with skin but little or no flesh.

"There was a little boy in a breakfast program in St. Paul—it wasn't that bad, but it was nearly that bad," she said.

Carl Holt, administrator of the food programs for the state Education Department said he talked to a 5-year-old child at a breakfast program and learned the child had not eaten since the morning before—at the school.

Mrs. Ball said, "The statistics and the paper work can get dull but I always remember the first child who said to me. 'This is the bestest lunch I ever had.'"

Bright commented on an earlier report that Holt was removed from his position at the insistence of the U.S. Agriculture Department, reportedly because Minnesota had to turn back unused funds—not school lunch—but other federally supported programs.

"We have good relations with the Agriculture Department," he said. "The fact is our programs are so increasing that we are doubling the staff. Holt will go out to sell the programs to schools and communities, another man will take over the administration."

This is part of the story, largely in one area of providing food to the poor.

There are many other areas: special milk programs, food stamps and commodity programs, the school breakfast programs in St. Paul and Minnesota generally, food for senior citizens, trying to assure healthy births through feeding and care of pregnant mothers, conditions in Indian schools and on reservations, the whole gamut of kids who are hungry and the amazing number of families who don't have enough to eat and are too proud or too ashamed to ask for food stamps or to go to the county seat to get the hand-out of so-called "surplus" foods in a nation in which almost all foods are surplus.

LEAD POISONING

Mr. KENNEDY. Mr. President, for a long time, I have been interested in the hazards of lead-based paint poisoning. It is a needless and preventable malady. Lead poisoning in children is caused chiefly by the ingestion of paint chips, plaster, and putty. Usually, in the homes of the poor living in our big cities, walls are caked with coats of lead-based paint that are many years old. The failure to properly maintain these buildings has created a hazard that could be and should be avoided.

Last fall, I introduced S. 3216, which is designed to bring an end to this disease. It is appalling that with modern technology we can completely eliminate lead-poisoning as a hazard to our children, but inadequate and uninforced housing regu-

lations as well as insufficient efforts by health authorities have permitted the disease to run rampant through such communities as Roxbury, Bedford-Stuyvesant, South-Side Chicago, and Anacostia, D.C.

There is evidence that warm summer temperatures contribute to the increase in the number of cases. Apparently, the body stores lead in the bone marrow for indefinite periods. During summer months, metabolic changes cause the lead to be deposited in the blood stream, thereby creating the dangerous and tragic symptoms of physical and mental debilitation. When the disease is not treated early in its course, there can be irreparable damage to the central nervous system. In those cases, victims become a doubly tragic burden to society because their potential as a healthy person is lost to society.

At the same time it costs our health agencies as much as \$250,000 throughout the patient's lifetime to provide for proper care and attention. We know, on the other hand, that for less than \$2,000 the average home that is a potential source of lead paint poisoning can be completely rehabilitated to remove the danger.

New York City probably has the highest incidence of lead poisoning. Lawrence Altman writes in the New York Times about the unprecedented caseload reported to New York health officials for 1970. He cites efforts made by the city to detect cases in the lead belt.

A lead detecting machine to be used by New York University to help pick out the presence of lead paint in homes may be valuable in the fight to make this hazard a thing of the past. There are also medical tests run on youngsters that are simple and reliable. Treatment may require hospitalization, but when caught in time, victims can be completely cured. The tragedy is that too often youngsters who get the disease and receive treatment, are returned to the same environment that caused the disease in the first place. These same children are likely to get sick again because nothing has been done to remove peeling paint chips from walls of the home. In fact, medical records show that once a youngster has had lead sickness, he is very likely to get it again.

Efforts must be continued to distribute information about lead poisoning in newspapers, magazines, television, through health clinics and in neighborhood centers. Parents, teachers, health aides, and even physicians have got to be made to suspect lead poisoning.

Too often, the disease goes unnoticed because it is unheard of. Repeated emphasis about this hazard through articles such as that in today's New York Times can be helpful.

For that reason, I ask unanimous consent to have printed in the *Record* Lawrence K. Altman's article entitled "Lead Poison Worst Ever at 260 Cases," published in the New York Times on Tuesday, May 12, 1970:

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

LEAD POISON WORST EVER AT 260 CASES (By Lawrence K. Altman)

Physicians have reported 260 cases of lead poisoning in children to the New York City Health Department during the first four months of this year—more than for any other comparable period.

Health officials attribute the rise in reports to recent increased interest on the part of medical and community leaders in this old medical-social problem. This interest led to a release of city funds allowing the Health Department to test more blood specimens for lead, thereby detecting earlier this preventable disease of the home environment.

Health officials suspect that the higher total represents just a small fraction of the lead-poisoning cases here.

"Our calculations indicate that there are about 8,000 cases here," said Dr. Vincent F. Guinee, head of the city's lead-prevention program. In an interview, Dr. Guinee elaborated as follows on some of the statistics on cases of lead poisoning in recent years:

Ninety-three percent of the lead poisonings occurred among children 1 to 4 years of age.

Although 86 per cent of the cases were among children from black and Spanish-speaking families, youngsters from these groups made up less than half the city's population for that age range.

The 727 cases in 1969 were the highest recorded in the city's history, but the two deaths were the fewest in the last decade. The most deaths from lead poisoning were the 19 in 1960.

None of the 1970 cases reported thus far were fatal.

High rates among young children reflect the fact that they eat the lead paint peeling off the indoor walls of homes built before World War II. Though covered with newer layers, the original lead paint remains on walls in many older homes in poverty areas of New York and other American cities.

Since World War II, laws here and elsewhere in the country have prohibited the use of lead paint indoors. Some outdoor paints still contain lead.

EVEN THE WELL FED DO IT

Studies have shown that half of even well-fed children eat things like paint, clay, plaster, dirt, matches, cigarette butts or crayons that are not food. Doctors call this little-understood phenomenon pica. In zoology, the pica is the genus containing the magpies, which are omnivorous.

Though the pica usually begins about age 1 and disappears by age 5, the American Academy of Pediatrics says that "as many as 50 per cent of mothers of children with pica also have pica themselves."

Because the intestine can absorb only small amounts of lead at any one time, ingestion of tiny amounts of lead over a long time can be more dangerous than eating a larger amount once. Doctors suspect a child must eat lead chips for about three months before symptoms of plumbism—from the Latin for lead poisoning—develop.

Once absorbed, lead can affect almost every system of the body. Most of the heavy metal is stored in bones, and appears as opaque white lines at the end of the wrist and knee bones on X-rays of children with severe lead poisoning.

Because lead interferes with the body's manufacture of hemoglobin, the oxygen-carrying protein in red blood cells, large amounts of lead cause anemia, a deficiency of such cells. When doctors look through a microscope at stained specimens of blood and see blue specks on the red cells they may suspect lead poisoning.

Symptoms may appear insidiously or suddenly. The child, whose gums may become blue, may lose his appetite for food, vomit,

become less alert and more irritable, have temper tantrums, or develop a clumsy, staggered walk. The child may complain of vague abdominal pains, which can become so severe that he doubles up from spasm of the bowel. This symptom, called "lead colic," has fooled doctors into unnecessary surgery such as appendectomies.

Lead can cause tiny hemorrhages in the brain leading to convulsions and coma. The metal may also interfere with functioning of nerves in the arms and leg, causing a paralysis called wrist or foot drop.

Doctors want to detect lead poisoning as early as possible to prevent, rather than treat, these symptoms. That is why the Health Department got an infusion of \$1.2-million earlier this year to step up its lead-prevention program.

Action begins when the Health Department receives a report of a case of lead poisoning, either from a practicing physician or from a blood test performed at the department's laboratories.

The most reliable method, Dr. Guinee said, is a laboratory test performed by a process called atomic-absorption spectrophotometry. The Health Department considers abnormal a blood lead level of 60 micrograms or higher. (A microgram is one-thousandth of a gram.)

Some doctors had hoped that the ALA (for delta amino levulinic acid) would be the easiest screening test for lead-poisoning cases.

The ALA urine test, Dr. Guinee said, is unreliable. A Health Department study, supported by results of similar ones done in Chicago and Baltimore, found that the urine test falsely diagnosed lead poisoning in about 30 per cent of children without the disease and failed to detect about one-third of true lead-poisoning cases.

After receiving a report of a positive lead test, a Health Department representative takes samples of wall paint where the youngster lives.

If any of these samples is positive for lead, the Health Department orders the landlord to begin removing the lead source within five days. If the landlord fails to comply, as has happened about half the time, the city's Emergency Repair Program does the work and bills the landlord.

Dr. Guinee said the Health Department was detecting lead in about one-half of the homes of children suffering from lead poisoning. In the other half, Dr. Guinee said, sampling procedures may have missed the hidden lead paint, or the family may have failed to reveal other homes that the child visited. Mothers who work while on welfare are reticent to reveal this information despite the Health Department's guarantees of confidentiality.

Next month, the Health Department plans to begin using a portable model of a new lead-detecting machine that New York University's department of environmental medicine developed with funds from the city's Health Research Council. It is hoped that this device will enable an inspector to survey an entire housing unit without removing any paint chips and to increase the accuracy of detecting lead paint in homes.

MANAGEMENT OF COASTAL ZONES

Mr. COOK. Mr. President, today our Nation is faced with the massive problem of discussing, studying and ultimately developing a policy for national growth and national land use.

We are beginning to realize that the proper ordering of priorities for the most efficient and effective use of our natural resources will have a profound effect on the redevelopment of our urban areas,

rural development, and the wise use of our national lands.

An important first step in our attempt to preserve and conserve the area where our continent comes down to the sea is the proper management of our coastal zones. This subject is before the Commerce Committee's Subcommittee on Oceanography now. S. 3183 is the administration's proposal to deal with the unique problems which deserve special attention in the form of a national policy and program.

As proposed in S. 3183, the Department of the Interior, under the leadership of my friend Walter J. Hickel, would assume the role for management of the coastal zone function. This to me is as it should be, for under Secretary Hickel's direction, his department has turned from an "interior" agency to an outward looking agency, whose scope also includes the innerspace of the seas which yields some of the most exciting and challenging areas of human enterprise.

Pending the report of the Ash Council's recommendations and the President's decision on reorganization, the Secretary has moved to establish a Marine Affairs Action Group to study and review the Interior Department's role and programs.

As lead agency, Interior is also directing a coordinated effort with other agencies in Government in oceanographic research to learn more of man's ability to work and live in the sea through Project Tekite II.

As an example of the type of thinking going on in the Department of the Interior these days, I ask unanimous consent to have printed in the RECORD the remarks of the Honorable Hollis M. Dole, Assistant Secretary for Mineral Resources, before the Second Offshore Technology Conference, in Houston, Tex., several days ago. Secretary Dole's remarks on the coastal zone will be of interest to all concerned with the efficient management of our natural resources.

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

REMARKS OF THE HONORABLE HOLLIS M. DOLE, ASSISTANT SECRETARY—MINERAL RESOURCES, BEFORE THE SECOND OFFSHORE TECHNOLOGY CONFERENCE, HOUSTON, TEX., APRIL 22-24, 1970

The first thing to be noted about the Coastal Zone—as I view it—is that it is extraordinarily difficult to say just where its limits are. I think any reasonable definition would have to include both land and water elements. Here along the Gulf of Mexico, where the coastal plain sinks gently under the sea to form a wide, shallow shelf, this continuum between land and sea is quite evident.

The long history of litigation as to just where the Louisiana coastline is physically located is a prime example of how difficult it is to separate the land and water modes of this transcendently important part of the earth's surface.

Further obscuring the boundary between the wet and dry sectors of the coastal zone is the extensive exchange of properties between the two. Tidal flats may belong to either one, depending on the time of day. Many forms of marine life enter the estuaries, and some like the salmon and the her-
ring travel far up rivers and streams to spawn

and die. Conversely, rivers carry sediments, nutrients, and pollutants that reach the ocean and influence the environment far from shore. Swarms of creatures inhabit the brackish waters of bayous and tidal marshes, belonging fully neither to the sea nor to the dry land behind it.

The biosphere does its best by the coastal zone. Here, as the deep sea shoals to where light is able to penetrate to the bottom, life literally explodes in a profusion of forms and varieties. The near-shore reaches of the sea, containing only a tiny fraction of its total volume, host enormous populations of marine life. And so it is on the dry sector of the littoral as well: Seventy-five percent of the world's 3½ billion people live within a hundred miles of the sea. Civilization was cradled in the sea-kingdoms of Egypt, Minos, Phoenicia, and Greece. For a hundred generations and more, access to the sea and its resources has been the glue of empire, for Carthage and Rome; Byzantium and Venice; Holland and Britain. And it is here, in this narrow, vaguely-defined strip that overlaps the interface between the land and the sea that the great interchange of the world's resources takes place. The harvest of both land and sea meet to be sorted out, processed, and dispatched. As a geologist, I find it intriguing that the long and tenuous belt of great tectonic activity which outlines the continents should correspond to the region of greatest human activity as well.

This intense exploitation of the resources of the littoral, both on and off shore marks the convergence of many separate interests: there are the private interests, that is, the interest of the fisherman, the shipping business, the minerals industries, the tourist and pleasure seekers. The adjacent States and municipalities obviously have a large stake in what happens on their doorsteps. The Federal Government has a broad range of interests which encompass responsibilities for navigation, defense, minerals development, fish and wildlife protection, pollution abatement, regulation of ocean-going traffic, and occasionally acting as the arbiter and honest broker between other competing claimants. The sum of these separate interests is what I would call the national interest. More definitively, perhaps, the national interest in the coastal zone could be stated as the effective development and use of the total resources available in that region for all the purposes the Nation may require.

With so many separate interests to be satisfied it is no wonder that a great many problems involving the use of coastal zone resources have arisen. I do not have to tell those of you who live in this area of the tangled web of separate and often conflicting activities involving fishermen, oil producers, miners, shippers, refinery operators, water quality authorities, and those who derive recreational or esthetic enjoyment from Galveston Bay.

Problems comparable to those of the Galveston Bay area face many other portions of our coastal zone. In the San Francisco Bay area, where pollution and competition between shell-bed mining, shoreline development, biologic resources, and recreational use also exist, there is the additional hazard of earthquakes and landslides on steep slopes. Further north in my home State of Oregon, we were suddenly faced with a different kind of problem several years ago when the Hanford Laboratories began introducing radioactive wastes into the Columbia River which in turn carried them to our beaches and fishing grounds. This occasioned a crash program with our neighbors in the State of Washington, the AEC, and a number of offices in the Department of the Interior. The program is proving reasonably successful, but like most problem-oriented, crash programs will provide only a partial basis for the solution of future, similar problems.

At New York and throughout the East Coast megapopolis, urban development, rising land values and zoning restrictions are reducing the availability of sand, gravel, and other construction materials, and have triggered major exploration programs for new sources. Potential new sources are available both landward and seaward of the metropolitan areas. On land, long, high-cost transportation will be required to move the materials; at sea, we remain unsure about the possible effects of large-scale exploitation on the marine environment. The final decisions on development will require consideration of many technical, economic and social factors relating to the deposits of both the land and sea.

Partly because I am a geologist who happens to have significant responsibilities for minerals and their development, and partly because the roster of the sponsoring societies of this Conference indicates a similar professional interest on your part, I would like to address my remaining remarks specifically to the development of the mineral resources of the coastal zone.

Up to this point in time, the history of marine mineral development—aside from the extraction of a few compounds from sea water itself—has been mainly that of oil and gas produced from offshore locations. Even this activity is of relatively recent origin, dating back not much more than twenty years. Thus, it is not surprising that we have barely scratched the surface insofar as tapping the potential oil and gas resources of the Continental Shelf are concerned. Perhaps a few figures will help emphasize my point.

The submerged part of the United States out to a water depth of 200 meters comprises an area of about 800,000 square miles. The U.S. Geological Survey estimates that the rocks underlying this area have potential resources in place ranging from 660 to 780 billion barrels of oil, and between 1,640 and 2,220 trillion cubic feet of gas. The area between the 200-meter and the 2,500-meter isobaths approximates 480,000 miles and is considered to hold resources of the same order as that lying shoreward of the 200-odd meter contour. These figures compare with an estimate of roughly 1300 billion barrels of oil and 3,000 trillion cubic feet of gas originally in place on shore. The significant difference between the wet and dry provinces is that we have been looking for oil and gas in the onshore regions for a hundred years, and have found the most accessible deposits. But we have only begun to look in the offshore areas.

In fact, only a little more than one percent of the acreage out to the 200-meter isobath has ever been leased for oil and gas exploration, and 60 percent of this has been offshore Louisiana. Twenty-odd years of exploration and development have located less than 6 billion barrels of recoverable oil and 50 trillion cubic feet of gas out of the vast potential resources that are believed to underlie the continental margin. In fact, no production has ever been established offshore the United States other than in Louisiana, Texas, Southern California, and Alaska's Cook Inlet.

Moreover, even after 20 years of development, most of our offshore oil and gas still comes from fields underlying less than a hundred feet of water. This is slowly changing as more wells are drilled in deeper water. But the truth is simply that at depths of 350 to 400 feet we are approaching the practical limits of conventional bottom-supported production platforms. Moreover, the sheer numbers of these offshore structures, which now total more than 1,700 in the Gulf of Mexico, presents a problem to other users of the area.

Almost fortuitously, as it happened, this concentration of structures grew up in the only part of the sea area adjacent to the conterminous United States that is not almost completely claimstaked by other users.

Around the entire length of the remaining coastline, there is hardly a square mile that is not being used for some purpose and usually for more than one purpose.

The chief tenant is the Department of Defense, but not in every case. There are bombing and gunnery ranges, test and calibration ranges, carrier operating areas, submarine operating areas, torpedo firing ranges, transit lanes, and vast and complicated underwater sound surveillance systems tied to each other and to the shore by a network of cables. On the Atlantic and Pacific Coasts there are also a great many more commercial shipping routes than in the Gulf, and the number of clear days is measurably less. There are commercial cables, oyster beds, and fishing shoals to be considered—and a growing number of privately owned submersible craft operating in the relatively shallow waters above the shelf. Moreover, beauty-conscious dwellers along the shore have shown growing impatience with the spectacle of oil rigs working offshore at any point within their range of sight. And because the entire area is already in use, the entry of a new tenant cannot be easily accommodated because of the "domino effect" produced upon adjacent areas.

I'm simply saying that as offshore oil activity expands into these already crowded areas—as I feel it must, eventually—oil men and their government lessors, both State and Federal, are likely to be faced with problems of a kind and dimension that are only now beginning to be encountered in places such as Santa Barbara. Their resolution will take much patient negotiating, and a large measure of tolerance by all concerned. It will also take some significant advances in offshore production technology, looking to the day when all production—and hopefully, drilling as well—can be done on the sea bottom without interfering with the users of the water and air columns above it.

The problems that offshore oil and gas development pose to other users of the coastal zone resources have been made abundantly clear to us all during the past fifteen months. Two incidents, barely a year apart—the spill off Santa Barbara in early 1969 and the recent fire and spill off the Louisiana Coast—have focused public attention on offshore oil operations as nothing else has done in the history of the business.

In the wake of the Santa Barbara spill the Federal regulations and orders governing leasing and drilling on the Outer Continental Shelf were completely overhauled, modernized, and strengthened. Existing requirements of the regulations were more carefully defined and some new requirements were added. Two provisions were of particular significance. A requirement for a full and thorough consideration of all environmental factors in advance of any lease sale was added to the regulations. The existing imposition on the lessee of absolute responsibility for control and total removal of any pollutants resulting from operations which damage, or threaten to damage, marine life, wildlife, or public or private property was clarified.

In response to the obvious need for more effective policing of regulations, the Geological Survey has greatly accelerated its inspection activity, and is in the process of increasing its staff to insure adequate coverage of all oil and gas operations on the Outer Continental Shelf. I think the outlook is clear for everyone to see: regulations on Outer Continental Shelf operations are going to get increasingly more stringent, their enforcement is going to get tougher and more vigilant, and the penalties for violation will get more severe. The public consciousness is strongly focused upon the whole question of pollution, and it has been hypersensitized by the fact that the two largest and most spectacular oil spills in the history of offshore operations occurred within a year of one another. If the oil industry cannot conclusively demonstrate

in its future operations that it can and will prevent recurrence of such accidents there is the clear danger that the pressure of an aroused public will make it virtually impossible to continue exploration and development of the petroleum resources of the continental shelf. And this would be a severe blow to our hopes for continuing to supply the bulk of our oil and gas needs from domestic sources as a basic requirement of our national security.

As much as anything else, the public dismay over the two oil spills resulted from the ineffectiveness of the efforts to contain and dispose of the oil before it did extensive damage to property, wildlife, and the aesthetic qualities of the surrounding area. With all our vast inventory of chemical agents, it still turned out that the best and safest absorbant was straw, and it is an open question as to whether the emulsifiers and surfactants available do more harm to the ecology than the oil itself.

The problem of oil spills quickly transcends the limited scope of offshore oil operations. Out of 714 reported oil spills in U.S. waters in 1968, only two were from offshore oil wells. About half of the total incidents—347—were from vessels, most of which were docked at the time. Dry cargo vessels—not tankers—accounted for the greatest number of incidents—112, against 83 for tankers. Nearly 300 spills were caused by shore facilities of various types.

The hazards posed by the breakup of large tankers in the coastal zone belong in a category all by themselves. The Torrey Canyon disaster off the Scilly Isles is well remembered. Eight-hundred thousand barrels of black oil were released to the open ocean, and much of it washed down onto British and French beaches. But the Torrey Canyon was a relatively small ship in comparison with those now being built, and which will be calling at United States ports with increasing frequency. The average size of tankers on order at the end of last year was over one million barrels, and a three-million-barrel tanker was recently laid down in a Japanese yard. With spills of this magnitude included in the risks of the future, the 12,000 barrels released at Santa Barbara, or even the 30,000 barrels spilled into the Gulf of Mexico seem small indeed.

The amendments to the Federal Water Pollution Control Act which became law early this month provide for stiff penalties to ship owners in the event spills occur. This may properly be expected to be a burr under the saddle of ship owners to insure that all measures are taken to prevent spills, and is of course a palliative to those damaged by spills which do occur. But despite great efforts we are still far short—in technology, in organization, in procedures—on the most critical element: the prompt and effective collection and disposal of oil which may in fact be spilled, regardless of cause or fault. Our efforts to deal with the problem of oil spills in the coastal zone can never be regarded as satisfactory or complete until we have found a way to minimize damage from these "contingencies of catastrophe."

While I have talked at some length on oil and gas resources in the rocks of the continental margin, there is another ocean mineral resource group that deserves the attention of this audience: this is the group of minerals that are found on the ocean floor in potentially useful concentrations brought about either by physical or chemical oceanographic processes.

The mineral deposits which have been concentrated on the ocean floor by physical processes are the beach placers and are either exposed along the margin of the seas or submerged on the continental shelf.

These deposits are of heavy minerals and include gold, tin, diamonds, magnetite, ilmenite and chromite, all of which have been mined successfully in some part of the

world. They owe their concentration to the oscillating motion of water in waves or currents which tend to winnow the finer and lighter particles and leave behind the coarser and heavier grains.

The deposits formed by chemical oceanographic processes occur on the sea floor from direct chemical precipitation out of sea water.

These deposits are found on the deeper portions of the continental margin or on the deep ocean floor. Although there are a considerable number of these minerals, the most important known today are in the phosphorite nodules and sands and manganese nodules.

To me the most interesting of these deposits are the placers—those found in present beaches or a short distance offshore and to depths of water of 300 to 450 feet. It is these deposits I feel which will lead us from land-oriented to water-oriented mining operations and guide us to the technology that will permit us to operate in even greater water depths.

Like the offshore oil industry that progressed from the swamps to the bayous and bays to the continental margin and is now exploring in water depths greater than a thousand feet, I believe the experience gained from successfully mining the near-shore placers will develop techniques and skills that will enable us to handle the deep water deposits. The importance of deep water deposits lies in their tremendous quantity and the fact that our future mineral requirements will be so huge that all possible sources must be tapped.

Much has to be done to give commercial importance to these minerals which lie on the ocean floor. Extraction is currently limited to only a few items and in limited quantities. Some progress has been made in developing the extraction technology, but here, too, we have barely scratched the surface. But the potential reserves of this group of minerals is huge, and we need to pay greater attention to them if the predicted demand for these metals is to be met.

We need a firm framework of law and practice which will encourage investment in these extraordinarily risky ventures. Logically, the near-shore placers will be mined first, and this will take place under the jurisdiction of the coastal states. As operations proceed seaward, they will enter the zone of Federal control, and if they extend far enough the question of international access must be answered in some way. The legal concern for this group of minerals has just begun, and should receive greater attention, beginning now. It should be directed at all levels—State, national, and international.

The coastal zone where the continents come down to the sea remain the most exciting, the most challenging, and the most important area of human enterprise that I know. Scientifically, it holds the key to many riddles; commercially, it may solve many problems of resource availability; technologically, it challenges the minerals industries to find the keys to unlock the riches of the ocean floor; socially, it summons us all to work together in the pursuit of a common goal: that in harmony and wisdom we can expand the frontiers of Inner Space for the security and benefit of the people.

TREATMENT FOR LEUKEMIA

Mr. YARBOROUGH. Mr. President, one of the cruelest forms of cancer is leukemia, the cancer that most often strikes children. Occasionally its victims are adults, but by and large children are the ones who suffer and die from this dread disease.

Progress has been made in the fight against leukemia, but administration cuts in the funds of the National Cancer

Institute have curtailed a vital and successful project in leukemia. As a result of the cut, the lives of children under treatment may be imperiled.

The cooperative project is based at the Roswell Park Memorial Institute, a major cancer research and treatment center in Buffalo, N.Y. Almost 200 cancer experts and two dozen hospitals are linked together by computer in order to maximize their expertise in the treatment of children suffering from leukemia.

An article published in *Look* magazine for May 5 describes the progress of this project, but it also says the project is being cut 15 percent in what the White House calls a move against inflation. The article concludes by saying we must not try to pay our economic obligations with our children's lives. I agree, and I think most of the American people do, too.

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:

WE HAVE A CHANCE TO BEAT LEUKEMIA NOW
(By Roland H. Berg)

(A fatal disease shows signs of yielding to a cooperative plan of treatment. As more children survive, scientists predict that cure is now a realistic target.) Parents rightfully fear leukemia; no other disease poses a bigger threat to a child's life. Of the ten thousand youngsters stricken annually by this cancerous blood disease, death has come to nine out of ten within a year. Desperately, parents of doomed sons and daughters try to cram a lifetime of loving into brief months, with bittersweet Christmas trees and birthday parties long before their appointed time. Watching, you wonder who bears the greater tragedy: the child whose life is forfeit, or the parents who helplessly watch a young life slip away.

Now, something wonderful may be happening. Without a miracle drug or a sensational new cure, a special group of leukemia children is defying its one-year death sentence.

The group's scoreboard shows eight out of ten kids surviving more than a year; five out of ten, for more than two years; and four out of ten, more than three years. Indeed, 25 percent of the group will be alive and well after five years, and those five-year survivors will have an even-money chance of normal life-spans.

More than 2,000 youngsters have been treated in a unique cooperative plan, embracing 26 major hospitals, known as Acute Leukemia Group B. The group is not exclusively for childhood leukemia; other types of cancer are treated.

A skinny, shy, 12-year-old, Jimmy Matheson of Newton, N.C., is one child in the group who has already survived five years. With mud-blond hair, and ears that are a bit jug-like, Jimmy has a startled expression lighting his wide slate-blue eyes.

When Jimmy was only seven, he began dozing off at odd hours, even while eating. At first, his mother paid little heed. With a husband and seven kids in the house to look after, one small boy falling asleep didn't rate an emergency. But when Jimmy's temperature ran up and down, his glands swelled and he complained of headaches, Mrs. Matheson took him to the doctor for an examination.

A routine blood count warned the physician that Jimmy was sicker than he appeared, and he wisely advised Mrs. Matheson to consult specialists at Bowman Gray School of Medicine, 120 miles away in Winston-Salem.

Quickly, the Bowman Gray staff determined Jimmy had leukemia and told his

mother the outlook was poor—Jimmy might live only a year—but they would do their utmost.

In the hospital, Jimmy received intensive treatment—myriad chemical infusions laced with tests and blood transfusions to which he responded rapidly. In a few weeks he was well enough to go home and told to return for continuing therapy. The long biweekly drives to the hospital continued for nearly three years.

For the past two years, Jimmy has needed no more medication. He is back at school, awkward at being the oldest and biggest boy in the second grade, but determined to make up lost years even though some classmates poke fun at him. He sees his local doctor for biweekly checkups, and once a month journeys to Bowman Gray for more elaborate tests.

The leukemia project of which Bowman Gray is a part is the brainchild of cancer specialist Dr. James F. Holland. He got the idea when he was doing clinical research at the Government's National Cancer Institute in Bethesda, Md.

At that time, cancer researchers were painstakingly testing one chemical after another, attempting to find one that will halt the deaths from leukemia. Some drugs seemed more promising than others, and in animal trials, some chemicals worked even better in combinations rather than singly. The results, however, were too fragmentary to mean much. Statistically, the situation demanded a larger, more reliable experience.

Dr. Holland proposed a solution: have as many specialists and hospitals as possible coordinate their treatment of patients with agreed-upon combinations of chemicals. The joint wisdom of the specialists and the larger number of patients would permit more rapid, reliable evaluation of treatment methods.

After studying the proposal, the National Cancer Institute agreed to support Dr. Holland's leukemia-treatment plan. He established the cooperative's base of operations at Roswell Park Memorial Institute, New York's state-run cancer-research and treatment center in Buffalo.

Beginning with a few specialists in key hospitals, the leukemia chain has expanded until it now includes 167 cancer experts in 26 major hospitals throughout the United States and five foreign countries.

Every patient admitted through a member hospital gets a standardized, exhaustive examination. A copy of the findings is sent to Roswell Park headquarters and programmed into a computer. Each record is constantly updated. Within minutes, the computer can sort out the past history and present status of any patient in the 26 hospitals.

Every four months, as many as possible of the cooperative's 167 cancer experts gather for three days at a central location to review their experiences and to discuss proposed changes in treatment.

As of now, the chemicals used in therapy number more than a dozen. Some are generally available, while many are restricted to experimental use. They go by strange names—vincristine, methotrexate, prednisone, 1-asparaginase, 6-mercaptopurine, dactinomycin, procarbazine and cytarabine. Others have names so long, initials are more convenient—BCNU, ICBT and CCNU.

Mainly, these powerful molecules are pumped directly into the patient's bloodstream. Although each chemical's structure is unique, they all seek to destroy the rabid white blood cells characteristic of this type of cancer.

All forms of cancer are difficult to treat, leukemia particularly so, since it affects the blood-producing organs and results in an explosive multiplication of white blood cells. To save the leukemia victim's life, the physician must launch his attack against the patient's own blood.

Normally, blood serves two main purposes,

it transports oxygen and nutrients throughout the body, and it destroys infectious invaders. The red cells and plasma, the blood's liquid portion, efficiently perform the first function; white cells capably handle the second chore.

Born in the bone marrow and lymph nodes, white cells are released into the bloodstream when they mature. Compared to the reds, the whites are numerically fewer; the ratio is 1,000 reds to a single white. But when infection threatens, the bone marrow and lymph nodes double and even quadruple their output. As the threat subsides, production slows and returns to normal.

When leukemia strikes, it triggers the marrow and nodes to pour out huge numbers of white cells—10, 20, even 100 times the usual amount. In some strange way, the cancerous process also disrupts the white cells' life cycle and they never mature. They remain juveniles always.

Consequently, hordes of bizarre-looking youthful marauders roam the body, invading and destroying bones and organs in a voracious search for food. By sheer weight of numbers, the hoodlum cells suffocate red cells and platelets, special units that halt hemorrhages by forming clots. Since only mature white cells can fight infection—and mature whites have disappeared—the body is defenseless against lurking germs. Death comes to most leukemia patients from infections that quickly become overwhelming, or from bleeding.

Because the disease is so swift and the outcome seems so certain, parents of children with leukemia often choose the hospital nearest home, where they can be with their youngsters frequently. The convenience of daily visits may be comforting to the family, but is it in the child's best interests?

Dr. Holland thinks not. What the child needs during the acute stage, he says, is treatment in a hospital that has the proper resources. That includes a balanced staff composed of older specialists with the wisdom that years of doing gives them, as well as trained young investigators with fresh ideas.

The institution must also have access to today's chemical weapons. It must have the new equipment that can separate blood into red cells, platelets and white cells, and make each component available for transfusions to sustain the patient's life. Ideally, the hospital should safeguard its patients with laboratories capable of identifying the many infectious organisms that might threaten.

Many institutions keep their actually ill leukemia patients in laminar-airflow rooms. A constant stream of cleansed air flowing from the wall above the patient's head prevents air contaminations brought in by doctors, nurses and visitors from reaching the patient. Other hospitals encase their patients in glass-walled germproof rooms.

Recent experience proves that acute-phase treatment does not often require months of hospitalization. So effective is combined chemotherapy, plus life-supporting fractional blood transfusions, that most children need only several weeks in the hospital. From then on, they can be managed as outpatients on a once-a-week or once-a-month basis. Between clinic visits, local physicians can keep a close watch on the children.

Although all 26 hospitals in Acute Leukemia Group B fulfill the requirements as centers of excellence, Dr. Holland emphasizes that they are not the only ones competent to care for leukemia patients. Many university-connected institutions, as well as some community hospitals, meet the same standards of excellence.

Recently, I talked with parents who had brought their ill children to Roswell Park Memorial Institute—and were glad they did—for hospitalization during the acute stage, even though it meant traveling more than a hundred miles from home.

Although it was only 10 a.m., Mr. and Mrs. David Hillis and their five-year-old daughter Jody had just driven 200 miles over icy, snow-packed roads from their home in Endicott, N.Y., for Jody's clinic visit.

The young parents—she is 23, he is 25—said their sweet-smiling daughter developed pneumonia nearly two years ago. When they took her to the local hospital, a routine blood count revealed she had leukemia. Her doctors advised immediate transfer to Roswell Park.

After two weeks' intensive therapy in the hospital, Jody was well enough to go home. Now, she returns once a month for additional tests and treatment. Between the one-day visits to the hospital, she sees her local doctor in Endicott.

Mr. and Mrs. Hillis are over the shock of Jody having leukemia. "We live from day to day," confesses Mrs. Hillis, "but we are hopeful."

The mother and father of a cherubic six-year-old, Jacqueline Cummings, said Jackie's illness had started 18 months ago with unexplained fever. When the blood test signaled leukemia, they were stunned. They hastened to take Jackie—youngest of five children—to Roswell Park, as their doctor recommended, even though the hospital was 130 miles away.

Jackie's making good progress and needs therapy only once every two months, so the Cummings are cautiously optimistic. Mr. Cummings, a machinist, confided, "They don't baby you here, they tell you the facts, and you have to face them; but they sure know what they're doing."

When I admired the child's close-cropped blond hair, Mrs. Cummings corrected me. It hadn't been cut, she said. Actually, it was new growth after Jackie had gone almost bald during treatment. Many of the children lose their hair temporarily, as a result of the powerful chemicals coursing through their bodies.

Unlike the other children who cried out or whimpered when the infusion needle bit into their flesh, nine-year-old Wendy Richardson nonchalantly read her comic book during her intravenous medication. Perhaps Wendy's calm comes from seven years of treatment. That's a long time for a small girl to face endless needles, but Wendy does it with unbelievable aplomb. Happily, the treatments are required only at three-week intervals.

Because of her off-and-on illness, Wendy has lost some schooling, but nonetheless is in the fourth grade. The Richardsons, who have four other children and live 125 miles away in Syracuse, N.Y., are active in the local chapter of the Leukemia Society. "It helps to help others," they say. They are proud of Wendy's progress, but realistic about the future.

In the 15 years that the Government has supported the leukemia cooperative, it has spent only about \$5 million—a remarkably small investment for so big a payoff in human lives. The entire cost of the program has been considerably more than the Government's share. The individual hospitals and patients foot a portion of the bill.

Yet, a short time ago, Dr. Holland—as chairman of the project—received notice that the Government was cutting back its financial aid by 15 percent. It's part of the Administrations' anti-inflation program.

When Dr. Holland toted up the year-to-year increase in the cost of equipment, supplies and salaries, he discovered that the Government's retrenchment actually amounted to a 22 percent reduction in spendable funds. Consequently, new research that had been scheduled this year—including vital metabolic studies that might point the way to more effective drugs—must be abandoned. Because of insufficient funds to meet the payrolls, key technical personnel must be

let go. The entire scope of the program must be scaled down at the most promising period in its 16-year history. Some kids whose lives might have been saved will have to die.

Halting inflation is certainly in the nation's best interest, and no one can quarrel with the Administration's goal. But must the price be children's lives?

STATE SUPPORT FOR KETTLE AS "WILD RIVER"

Mr. MONDALE. Mr. President, I recently introduced a bill which would add Minnesota's Kettle River to the National Wild Rivers System. At a time when pure water and the primitive beauty of untouched rivers are being lost to man's civilization, I think that the expansion of our Wild and Scenic Rivers System is of the utmost importance.

The Kettle will be a magnificent addition to this system, and I hope that my proposal receives prompt and favorable action.

Since State and community support for such programs is so important, I ask unanimous consent to have printed in the RECORD an editorial from the St. Paul Dispatch which strongly supports this proposal.

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

[From the St. Paul (Minn.) Dispatch, Apr. 21, 1970]

PRESERVING THE KETTLE

Congress should act favorably on a move by two Minnesotans to include the Kettle River in the National Wild and Scenic Rivers System. Companion bills seeking to preserve the river have been introduced by Sen. Walter Mondale and Rep. John Blatnik.

The Kettle, located approximately midway between the Twin Cities and Duluth, is one of the most picturesque in the state and its waters have been virtually untarnished by human and industrial wastes. In addition, the Kettle flows into the upper St. Croix, which already has been designated as a wild river by Congress.

If the Kettle were designated likewise, it would mean that its waters and shoreline would be used almost exclusively by canoeists, fishermen and hikers. No new roadways could be constructed in the area and a strip of land—approximately 400 feet in from either shoreline—would be protected by easement or acquired by the federal government. Any large campsite, for instance, would have to be built behind the 400-foot zone. Moreover, under the Wild Rivers Act, construction of any kind within 1,300 feet of the river is severely restricted.

Upon completion of the Interstate highway between the Twin Cities and Duluth, over two million Minnesotans would be within a 90-minute drive of the Kettle. The nature lovers among them deserve its protection.

APPEAL FOR INTERNATIONAL JUSTICE OF POW'S

Mr. DOLE. Mr. President, the plight of American servicemen who are captives in Vietnam prisons and Vietcong camps is of deep concern to us all. Hundreds of American prisoners of war have relinquished their liberty and their well-being in behalf of freedom for others. There is unmistakable evidence that these American prisoners of war in Southeast Asia are subjected to suffering and degrada-

tion without protection of the provisions of the Geneva Conventions. North Vietnam, who in 1957 became a signatory of the Geneva Convention of 1949 relative to the treatment of prisoners of war, proceeds in direct violation of legal obligation to its provisions and in complete disregard for humanitarian standards.

Mr. James K. Anderson, in an illuminating article entitled "They're Men Not Animals!," published in the May 1970, issue of the Veterans of Foreign Wars magazine, attests to the cruel and callous treatment of American prisoners of war in Vietnam.

Rising concern for the well-being of these American servicemen was significantly demonstrated by the recent "Appeal for International Justice" at the DAR Constitution Hall on May 1, 1970. This event was sponsored by the Senate-House "Appeal for International Justice" Committee. What is called for is even greater concern, time, and effort on the part of Congress, Americans, and concerned people throughout the world to make it abundantly clear to Hanoi that inhumane treatment of American prisoners of war is inexcusable in the eyes of the world. Such brutality is both unscrupulous and ineffective as a ploy to influence the policy of the United States toward the Vietnam conflict. The issue is not political but humanitarian.

Mr. President, 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:

THEY'RE MEN NOT ANIMALS! BRUTALITY TO U.S. PW'S AN OUTRAGE TO CIVILIZED WORLD (By James K. Anderson)

Civilized concern for prisoners of war, evidenced by the Geneva Convention calling for their humane treatment, has set modern warfare apart from the savagery of ancient times, bunt 1,450 Americans are being held as virtual hostages by North Vietnam.

What is even worse in Vietnam is the sadistic treatment being accorded the Americans who have fallen into the hands of the North Vietnamese or the Viet Cong.

One of the few freed by North Vietnam, Navy Lt. Robert F. Frishman, described conditions under which the Americans are being forced to live like this:

"I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing exchange of mail to prisoners of war are humane."

To Hanoi's contention that the prisoners' treatment is "humane," the policy toward them "lenient," though the men are regarded as "major criminals" and "air pirates," Frishman reacted, "Hanoi has given the false impressions that all is wine and roses but it isn't so."

One of the few who have managed to escape from captivity, Maj. James N. Rowe, a veteran of five years as a Viet Cong prisoner, called his treatment that of an "animal."

He was kept in leg irons at night and spent his days in a four by four cage, but the lack of food was one of his major problems. He estimated he ate a ton of rice, as well as the foul nuoc nam fish sauce.

During his years as a prisoner, Rowe was

the constant target of political indoctrination aimed at making him a "peace soldier" useful in the anti-war movement in the United States if he should be released or make his escape.

Isolation, helplessness, convincing a prisoner he is at the mercy of the Communists' laws are all part of the constant pressure applied to men, Rowe related.

Contributing to the feeling of loneliness he said, was the vacuum in which prisoners were kept. "I knew the anti-war movement was larger than in 1963, but it never really occurred to me that the senators and congressmen they (Viet Cong) were quoting as against the war actually were saying these things."

Of the seven other Americans captured with Rowe, three were released through Cambodia, three died of malnutrition and one was executed with another prisoner captured elsewhere.

Best estimates at the first of the year placed the total prisoners at 1,354, with 422 captured or interned in countries surrounding Vietnam, the rest of them, 932, listed as missing in action.

Since then, however, the figure has risen to 1,450 who are prisoners or missing in action, according to Richard G. Capen, Jr., assistant to the secretary of defense, in testimony before the House Armed Services Committee. Of these, he said, only about 430 are known to be prisoners because a few of them have been allowed to write their families.

It is not known how many of the missing have survived long enough to be taken captive.

More than half were flyers or airmen shot down over North Vietnam between 1965 and 1968. Air Force missing total 750, Navy and Coast Guard, 251.

At least 245 soldiers and 108 marines were listed the first of the year as missing or captured, being held in base camps under the conditions described by Rowe in the southern jungles.

Last November it was established that 70 were held in South Vietnam, two in Laos and 341 in North Vietnam.

Despite appeals from neutral sources and the International Red Cross, not to mention personal efforts by the wives of prisoners and Texas billionaire H. Ross Perot, Hanoi has consistently refused to divulge any information about the men.

All of this in the face of North Vietnam's agreement to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War which it signed in 1957. So far the North Vietnamese have not even identified the locations of camps where the prisoners are being held, nor have they allowed neutral inspection of them by the International Red Cross.

Such mail as Hanoi has permitted to be sent from the prisoners has been used for propaganda purposes. Nor has Hanoi allowed the release of more than a handful of Americans.

Capen noted that if Hanoi had observed the Geneva Convention provisions on mail, the families of the men held would receive from 6,000 to 8,000 letters a month instead of the 1,100 in a total of five years.

How many have died as a result of the barbarity of their treatment is not known, though at least 11 have been listed as dead and then only from information pieced together from reports of the released men.

Capen told the Committee that "at least 19 American prisoners have been murdered by the enemy or allowed to die from malnutrition or disease."

One instance of cruelty leading to the death of a prisoner was noted last July when Americans and South Vietnamese attempted to free some prisoners from a VC hospital in Quang Tin province.

According to the Defense Department, one

prisoner, captured two months before was "lying just outside the door of a hut bleeding profusely from a fresh wound on the left, top forefront of the skull" as if he had been clubbed by his captors. The man died two weeks later.

As Eric C. Ludvigsen, associate editor of *Army Magazine* commented in its February issue, "if U.S. prisoners no longer threaten the enemy they represent to him a political asset of great value and that is what lies at the heart of the uncompromising attitude of the Hanoi government and the National Liberation Front on the prisoner issue."

"For it is through the prisoners and the anguish of their families that the enemy can hope to reinforce anti-war opinion in this country."

This point has been made also by William H. Sullivan, deputy assistant secretary of state for East Asian and Pacific Affairs, who said "one of the motivations the North Vietnamese have is political, an effort to use the understandable sympathy and concern and worry in this country about these men in a way that will bring pressure to bear on the Administration with respect to actual conduct of military and diplomatic negotiations."

To accept the Communist version that the treatment of the prisoners is "lenient," one has to accept the premise they are "political criminals" taken in an undeclared war and therefore have no rights beyond those accorded them by Vietnamese law, as Ludvigsen wrote.

He pointed out, however, that this argument is "sheer nonsense," and the American and International Red Cross has been saying so for nearly five years.

It is the Red Cross' contention that the National Liberation Front is bound to respect the Geneva Convention because it was signed by North and South Vietnam.

Last September the International conference of the Red Cross in Istanbul unanimously adopted a resolution sponsored by the U.S. calling for respect for the convention. The Soviet Union, Czechoslovakia, Poland and Yugoslavia, from the Communist camp, voted for it.

In Paris, Hanoi's negotiating team refuses to concede even that the U.S. has a right to bring up the question of the prisoners and has rebuffed every attempt of American wives to broach the subject on an official level.

"If Hanoi waits long enough, the reasoning goes, the anxiety and frustration of the prisoners' families will turn into bitterness and resentment against their own government," Ludvigsen wrote.

However, he continued, it is doubtful whether Hanoi's political strategists really comprehend the courage and understanding displayed by these American military families at a time when they could be "forgiven for ceasing to care about anything but the return of their husbands, fathers, sons and brothers."

One of those he cited was Mrs. Donald J. Rander, of Dundalk, Md., who has made two trips to Paris for information about her husband, S/Sgt. Donald J. Rander, captured during the Tet offensive of 1968.

"It's a small step," Mrs. Rander was quoted as saying. "But every step counts and I think we are making some progress. It may not be visible to the naked eye, but I feel that we are."

Once, Mr. Rander noted disgustedly, "we were told to go home and join the peace movement."

While efforts of individuals, the government and the Red Cross so far have availed nothing, the prisoner question has been taken before the United Nations by Mrs. Rita E. Hauser of the U.S. delegation.

"North Vietnam even by the terms of its

own arguments cannot escape its obligations," Mrs. Hauser told the U.N. delegates. "The United States understands that every country believes that it is right and its enemy is wrong."

"North Vietnam has said that it is inconceivable that the captured military personnel of the 'wrong' side should be given equal status to its own soldiers, but the Geneva Convention was designed specifically to meet this problem."

"It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard."

V.F.W. Commander-in-Chief Raymond A. Gallagher has been tireless in his efforts to prevail on countries which have diplomatic relations with Hanoi to urge that news of the prisoners, their identities and condition of their health be revealed.

And the V.F.W. was among the first to provide a group of prisoners' wives with a national forum from which to spell out the problem when they appeared at the organization's National Convention in Philadelphia last August.

At the recent Washington Conference, 2,000 members of the V.F.W. signed a petition demanding humane treatment for the prisoners.

By contrast Viet Cong and North Vietnamese prisoners of the South Vietnamese are being held in compliance with the Geneva Convention. There are 33,000 such prisoners of whom 6,500 are North Vietnamese regulars.

Complaints of maltreatment by the South Vietnamese, in contrast with the experience of the Americans held by the Communists, have been taken to the International Red Cross in Saigon and acted upon.

As Mrs. Hauser told the U.N.:

"Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature and violations by individuals have occurred."

"The point is, however, that the Allied command has made every effort to ensure that the convention is applied."

Unlike recent past wars when large numbers of prisoners were held by opposing sides and they were given humane care to prevent reprisals against the men held by the enemy, the North Vietnamese apparently have no interest in their own men in southern captivity.

This has made it difficult to effect any kind of an exchange.

Frequently, South Vietnam has freed prisoners, but there never has been any similar response from the North Vietnamese who have even ignored the fact that they had men in the South at all.

While Americans are concerned immediately with the problem of the prisoners of the North Vietnamese and Viet Cong, it should not be forgotten that at the end of Korean truce talks in Pammunjom, 944 Americans were still thought to be held by the enemy.

In the intervening 17 years, more than a third of these continue to be unaccounted for.

The dilemma, of course, is rooted in Communist indifference to human life and the conviction that its system ultimately will prevail.

RESOLUTION 381 PASSED AT 70TH VFW NATIONAL CONVENTION

Whereas, North Vietnam holds thousands of American prisoners; and

Whereas, North Vietnam arrogantly refuses to provide any information on American prisoners, including even naming those whom they have captured, in callous disregard of long-established international rules and all efforts by the International Red Cross

and other groups and governments to visit and inspect North Vietnamese prison camps to determine if they are meeting the minimum standards of care and treatment embodied in the Geneva Convention; and

Whereas, basic information is being withheld by North Vietnam on the health and well being of these men; and

Whereas, the prisoners deserve the best efforts of all mankind to relieve the agony of prison camps; and

Whereas, there is unbearable suffering by the wives and families of men who are prisoners or are listed as missing; and

Whereas, Secretary General U Thant of the United Nations and the leaders of many nations, including some with Communist governments have expressed a hope that the world organization and the individual leaders of nations can help bring peace and harmony in Southeast Asia; and

Whereas, Communist ruled nations have expressed a desire to take any steps that would bring about detente between East and West to ease the effects of polarization of the world's major social systems; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that President Nixon and Secretary of State Rogers demand that the Secretary General of the United Nations use the full power of his office to have North Vietnam identify all American prisoners and to expedite relief for these prisoners, that they be treated in accordance with the Geneva Convention, and to mobilize world-wide opinion for their immediate release.

STUBBORN SCOURGES: AN ARTICLE BY WILLIAM M. CARLEY, WALL STREET JOURNAL, APRIL 14, 1970, ON THE WAR AGAINST DISEASE AROUND THE WORLD

Mr. YARBOROUGH. Mr. President, the enormous concern which demographers, ecologists, and the public in general have shown in the population explosion is extremely valid. The problems created by our rapidly expanding population are already upon us. And these problems can only get worse before they begin to improve.

The enormous population increases we have witnessed during the 20th century is the result of a progressive worldwide lowering of mortality. The decrease has been particularly dramatic among the underdeveloped countries of this world. This fact is so well known that it has tended to obscure the need to maintain our efforts if we are to continue to progress in this regard or indeed in some cases to hold on to our gains.

The Wall Street Journal of April 14 contained two articles on this very subject which I feel should be brought to the attention of every thinking American. To be sure, the progress against smallpox and measles has been dramatic. Intestinal infections and tuberculosis, however, remain a real threat. And it would seem that science is losing ground in the war against malaria in underdeveloped countries. In addition, little if any progress is being made in the war against trachoma and schistosomiasis. Taken together, malaria, trachoma, and schistosomiasis afflict 800 million people around the world. These diseases are not killers as such but they produce debilitating illnesses which serve to prevent an economically deprived nation from

pulling itself up by its own boot straps. The frustrations which come to such a nation as it tries without much success to produce an economically viable economy will force it to experiment with all sorts of political and economic philosophies.

I am convinced of course that we must promote increased international cooperation not only in the field of health but also in the fields of education and labor. Common sense dictates that we do so; our Judeo-Christian ethics would not permit us to do otherwise.

I ask unanimous consent that the two articles from the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 14, 1970]
STUBBORN SCOURGES: SCIENCE LOSES GROUND IN WAR AGAINST DISEASE IN IMPOVERISHED LANDS; THREE AILMENTS NOW AFFECT 800 MILLION AROUND WORLD; MALARIA AGAIN ON INCREASE; MRS. AMAYA SCORNS A DRUG

(By William M. Carley)

HACIENDA SAN ALFREDO, EL SALVADOR.—Five-year-old Berta Amaya lives in a world where good health is the exception, disease the rule.

Her world is a hot cotton plantation here in Central America. The work is hard, disease is everywhere and life is short. Berta is an appealing little girl with big brown eyes and a shy demeanor. At 37, her mother looks aged beyond her years; her front teeth are gone and she appears tired and haggard.

So it wasn't unusual recently when both Berta and her mother became ill with recurrent fever, muscle aches and nausea. After 15 days of unsuccessful self-treatment with the only drug they had, aspirin, both went to a government health center. The diagnosis was malaria.

ON THE INCREASE

Their symptoms disappeared after they took pills for several days, but their chances of escaping eventual reinfection appear slim. Nine other persons share the thatched hut where Berta and her mother live; four have had malaria within the last two years. And this points up a discouraging trend: Some major diseases actually are increasing in underdeveloped countries—despite massive, persistent efforts to wipe them out.

The U.S. alone, for example, has contributed about \$400 million since 1956 to the world-wide fight against malaria. Yet after dramatic early gains, the disease is on the increase again. Malaria and two other scourges of underdeveloped countries, trachoma and schistosomiasis, now infect 800 million people—almost four times the U.S. population, almost one-fourth the population of the world.

Disease is the often-overlooked obstacle to economic progress in these areas. Although these three diseases usually don't kill outright, their debilitating effects are severe and long lasting. In every underdeveloped country potentially productive people now suffer the headaches and lassitude of chronic malaria, slowly go blind from trachoma or literally waste away as schistosomiasis invades and destroys their body organs.

The toll in suffering is immense. "You can walk through ward after ward in some Brazilian hospitals and see children with their bellies swollen as a result of schistosomiasis," says Charles Dobrovolsky, an American who spent years battling the disease in South America.

The economic impact is also great. A rapid increase in schistosomiasis, for example, forced abandonment of a \$9 million irrigation project in Rhodesia. Because trachoma

has partly obscured the vision of millions of children, they are unable to learn to read; because it has blinded about six million adults, they are unable to do much work. And malaria long has rendered entire regions uninhabitable and thus unavailable for agricultural development.

FADING OPTIMISM

Both the suffering and the economics prompted the U.S. and other developed nations to underwrite a global eradication campaign against malaria in the mid-1950s and to sponsor stepped-up research on schistosomiasis and trachoma. With malaria at least, there seemed to be good reason for optimism that a combination of technology, new "wonder drugs" and insecticides like DDT eventually would carry the day.

Today the optimism has faded. Scientists can point to some impressive gains against malaria and the alleviation of much suffering, but they say eradication appears almost as far away as ever. Research into the causes of schistosomiasis and trachoma have shown the diseases to be more complex than originally supposed. Administrative snarls, graft, budget-cutting and simple ignorance have hampered the scientists' efforts. The fight against malaria illustrates just how frustrating the battle against disease can be.

Much is known about malaria. When a mosquito seeking a meal of blood drives his needle-like proboscis into a man's skin, the insect first injects an anticoagulant that makes the blood flow freely. But the injection also may include the malaria-causing parasite, and if it does the disease itself may appear 10 to 35 days later.

BREAKING THE CYCLE

After World War II scientists found that a single spraying of DDT on house walls could kill mosquitoes for as long as six months. Medical men were elated—a DDT house-spraying program promised to be the first relatively cheap and effective means of breaking the malaria transmission cycle.

But then researchers found some mosquitoes were developing resistance to DDT. The world-wide program raced to eradicate malaria before the mosquitoes could develop enough resistance. At first there was tremendous progress. The disease, in fact, has been wiped out in areas containing 648 million people—nearly 40% of the 1.7 billion who once lived in malarial areas.

But in recent years progress has stopped. The number of people living in malaria-free regions dropped within the last year or so, the first such decline since the eradication program began. In some areas full-scale epidemics have broken out.

Scientists attribute the reverses to several factors. In India, Pakistan, Iran, Iraq and Mexico some mosquitoes have developed resistance not only to DDT but also to the insecticide replacing it. While mosquitoes in most areas seem to bite people indoors, those in Jordan, Columbia, Venezuela and New Guinea often bite humans outdoors, thus avoiding insecticides sprayed on house walls. In some areas researchers have discovered completely different types of mosquitoes within an area of a few miles—necessitating totally different types of eradication campaigns.

In many areas, however, DDT is still being used effectively against mosquitoes. The growing movement to limit use of DDT because of its harmful effects on wildlife and its possible danger to man hasn't significantly restricted usage abroad so far. But even in the areas where DDT is still effective eradication campaigns often go awry for other reasons.

In the Philippines, for example, tidy housewives don't like the white DDT powder on their walls. "They wash off the minute you get around the corner," says one health worker.

FRUSTRATING SETBACKS

Because of the limitations of DDT, anti-malaria teams here in El Salvador and elsewhere are resorting to drugs to prevent the disease. In El Salvador alone, some 300,000 people are now being given the drugs. But distributing the medicine is a much more complex task than simply spraying homes every six months—and with drugs, too, there are frustrating setbacks.

But some people refuse to take the pills. That's what Berta and her mother did, and that may be why they contracted the disease. Mrs. Amaya explains that she and her daughter didn't like the taste of the medicine.

Administrative and financial problems also disrupt drug prevention programs. An anti-malaria worker says that in one country graft ate up all the money for drugs. Here in El Salvador, disagreements between the U.S. Agency for International Development and the Salvadoran government officials practically halted the country's anti-malaria program for several months in 1966.

For this and other reasons, the number of diagnosed cases in El Salvador shot up to about 83,000 in 1967 from about 15,000 annually in earlier years, according to the World Health Organization. The outbreak is past its peak now, but last year El Salvador still had 25,000 diagnosed cases. No one knows how many cases went undiagnosed.

Time and again, health workers have thought they had malaria eliminated from a particular area, only to have it spring back with frightening speed from a small reservoir of untreated individuals. In Ceylon, health workers could detect only 17 cases a few years ago. But since then the disease has come back explosively; out of a total population of about 13 million, Ceylon has had an estimated four million malaria cases in the last two years.

NEW BREAKTHROUGH NEEDED

Many scientists now believe that eradicating malaria from the world is impossible under present conditions. Dr. Robert Scholten, a scientist with the U.S. Communicable Disease Center in Atlanta, argues that anti-malaria programs must be continued to preserve gains made thus far. But he concludes: "Without a breakthrough something like the discovery of DDT, we can't expect much more progress against this disease."

Frustrating as malaria is, even less is known about trachoma, an eye disease that affects about 95% of the population over age three in some areas of Africa, Asia and South America. Until recently, all scientists knew was that for some unexplained reason a victim's eye would become highly inflamed. Later a grayish-white substance would invade the cornea, obscuring and finally obliterating vision.

Scientists suspected that a virus caused trachoma, so they isolated viruses from trachoma victims all over the world. When they thought they had the guilty agent, Harvard researchers developed a vaccine, which was administered to 5,000 children in Saudi Arabia. But it failed to provide lasting protection.

Now scientists have discovered that trachoma is caused by neither virus nor bacteria but rather by a puzzling organism that shares some of the characteristics of each. Some medical men hope to develop a vaccine against this organism, but others feel this will be almost impossible. "In many ways the trachoma agent acts more like a bacteria than a virus, and vaccines against bacterial diseases have almost always been very poor," says Dr. Phillip Thygeson of the University of California medical school in San Francisco.

Today trachoma can be cured by intensive treatment with antibiotics for two or three weeks, and severely scarred corneas can be replaced through corneal transplants. But neither approach is practical for mass treat-

ment in underdeveloped nations. And if the disease isn't wiped out in an entire area, even those cured by antibiotics promptly are reinfected by those who still have the disease.

SNAILS AND WORMS

Scientists have worked for years on ways to stop schistosomiasis, a disease caused by a microscopic parasite that at one stage of its development lives in snails. At the next stage the parasite abandons the snail for streams, canals and rivers. Anyone drinking or bathing in the water runs the risk of infection. Once the parasites enter the bloodstream as worms, they may produce eggs in the body annually over many years. Some eggs remain in the body and, by producing tissue reactions, destroy vital organs.

One possible approach would be to break the disease chain by killing the snails and scientists have developed a potent snail-killing chemical. However, it also kills other kinds of aquatic life, and to be effective it would have to be used throughout an entire river and its tributaries, a prohibitive expensive undertaking.

Researchers also have discovered a type of snail that doesn't carry the parasite itself but does devour almost everything in sight, including the snails that do. These snails are being tested in Puerto Rico, but scientists are extremely wary about introducing them elsewhere. "Can you imagine what would happen if these snails got into a rice-growing region?" asks one researcher. "They would eat up the crop in no time." Some drugs are useful in treating schistosomiasis once it has been contracted, but the victim can easily be reinfected from local waterways.

Ironically, some efforts to aid underdeveloped lands have set off a rapid spread of schistosomiasis. Irrigation systems, which can quickly become infested with the parasite, are prime examples. After completion of one such system in Egypt, the percentage of the population with schistosomiasis shot to more than 50% from about 3%. Irrigation systems now being built in connection with the Volta Dam in Ghana and the Aswan High Dam in Egypt are "just going to raise the devil with schistosomiasis," worries Dr. Thomas Weller of Harvard's tropical public health department.

VACCINATION DRIVES REDUCE DEATHS FROM TWO "KILLERS"

Public health workers have been far more successful in cutting down certain "killer" diseases in underdeveloped lands than in fighting debilitating illnesses such as malaria, trachoma and schistosomiasis.

Smallpox, a virus disease, killed as many as 24,000 in 1967, it's estimated. But last year only about 9,000 died from the disease. Vaccination campaigns have caused the drop.

Measles has been a major killer of African children. Researchers think the disease has been so deadly on that continent because of malnutrition. But the measles vaccines developed in recent years have greatly reduced deaths.

Some killers, however, remain as major threats. Intestinal infections stemming largely from contaminated water supplies cause the death of an estimated five million infants annually, and tuberculosis still brings death to two or three million annually.

NATIONAL CORPORATION FOR RAIL PASSENGER SERVICE

Mr. PROUTY. Mr. President, last week on the Senate floor we passed an historic piece of legislation which established a national corporation for rail passenger service. I was pleased that this body adopted my proposal which I had

fought for in committee and finally after getting unanimous support from all interested parties, I was able to enjoy the fact that by a vote of 78 to 3, my fellow colleagues added their wholehearted support to a pragmatic solution for the problem of declining intercity rail passenger service.

I mention this, Mr. President, because rail transportation is one of the vital parts of our total national transportation system.

Three weeks ago, Mr. President, I was also pleased that this body accepted the report of the conferees, of which I was one, on the amendments to the National Traffic and Motor Vehicle Safety Act of 1966. With those amendments, Mr. President, we were able to strengthen an important piece of legislation affecting the motor vehicle mode of transportation. That legislation will go a long way toward reducing the tremendous loss of life which occurs on our national highways.

Today, Mr. President, we are about to approve the conference report on airport and airways legislation which will significantly improve that mode of transportation.

In general, Mr. President, this Congress has recognized the need for a truly balanced national transportation system. We have endeavored to not only strengthen various modes of transportation, but we have also taken a major step forward in the development of a balanced system.

Mr. President, over the years as a member of the Aviation Subcommittee of the Commerce Committee, I have watched with concern the increase of problems affecting our national airport and airways system. During the last few years my concern has increased as the amount of money available for expenditures under the Federal Airport Act of 1958 has dwindled to almost an insignificant amount.

At the same time, Mr. President, problems affecting our airports and our airways have continued to increase. In fact, I think that it can be fairly said that without major legislation this year, our entire national aviation system would be in such difficulty that reversal of the difficulty would be next to impossible. Fortunately, President Nixon, and the congressional leadership recognized the urgent need to act promptly.

This legislation embodies most of the principals included in S. 2437 which was the administration's proposal for airport-airway development.

I believe a most significant feature of this legislation is the fact that we have utilized an earmarked users tax in order to insure the success of a trust fund devoted entirely to airport development and airway safety.

No longer, Mr. President, will nearly 600 individual airports and 50 individual States have to compete for such a small sum as \$30 million.

No longer, Mr. President, will State aviation officials and airport operators have to face the future with an absolute uncertainty caused by constantly shifting priorities and the appropriations process.

Now, Mr. President, national planners, State planners, and local planners can rely on the fact that for the first time in our history a trust fund will exist exclusively for airport development and airway safety.

Now, Mr. President, the creation of any trust fund of necessity requires the imposition of new taxes. The taxes contained in this bill, which were carefully worked out by the Finance Committee of the Senate and the Ways and Means Committee of the House, in my judgment, reflect both an equitable distribution and a fair imposition.

The indirect passenger ticket tax has been increased from 5 to 8 percent. Fuel tax imposed on general aviation has been increased from 2 cents to 7 cents a gallon. In lieu of the passenger ticket tax a \$3 headtax is imposed on airplane passengers traveling from this country to another country.

As we all know, aviation has been growing by leaps and bounds. Part of the growth in aviation can be attributed to air cargo. The 5-percent tax on air freight waybills distributes part of the cost of our total aviation system to those who use it for the shipment of freight.

Finally, Mr. President, a \$25 annual registration fee was placed on all aircraft with an additional 2 percent per pound tax on piston planes weighing over 25,000 pounds and a 3½ percent per pound tax on all jet aircraft.

Frankly, Mr. President, all of us attempted to allocate the cost of our total aviation system on as fair a basis as possible. At the same time, Mr. President, we recognize that there is a general public benefit from aviation, both in terms of national security and public convenience.

Therefore, let me point out at this point that this legislation clearly contemplates the continued use of general revenue funds for the development and improvement of our national aviation system.

In addition, the bill specifically provides for a cost allocation study so that we in Congress can from time to time adjust the various taxes so as to insure a fair and reasonable cost apportionment between both the users of the aviation system and the Federal Government.

As with any piece of legislation, Mr. President, there were some difficulties in arriving at a consensus which would represent the best possible piece of legislation.

I, for one, was disappointed that the legislation did not more greatly emphasize State participation in the overall planning and development for our national airport system. At the same time, Mr. President, I realize that 28 States already have State channeling laws which insure that those States will continue their vital role in developing an efficient and safe national aviation system. I would hope that the remaining 22 States who do not have State channeling laws would follow the lead of those States which do and promptly enact a State channeling law. I continue to be convinced that only by way of close Federal, State, and local cooperation can

a truly effective national airport system be planned and maintained.

I am pleased, Mr. President, that this legislation does provide for up to \$15 million a year to be used by State and local agencies for the purposes of planning for the future in cooperation with the Federal Government.

As I have mentioned, this legislation which creates an airport-airways trust fund introduces into our national air transportation system a degree of certainty which was heretofore absent. For example, Mr. President, those involved in airport development can be assured that at least \$250 million will be available each year for the development of a better national airport system. All of us can be assured that \$250 million per year will be available for improvements in our airways systems thereby relieving much of the congestion that presently exists, and increasing the safety factor considerably.

Because of the certainty inherent in the trust fund concept itself, I for one did not see the need to give the Secretary of Transportation contract authority for airport development. Quite frankly, I am hopeful that the Secretary will not use that authority because it is unnecessary and it represents an end-run-around the normal appropriations process which I believe is a congressional prerogative to be preserved.

Mr. President, while the creation of a trust fund for airport development and airway safety is an important feature of this legislation, it should not overshadow many other significant improvements contained in the bill. For example, we have modified to a considerable extent the method of distributing funds for airport development. Under the formula used in the Federal Airport Act of 1958, funds were allocated to the States on the basis of area and population. This bill uses a threefold method for allocating funds for airport development. One-third of the funds are allocated to the States under the 1958 formula. One-third of the funds can be allocated to airports at the discretion of the Secretary of Transportation. The final third is allocated to airports based on the number of emplanements on scheduled airlines at particular airports.

In this latter category, I was particularly pleased that the conferees agreed to report language which makes it absolutely clear that third-level carriers, which take over operations for a certified airline, shall be considered certified for purposes of sponsor eligibility. For example, in my own State of Vermont, Executive Airlines has taken over many of the routes previously served by Northeast Airlines. Even though Executive Airlines is not a certified carrier emplanements by them on routes previously served by a certified carrier will be counted for purposes of distribution of funds by the Secretary.

Mr. President, as a ranking member of the Aviation Subcommittee of the Senate Commerce Committee, and as one of the conferees on the bill now before us, I can wholeheartedly endorse this bill which will truly be remembered as one of the historic pieces of transportation legislation. I know that in the years to come

as both the population and aviation itself continue to grow this bill will be responsible for avoiding many problems which would otherwise accompany such growth.

WORSENING ECONOMIC CRISIS

Mr. MONDALE. Mr. President, amid the overwhelming concern over the recent escalation of the Indochina war, indications of our worsening domestic difficulties were momentarily ignored.

Perhaps it is fortunate that we can tolerate only so much bad news at one time. But I think it is imperative that we maintain our great concern for the dangerous economic state we are in today.

April unemployment reached the highest level in 5 years and took the greatest single-month leap in over 10.

More than 4 million Americans are now without jobs—in an economy where inflation continues with no sure sign of a halt.

The administration's response throughout this worsening economic crisis has been disturbingly reminiscent of the Republican response to the first years of the great depression: a cherry insistence that things are going as well as can be expected and that prosperity is just around the corner. Meanwhile, the average man can tighten his belt or draw his unemployment in the full knowledge that he is in the forefront of the battle for price stability.

"Words of good cheer" and "standing pat" are the administration's major weapons. While business confidence erodes, the stock market collapses, unemployment soars, and real take-home pay dwindles, the administration tells us how much better off we were than 10 to 15 years ago, and that "these things take time."

The current administration has had over a year to take command and at least put forth a concerted attack upon inflation—which will take more imagination than telling business to be firm with labor.

They have had a year to put together a comprehensive program of jobs—not training but jobs—for the millions who are bearing the brunt of our current recession.

Mr. President, the bankruptcy of the administration economic policies are very well revealed in two recent articles; one an article by Hobart Rowen about the isolation of the President from his major economic advisers, and the other an editorial in the New York Times of May 11. I ask unanimous consent that the two articles be printed in the RECORD.

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

LACK OF CONTACT WITH NIXON FRUSTRATES ECONOMIC ADVISERS
(By Hobart Rowen)

As expected, Nixon administration officials are going to considerable pains to assure the world that their boss' decision to widen the war will have either no effect or at worst a negligible impact on the economy.

But do they know what they are talking about?

It is becoming painfully clear that Mr. Nixon's economic advisers have been increasingly shut off from direct and private contact with the President and are able to deal, for the most part, only with subordinate members of the White House staff.

One must wonder, therefore, how secure is the analysis given by Treasury Secretary David M. Kennedy to the Senate Foreign Relations Committee that there would be no increase in expenditures this year or next year because of the Cambodian invasion. Budget Director Robert P. Mayo echoed this line, but he may be just guessing, too.

Kennedy and Under Secretary Charles E. Walker are also telling business groups publicly and privately that the administration "game plan" is still on schedule, with no big recession likely, despite the pessimism in the stock market and an unemployment rate which has jumped one-third in four months.

The Treasury Secretary even assured French Finance Minister Valéry Giscard d'Estaing at Camp David last weekend that there would be no new inflation accompanying an expected upturn of the economy at the end of 1970. Yet Mr. Kennedy knew then, as he has since said publicly, that the administration's much touted budget surplus—even before the Cambodian complication—has disappeared.

M. Giscard d'Estaing felt reassured by his conversations with Kennedy and later with Federal Reserve Chief Arthur F. Burns. But businessmen are taking all of Mr. Kennedy's, Mr. Mayo's and Mr. Walker's projections with many grains of salt.

The same wonderment is heard down the line in government departments where some of the most talented men in the administration are openly disturbed at the way things are going, and at the way their own agencies have been cut out of the decision-making process.

Only Economic Council Chairman Paul McCracken among key economic advisers does not report to Presidential Assistant John Ehrlichman (who supervises all domestic affairs for Mr. Nixon) or to aide Peter Flanigan.

Secretary Kennedy and Budget Director Mayo have found that they must do business with Flanigan instead of the President. On the rare occasions when they do get in to see Mr. Nixon, they are never alone with him; either Ehrlichman, Flanigan, or other aides are present.

FLANIGAN, 46, is a Wall Streeter and personal friend of the President's—but not an economist—who has acquired the authority to summon McCracken, Kennedy, Mayo and their subordinates to meetings on economic policy in his office.

The frustrations of the economic team—which parallel the experience in most other government departments—add to the confusion about what the executive branch is doing and saying.

The sudden nature of the invasion of Cambodia has the business community on edge. It is affected also by the unrest on the campus and in the country generally. Confidence in the dollar itself could wane with a widening home-front conflict.

Thus, there is skepticism among a business community that was counting on Mr. Nixon to rectify the mistakes that it chalked up against Mr. Johnson's record. It doubts that inflation is being brought under control, or that interest rates are coming down, or that we can avoid a fairly serious recession.

Now, it is stunned by Cambodia. That was the last thing that the business community, that likes to think of itself as well-informed, had expected. Now, they don't know what comes next.

JUMP IN UNEMPLOYMENT

Last month the unemployment rate climbed to 4.8 percent—up from 4.4 percent in March and 3.5 percent at the start of the year. There is cause for serious concern both over the speed of the rise in unemployment and over its composition.

Until the April figures were released, Administration spokesmen had been expressing their satisfaction that the rate of unemployment among Negroes and other non-whites had been rising less than among whites. But last month the unemployment rate for whites rose from 4.1 percent to only 4.3 percent, while the rate for blacks jumped from 7.1 percent to 8.7 percent. Unemployment among youths under twenty has reached almost 16 percent, with a heavy concentration among blacks. Thus, racial disadvantage—and racial discrimination—are again bearing their bitter fruit. If these trends continue, they are bound to aggravate social tensions.

It is true that President Nixon warned months ago that there would be "slowing pains" as a result of his policies to cool off the economy and stop inflation. But the rise in unemployment is coming faster and steeper than his economists predicted, the annual report of the Council of Economic Advisers in January forecast an average rate of unemployment of only 4.3 percent for 1970 as a whole. This will almost certainly be one more example of the Administration's misplaced optimism.

At the same time, inflationary pressures remain strong. While the economic slowdown may have begun to reduce the rate of rise in wholesale prices, the resumption of quite sharp growth in the money supply, the slippage of the budget into deficit, and the escalation of wage demands by labor unions make it far from certain that the inflationary trend will not be intensified rather than moderated in the months ahead. Inflation is bad news both for employers and for workers; by squeezing profits, cost-push inflation forces layoffs of workers.

In his press conference this week, the President sought to reduce over unemployment by forecasting that Gross National Product will pass the trillion-dollar mark by the end of this year. He did not say how much of this would result from inflation. The President and his advisers cling to a hope that the lagged affect of the past slowdown will check future inflation, while the coming rise of G.N.P. will simultaneously check rising unemployment.

Thus the Administration continues to hope to find just the right middle path between too much stimulation and too much restraint and thus simultaneously stop both inflation and unemployment. But the time is rapidly approaching when the Administration must face up to the failure of its forecasts and to the necessity of building a broader program to achieve these conflicting objectives. Besides general control of total demand, the Administration needs two other basic weapons: an income policy to curb inflationary price and wage behavior, and a stronger Federal program to prepare the low skilled for employment, to break job discrimination, and to find or create jobs for those who are the victims of what Mr. Nixon calls "our fight against inflation."

PROBLEMS AND HOPES OF SOUTH VIETNAMESE PEOPLE

Mr. DOLE. Mr. President, Forrest Hintz, a reporter for the Wichita Eagle, Wichita, Kans., traveled with Texas industrialist H. Ross Perot to Southeast Asia this spring. The March trip was

one of several Perot has made in an effort to aid our American prisoners of war there.

In an eight-part series, Hintz writes of Perot's efforts; tours a South Vietnamese prison camp—where all inmates have gained weight since capture—discusses the plight of refugees from North Vietnam and describes the manner in which South Vietnam has solved its racial problems.

Hintz, a veteran newsman, focuses his well-written series on the Vietnamese people, their problems, and their hopes.

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

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

[From the Wichita (Kans.) Eagle, Apr. 26, 1970]

SPONSOR OF VIETNAM MERCY MISSION ISN'T EVEN INTERESTED IN POLITICS: YES, BILLIONAIRE PEROT IS FOR REAL—I

(NOTE.—Eagle staff writer Forrest Hintz recently traveled with Texas billionaire H. Ross Perot to Southeast Asia, where Perot tried again to aid Hanoi-held prisoners of war.)

(By Forrest Hintz)

If H. Ross Perot were a fictional character, no one would believe such a person could exist.

For example, most people find it hard to believe that any man could:

Parlay \$1,000 into more than \$1 billion in less than seven years.

Decide to spend that money "until the world is flat" to alleviate the suffering or obtain the release of American prisoners held by the North Vietnamese.

Put the North Vietnamese government in an untenable position in the eyes of the world.

Do these things with absolutely no interest in a political career.

In 1962, Perot took \$1,000 from his savings and formed Electronic Data Systems Corp., a Dallas-based computer service. The stock skyrocketed until it has become one of the hottest properties on the market.

Of this success, the slightly built, 39-year-old Texan says only "I just happened to be in the right place at the time."

Last year, Perot met a 4-year-old boy who never had seen his father, a prisoner in North Vietnam. Disturbed that such a thing could happen, he formed United We Stand as an organization to do something about it with an estimated \$2 million of his own money.

United We Stand sent a planeload of wives of American prisoners to Paris last winter in a fruitless effort to get the Communists to let the prisoners write their families or at least release the names of those interned.

Last Christmas, Perot tried to get the Communists to accept a planeload of food and medical supplies for the prisoners. The request was denied, and even the Russians refused to intervene. The supplies still are in a warehouse in Dallas. They may yet be delivered.

On March 30, Perot boarded a chartered Boeing 707—"The Jolly Green Giant"—and headed once more for Vietnam. With him were the wives of five servicemen believed held by the Communists, a small staff and 63 newsmen from throughout the U.S. and a handful of foreign countries.

Representatives of the Communist-controlled countries had been invited—and had declined.

Perot said he had not discussed his plans

with either President Nixon or the State Department prior to leaving Dallas.

"It didn't seem necessary," he said. "This is a move by a private citizen, and if there was anything about it that could harm our country I am sure it would have been stopped before this."

"We know the North Vietnamese have an absolute fascination with public opinion polls in the U.S. Because of this, we have had the Gallup agency take a special poll on this question. It has shown an overwhelming concern for the plight of the prisoners, and the results have been forwarded to Hanoi and other world capitals."

"If we can find a way to let the world see what's going on, we're hopeful Hanoi will relent and abide by the Geneva Conventions regarding the treatment of prisoners of war."

In Saigon, Premier Nguyen Van Thieu expressed his fullest approval of the project and offered the cooperation of his government. He kept his word.

"This, I believe, is unique in the annals of international diplomacy," declared Ambassador Ellsworth Bunker. "You, as newsmen, can perform an invaluable service in bringing this to the attention of the entire world, and an aroused world opinion can have immeasurable effect."

In Paris, a spokesman at the American Embassy said he believed the trip would have an effect on the North Vietnamese.

"Only they know how soon," he said, "but eventually we'll see some results. I'm sure of that. They can't afford to ignore world opinion."

Perot tends to shun personal publicity. An aide was asked if his boss liked a recent story in a national magazine.

"Not really," he said. "Too much on Ross and not enough on what he's trying to do."

At a press conference April 10 in New York, Perot was asked, as he has been so many times, if he has any political aspirations.

"I never have held any political office, either elective or appointive, and I never will," he replied. "Does that answer your question?"

As the story of the flight is told, the eyes of the world are beginning to focus on Hanoi. The Communists are on the spot, and they know it. They also know that H. Ross Perot is not finished with them. Not just yet.

[From the Wichita (Kans.) Eagle, Apr. 27, 1970]

NORTH VIETNAM LOSES FACE: "JOLLY GREEN GIANT" FLIGHT HAILED—II

(By Forrest Hintz)

The flight of the "Jolly Green Giant" was a success.

True, Ross Perot's chartered jet did not get to Hanoi. No Americans were released from North Vietnam prison camps, nor were their names made known. No mail was exchanged. Still, the flight was a success.

The North Vietnamese, by refusing to show any concern, even for their own men, had lost face in the eyes of the world. To an Oriental, that's a terrible thing.

On March 30, the big Boeing 707 left Love Field in Dallas, bound for Saigon and wherever else necessary. In it were Perot, a small staff, the wives of five men believed held by the North Vietnamese and 63 newsmen from all over the United States and several foreign countries.

"If possible, we want to get into Hanoi and be given an opportunity to visit the prison camps," Perot said. "At the very least, we want to exchange mail and get a list of names of men they have interned. If they won't agree to that, as required by the Geneva Conventions, then we want the whole world to know about it."

Twice before, Perot had tried to get the North Vietnamese to show at least a minimum of humanity for their captives.

Last winter, he sponsored a plane-load of wives of missing servicemen on a flight to Paris in an effort to get word of their husbands.

Last Christmas, he tried to deliver a plane-load of food and medical supplies for the prisoners.

Both efforts failed. The North Vietnamese flatly rejected the moves. They did say, however, that they might be willing to talk if Perot would show the same interest in their men.

That was the purpose of this trip—to allow the world press to visit all prison camps in the south and to report what they saw without the slightest hint of censorship.

If the North refused to reciprocate—which they did—they would be in an untenable position. They would have shown themselves as having violated the provisions of the Geneva Conventions regarding treatment of prisoners of war and as having absolutely no interest in the fate of their own men.

The cooperation of the South Vietnamese was outstanding. President Nguyen Van Thieu ordered that the newsmen have access to everything in his country. No information was considered "classified."

After visiting the camps in the South, the group went to Laos. There, they visited the refugee camps and saw the pitiful remnants of the thousands of people who have fled from North Vietnamese forces in Laos.

The North Vietnamese Embassy in Vientiane has direct communications with Hanoi, and it was there that the communists first showed their true colors.

Perot and the five women entered a small, tin-roofed shed at one corner of the grounds at 11:20 a.m. They filled out lengthy forms requesting an appointment with the Charge d'Affaires. They had to do it all over again when told the forms were wrong.

In another delaying tactic, a flunky said it was too close to the lunch hour and the Embassy would be closed until 2:30 p.m.

"All we want is a simple 'yes' or 'no' from Hanoi," Perot said. "We'll wait."

It was blistering hot outside, and it must have been terrible in the shed, but they waited.

Infuriated by the presence of newsmen, the North Vietnamese shut the sheet-iron gates in the high walls around the Embassy, forcing everyone to stand on top of the buses to see what was happening.

At 2:30 p.m., Rev. Richard Fernandez, a United Church of Christ minister; Noam Chomsky, professor of linguistics at MIT, and Douglas Dowd, professor of economics at Cornell, showed up. Calling themselves the "Committee for Liaison," they breezed into the embassy with no formalities as if they owned the place. They stayed about two hours, apparently discussing their forthcoming trip to Hanoi.

That stunt made the newsmen boiling mad. The mildest comment was that, by comparison, Benedict Arnold would be considered an outstanding patriot. The rest were unprintable.

One reporter said he asked Fernandez later if he would inquire about American prisoners while in Hanoi. Fernandez reportedly said he would not because, as an American, his hands were dirty.

(On April 17, Fernandez, Chomsky and Dowd were reported to have returned to Vientiane from Hanoi with "... the largest single batch of mail yet received from American prisoners of war in North Vietnam.")

(It seems likely the release was a face-saving move sparked by the publicity attending Perot's efforts. It is quite possible Hanoi may release more mail in an attempt to counteract world opinion.)

At 6 p.m., Perot walked the 50 yards to the Embassy and knocked on the door. He was quickly escorted back to the shed.

"How much weight you lost, Ross?" some-

one called, referring to the vigil in the sweat-box shed.

"On a relative basis, I think they've lost more than we have," Perot quipped.

At 7 p.m., nearly eight hours after they entered, the little party left the Embassy grounds.

The next day, the North Vietnamese issued a blistering denunciation of the whole affair. They said the presence of Perot and the five women "... violated the security of the Embassy" and that the move would "... serve only to appease world opinion and American progressivist opinion."

They also noted that "Perot has unmasked himself as servant of the Nixon policy."

Rebuffed in Vientiane, the party went next to Paris, a 26-hour hop.

Boarding buses at Orly Field in the chill, wet dawn, the group went directly to the headquarters of the North Vietnamese delegation to the Paris Peace talks.

With a lot of horn-blowing, the French gendarmes showed up in force. They unloaded from their little cars like a bunch of Keystone Kops and shoved the newsmen back across the street. Perot and two aides managed to go through the door in the wall around the compound, but came out almost immediately.

After much arm-waving on the part of the gendarmes, chief negotiator Xuan Thuy scurried from his headquarters with a full motorcycle escort.

The next stop was Viet Cong headquarters on the third floor of a posh apartment house halfway across town. Police cars cruised nearby but did not interfere. The Viet Cong refused to see Perot.

Finally, the group went to the North Vietnamese Embassy, where Perot found his way barred by more gendarmes. The newsmen were stopped a long block away while regular traffic was allowed to continue.

Someone decided the gendarmes were being a bit too protective of the Communists and offered to whip the whole Paris police force. The gendarmes backed down.

"This is almost pathetic," Perot said, "We have tried to give them information about their own men held captive, but they have refused to accept it."

"We found they were afraid of women and children last Christmas. Now, we find they also are afraid of the press."

"I can only conclude that this delegation has no interest in their own men."

From that standpoint, the trip was a success. The North Vietnamese had been put on the defensive in the eyes of the world, something they did not want and seemed unable to handle.

The next move is up to them, but they aren't going to make many points until they can prove to the world that they're treating American prisoners humanely.

Which is exactly what H. Ross Perot had in mind.

[From the Wichita (Kans.) Eagle, Apr. 28, 1970]

INMATES LIVE "HIGH ON HOG" IN VIETNAM: SOUTH PRISON CAMPS PRAISED—III

(By Forrest Hintz)

PLEIKU.—Most of them never had it so good.

The 1,031 North Vietnamese and Viet Cong prisoners held in the II Corps prison camp here generally are living a lot higher on the hog than the local population.

"We may not be fancy by American standards," said Maj. Phan, the camp commander, "but I hope you will view it by Vietnamese standards."

Maj. Phan need not have apologized. The International Red Cross has classified most South Vietnamese prison camps as "model camps."

"We will give you a quick tour of the camp

to show you the layout," Maj. Phan said. "Then, you are free to go where you wish and to see everything. We ask only that you do not question prisoners individually or take individual pictures of them as this violates the Geneva Conventions."

As the party approached each building a prisoner would shout a command and the rest would snap to attention. They seemed to be doing it more from respect than fear.

The camp was especially clean; much cleaner than the ordinary Vietnamese hamlet—or Saigon, for that matter. Barracks floors were hard-packed dirt, swept clean, and there was fresh insect powder around the legs of the bunks.

"I know you think they did this just for you," an American adviser said, "but believe me, they keep it this way all the time. They're trying to prove to these guys that they've got something better to offer than the commies."

"You should see these guys when they first come in. They're dirty and about half sick and scared to death. They've been told they'll be killed if they're captured, and they believe it. They're always hungry because they ain't eatin' too good out there in the jungle."

"These people make 'em take a shower—a lot of them never saw one before—and give 'em clean clothes and a decent bunk. They get plenty of food and they change their minds about a lot of things. I'll bet you can't find one of 'em who wants to go back now."

Maj. Phan said the prisoners are classified and barracked according to rank, fingerprinted, photographed, issued the necessary gear and carefully weighed.

"If you would like to see their medical records," he said, "I think you will find that each of them has gained some weight since his capture. It costs 22 piastres (about 20 cents) per day for food, the same as for our troops. Each prisoner is paid eight piastres (about seven cents) per day, which allows him to buy small items at the commissary."

The prisoners are allowed to visit the camp dispensary any time, and those who become seriously ill are taken to the military hospital in Pleiku. Doctors are in short supply in Vietnam, but they always are available to the prison camps.

Recreational facilities are excellent and the men are required to do a certain amount of work. "Work never is harmful," Maj. Phan said. "Also, this helps keep them in good physical condition."

But the big push seems to be in education. Most of the prisoners are only semi-literate, so they are taught at least the three Rs. They are encouraged to learn trades—one group was learning to make window frames—to fit them for a civilian occupation when they are released.

Each man who has a family in the North can write one postcard per month. Most of these are refused by Hanoi. Captured Viet Cong can write one letter per month. Families can visit their men each week.

All this is in sharp contrast to the treatment of prisoners held by the Communists.

In Dallas, Maj. James N. Rowe, a Special Forces adviser who spent five years in captivity, most of the time in a bamboo cage, told his story.

"From 6 p.m. until morning we were held to the floor by leg irons," he said. "The ability to describe filth is hard to come by. We had a quart of rice and fish heads to eat each day. We had dysentery, beri-beri, hepatitis and a fungus infection over most of our bodies."

"Of eight of us, three died of malnutrition, one was executed, three were released when they were nearly dead, and I escaped just before I was to be executed."

For 4½ years, Maj. Rowe maintained a cover story that kept him alive. His execution was ordered after someone in the U.S. sent Hanoi his full biography. He is understandably bitter at the mention of "peace-niks."

In the San Diego Naval Hospital, Lt. Bol Frishman told how he was shot down over Hanoi Oct. 24, 1967, and spent 683 days as a prisoner.

When he was captured, Lt. Frishman had a compound fracture of his right arm. He was beaten and refused medical treatment until he told the North Vietnamese what they wanted to know. They removed the joint from his right elbow but did not suture the wound. Navy doctors still are trying to repair the butchery.

"I was kept in solitary confinement in a 10x11-foot cell with a tin roof and no windows," he said. "The temperature reached about 140 degrees during the day in there. At 10 a.m. and again at 4 p.m., I got a bowl of pumpkin soup with some pig fat and a piece of bread. You would lose only about 10 pounds a year if you ate everything you got."

"You got constant propaganda, especially what the 'dove' senators were saying, the Chicago convention and the sayings of Dr. Spock. They gave us all the 'good' news—from their point of view."

At the South Vietnamese army's rehabilitation center in Saigon, Maj. Le Van Loi brought in six soldiers who had recently escaped from the Viet Cong.

Pvt. Chieu said he was captured at Hue during the 1968 Tet offensive.

"Since July, 1968, we got only one condensed milk can of rice per day," he said. "The VC got two cans plus fish and fruit. We were beaten."

"When we were interrogated, anyone who answered questions wrong was tied, blindfolded and taken out. We never saw them again. We expected to die."

Pvt. Ngoi was kept tied and chained for the first six months of his captivity. He escaped when he was taken out to catch snakes, frogs and lizards to feed his captors, who were short on food.

Pvts. Trung, Phung and Cuong complained of forced labor, constant hunger and lack of medicine. One said that 31 prisoners were given only six condensed milk cans of rice per day, which they used for a thin soup. Each had only one small bowl of unpurified water per day, which made them sick.

[From the Wichita (Kans.) Eagle, Apr. 29, 1970]

TAUGHT TO HATE ALL AMERICANS: "DEAD" SERGEANT ALIVE IN PRISON—IV

(By Forrest Hintz)

VIENTIANE, LAOS.—Sgt. Nguyen Thanh Long, 19, is, as far as his family knows, dead.

The sergeant is listed only as "missing" on the roster of his North Vietnamese army regiment. But for all practical purposes, he is dead. Only distinction is that his body was not found after the action Feb. 12 on the Plaine des Jarres.

But the stocky little sergeant is one of 88 North Vietnamese prisoners held in Sam Khe prison here by the Royal Laotian Army. Some of the men have been here since 1964.

The regiment had gone down the Ho Chi Minh trail, headed for South Vietnam. As so often happens in a purely political army, someone in the top echelon fouled up the paper work and the troops wandered into the broad Plaine des Jarres in Laotian territory.

A somewhat smaller—but elite—Royal Lao unit zeroed in with heavy artillery fire. Sgt. Long got a shrapnel wound in an arm.

The Lao troops captured him and he expected to die on the spot. After all, his superiors had told him what to expect and they always were right. He had learned that in training.

In that training, he learned to hate all Americans. He learned to handle his rifle, but more importantly, how to give all the right answers about communism when questioned by his superiors. It isn't that he exactly understands what communism is, but he was made a sergeant for saying the right things. That is how it works in his army.

Sgt. Long has not written his family in Hung Chau village, near Hanoi, since he was taken to Sam Khe. He could, but they would not expect him to because he has not written since he joined the army in 1967. His army does not want soldiers to write home. They might start worrying about their families and not be good soldiers.

It is simpler that way, the sergeant thinks. Only his unit knows he is missing and members will not tell his family. When he joined the army, everything about him became the property of the state and the leaders his only real family.

He said he joined the army because the Americans and South Vietnamese started a war of aggression against his country. In 1967 and 1968 he saw the wicked American pilots bomb bridges near Hanoi, he said. No, he didn't see them bomb anything else. Just the bridges.

Sometimes, the planes were shot down and pilots were arrested. They were taken through towns to show the people who the aggressors were. Many of the people wanted to beat the wicked pilots, but the brave North Vietnamese guards protected them. He did not see any prisoners beaten, he added.

Sgt. Long thinks there are more than 2,000 American prisoners in North Vietnam. No, he has not seen them, but his superiors said there were, so it must be so.

He is sure the Americans are being treated better than he is. He said his government knows that Americans like to eat bread and to smoke, so they are given anything they want. His government wants everyone in the world to be as happy as the North Vietnamese are under communism. As soon as they conquer the world, everyone will be happy.

Sgt. Long does not like Sam Khe. He would like to have more food and more clothing, even though he has gained weight since he was captured. The food is getting better now since the Laotian army is letting the prisoners do their own cooking. The Lao people, he said, do not know how to cook rice properly. He is getting medical attention for his arm wound.

For Sgt. Nguyen Thanh Long, the war is over. To the Royal Laotian army, he is a prisoner. To his family, his army and his country, he is dead because he is not fighting for communism.

[From the Wichita (Kans.) Eagle, Apr. 30, 1970]

YANKS ASK HELP TO AID LAOTIANS—V

(By Forrest Hintz)

PAKSANE, LAOS.—Always before, there had been another mountain top. Now they have run out of mountains.

They are the refugees—the pitiful human sacrifices of a war they cannot understand.

Driven by fear of the North Vietnamese army, plagued with malaria and exhausted by constant dysentery, they have left the eastern reaches of Laos. More than 200,000 have fled this year and more than 10,000 have settled in camps in Paksane province.

No one knows how many died along the way, but nearly every family has been touched by death. More will die, but they think it is preferable to being swallowed up by communism.

They know communism from personal experience because they lived with it, saw death from it. They cannot understand it as an ideology, but they know what it does. Simple "slash and burn" farmers, they cleared the land, planted their crops and eked out a meager existence. When the land was exhausted, they move on a few miles and started over again.

But the North Vietnamese came and took their rice and left them to starve and shot those who resisted. They moved on to another mountain and then another until now, they have run out of mountains.

To the refugees, two Americans—"Doc" and "Pop"—are the chief source of hope.

"Doc," Dr. Charles Weldon, who hails from St. James, La., came here seven years ago with his doctor-wife.

"Pop," Edgar Buell, Hoosier farmer from Hamilton, Ind., figured on staying here two or three months when he came here in 1960.

"I wish everybody back home could see just one refugee movement," Pop said. "My God! How would you like to start across the wildest part of the Rocky Mountains on foot at night with your family, knowing you were going to lose a couple of kids or maybe your wife along the way?"

"They're that anxious to get away from the Communists. When you can understand that and make the people back home see it, then maybe we can do something about it."

"Here's an example of it," Doc said. "Shortly after I arrived here, there was a serious outbreak of cholera. Pop and I organized an immunization program."

"We heard of a small village that had been visited by the North Vietnamese and that seven people—all old men—had been wounded, so we went up there."

"The North Vietnamese had come into the village and the people had given them food. After they had eaten, they lined up the only adult males, seven old men, and shot each one through the thighs."

"What they were saying was: 'You must obey us or die.' That's communism as these people know it."

"We've seen the same thing happen many times since," Doc continued. "In 1964, about 20,000 of them fled from the Plaine des Jarres. They moved constantly for four days, and Communists killed about 1,200 of them with mortars."

"Those people kept going for 12 days. The old and the small fell by the wayside. Many of them were killed by their own families to keep them from falling into hands of the enemy. They know what communism is to them."

Working for the Agency for International Development and the International Voluntary Service, Doc and Pop earn about \$60 per month, but they get by.

Between them, they have managed to establish some 300 medical centers, mostly dispensaries, in the country. They also built a fairly large hospital at Sam Thuong and began training natives as medical aides. The North Vietnamese overran Sam Thuong March 17 and destroyed the hospital and killed 18 patients, including a wounded boy and a deaf mute.

Both men get mad when their already inadequate budget is cut so some congressmen can build a new bridge or a new highway in his home district.

"We've never had more than nine Americans in our program. Pop said, 'but we've reached more than a half million people. We don't need people to sit behind a desk. We have enough people; we just need enough funds to keep the program going.'"

"It's a little disgusting when you think about it," Doc said. "It only costs a nickel for enough chloroquine pills to keep a family of four free of malaria for a week, but first you have to have the nickel."

"We'd really like a little understanding from home because we're proud of our country. I don't think people back there understand what's happening here and that this is a move to dominate the whole world. It's a simple matter of the bad guys and the good guys."

"For the sake of these people, try to get the message over back home."

Still the refugees come. They have just run out of mountains.

[From the Wichita (Kans.) Eagle,
May 1, 1970]

VIETNAM'S RACE PROBLEM EASED—VI (By Forrest Hintz)

PLEIKU.—Few people realize that South Vietnam has a race problem. Fewer still

realize that it is being solved with outstanding skill.

For countless centuries, the fierce little Montagnard tribesmen have claimed the central highlands as their own. Armed only with crossbows and deadly arrows, they held their mountains against constant pressure from the Vietnamese.

In a way, the story is almost a copy of what happened when the American West was opened. There was—and is—"gold in them thar hills" and untold amounts of other natural resources. The Vietnamese regarded the Montagnards as little more than animals and began moving in.

The primitive tribesmen fought back because it was their land and, as practicing animists, they believed the wealth belonged to the spirits of the mountains.

When the Communists began coming down the Ho Chi Minh trail into South Vietnam, they used the Montagnards as slave labor. Usually, the tough little mountain men served as porters. When they disobeyed or lost their usefulness, they were shot.

The South Vietnamese played it smart. In their army was Col Ya Ba, a full-blooded Montagnard from the Koho tribe. They made him province chief, something akin to military governor, of Pleiku province and things began to change.

When the word got around, the Montagnards—half of the province's 200,000 population—quit working for the North Vietnamese and left their beloved mountains.

The Bahmar tribe, which lived about 70 kilometers from Pleiku, came here to be protected by the South Vietnamese government. On Dec. 11, 1968, they were settled near here in what was named Plei Brel village, consisting of 11 hamlets.

There are 1,969 persons in the settlement, 416 of them of voting age. They have been granted full citizenship and are being encouraged to vote.

Each family has a plot of land and is being taught to farm. A dispensary provides free medical care, and the Montagnards are being taught at least the rudiments of sanitation. For instance, picture posters show how to use a latrine.

There is free schooling for everyone, and women are learning to weave. After a 20-century delay, civilization is catching up with the Montagnards.

The welcome to the village was warm and memorable. A tribal band of about a dozen men was playing an eerily beautiful piece of music. One of them had a buffalo-hide drum and each of the others a differently-tuned brass gong which he struck in a certain sequence.

Bum, the village chief, drew himself up to his full 4 feet 6 and delivered an oration of welcome. It was translated into Vietnamese and then into English. It undoubtedly lost something along the way, but it obviously was sincere.

His people, Bum said, tired of working for the Communists. They did not want to leave their mountains, but they had to if they were to survive.

"They made us slaves," he said. "They beat and tortured us. They raped our women and killed us when we objected. We could not fight them, so we ran away."

"Many of our people were sick and many died when we came here, but we are well now because they give us medicine." The ones who were coughing, he said, were the old ones who still chewed a green tobacco, but the government people were trying to get them to stop.

"We built our own huts," Bum said, proudly pointing to the bamboo and corrugated iron structures. "The government gave us only the iron and the nails."

"About 15 to 20 of our families were homesick and went back to the mountains, but about two months ago they came back here and we are happy again."

By any standard, the village was primitive.

Even so, it was far more modern than anything they had known. There are seven new water wells, a small shop with looms where the women can weave and the community hall that serves as a school and central meeting place.

Many of the men wear only a breechcloth and some of the women only a shirt shorter than a high-fashion miniskirt. Some of the small fry don't bother with clothes.

As we left, Bum conferred the greatest honor in his power. Each of us was given a brass bracelet inscribed with a series of V-shaped marks. We were, he said, honorary members of the tribe and the bracelet signified everlasting friendship for us.

To the west, the mountains that had been their home jutted up into the monsoon clouds. The Communists will have to carry their own supplies over those mountains because the South Vietnamese found a way to settle their race problem.

[From the Wichita (Kans.) Eagle,
May 2, 1970]

VIETNAM TRAINING SOLDIERS AND FUTURE LEADERS: HILL TRIBE ORPHANS ARE GOOD CADETS—VII

(By Forest Heintz)

PLEIKU.—Capt. Phus is proud of his "men." "They take much teaching, but they learn well," he said. "They are learning that they do not have to be savages in the jungle any more. They are learning that they are a part of Vietnam."

Capt. Phus is superintendent of the Central Highland Junior Military Academy here. His "men" range in age from 12 to 20 and are sons of Montagnard tribesmen killed by the North Vietnamese and Viet Cong.

The school was started in 1964 in an effort to wean the fierce little tribesmen away from the Communist forces.

"They are very tough people," Capt. Phus said. "They lived in the mountains almost like in the Stone Age."

"The Communists used them for slave labor and when they disobeyed they were killed. Now, we are trying to train the children of those killed. The government in Saigon pays for everything."

There are 296 cadets in the school. Capt. Phus wishes there were more, but "the Montagnards can't realize the need for an education."

"We give them military training and general educational studies from the sixth to ninth grades," he said. "When they can pass the ninth grade tests they are sent on to the advanced school at Vung Tau."

"Twice each year they are allowed to go home for a month if there are any of their people left for them to visit. The rest of the time they must study."

"When their schooling is finished, they are required to serve five years in the army. If they cannot pass the ninth grade tests, they only will be non-commissioned officers."

One of the big problems is teaching the youngsters to read, write and speak Vietnamese. The Montagnards have their own language and eight different dialects are spoken in the present class.

The instructors solved that problem in a way that might not please stateside teachers, but it works well here.

Lessons are written on a blackboard and each boy carefully copies it in his workbook. Then, in unison, they chant the entire lesson aloud several times. Capt. Phus said they generally learn the complex Vietnamese language in about two months.

No one denies that the students get large doses of pro-government propaganda. After centuries of feudalism and foreign domination, South Vietnam is beginning to unify into a nation. The government decided that the primitive Montagnards were important.

"This will be excellent for the long range," Capt. Phus said. "When we can train these boys in all things here, they will be good soldiers in our army. When the war is over,

they will go home to their people and train them so they will learn they are a part of Vietnam.

"It will be a good thing for our country."

[From the Wichita (Kans.) Eagle, May 3, 1970]

CHANGE FOLLOWS 20 CENTURIES OF LASSITUDE: NEW SPIRIT EVIDENT IN VIETNAM

(By Forrest Hintz)

Change has come to a country where little had changed in 20 centuries.

Four years ago, Saigon was known as the "Cesspool of Asia." It looked—and smelled—the part. Nearly two million people jammed a town built for a half-million.

It was a happy hunting ground for the Viet Cong, and they made the most of it. They cut the power whenever it suited their fancy and conducted terrorist attacks with considerable regularity. It was their town, and they knew it.

At night, from any second-floor window, you could watch flare shells arching over the city and hear the steady rumble of artillery. The town was full of American troops, all armed, and there were stout barricades around major buildings. There was an 8 p.m. curfew.

It's different now. Saigon still is filthy, but it is less filthy than it was. There are more old women with palm-frond brooms sweeping up the refuse. Few flare shells splash the night and the electric power is dependable.

The barricades have been taken down or moved back around the major buildings. The curfew does not take effect until 1 a.m. There are few American troops on the streets, and most of those are off duty. They go unarmed. There is a saying that the streets of Saigon are safer than the streets of New York City.

There still are terrorist attacks, but they are sporadic and without much effect. The population of the city had dwindled, but no one seems able to give accurate figures.

The government craft shop still is just off Tu Do Street, the main thoroughfare. Four years ago, the shop was filled with exquisite items made by the refugees and sold at prices strictly regulated by the government.

There is not much in the shop now. "We do not have much to offer any more," apologized a pretty young clerk. "Most of the refugees have gone back to their villages because it is safe now."

There still are the B-girls, rapping on nearly every window, but they have fallen upon evil times. The black market still exists, but the "White Mice"—state police—are becoming bothersome. No one grabs your arm and says, "Hey, Joe—you buy?"

But the real change is more apparent out in the boondocks.

Four years ago, the Army of the Republic of Vietnam (ARVN) left a lot to be desired. The army was poorly trained, poorly equipped and poorly led.

Ban Me Thuot, halfway between Saigon and Pleiku, is home base for the ARVN 23rd Infantry, where someone coined the phrase "Tu Tuc, Tu Cuong."

Maj. Nguyen Van Man translated that as meaning "self-starting, self-sustaining."

Faced with the withdrawal of American troops, the 23rd decided it would have to get busy if it was to fight a do-it-yourself war.

That meant training and plenty of it. On a rotating basis, the men went through a rigorous training schedule, all the while getting practical experience in the field.

For the first time, they began to believe they could fight. Last year, they chalked up a four-to-one casualty ratio against the enemy. This year, the proportion is eight-to-one, and they're proud of that.

Maj. Man explained the radical change that has come to his country.

"It began with the Tet offensive in 1968," he said. "I am afraid you Americans thought that was a defeat for us, but it wasn't. You

see, it made our people mad that the Communists would do such a thing, and now they are behind the government.

"Our Government took back the land the French had stolen from us and gave it back to the people. Land reform was the thing we needed most, and now they're fighting for their own."

"America is very far away and I think too many of your people do not understand this war. You are angry over what some of your men did at My Lai, but you do not realize that was a free-fire zone where there were no known friendlies. Our men might have done the same thing."

"What we cannot understand is how you can be angry over an accident like that and not be angry over what the Communists did deliberately at Hue during Tet."

Maj. Man also had something to say about Vietnamization of the war.

"What you see now is only the beginning, not the end."

The Vietnamese have not yet won their war. They still have an agonizingly long way to go.

But they are beginning to move.

JUSTICE FOR ALASKAN INDIANS AND ESKIMOS

Mr. MONDALE. Mr. President, a bill relating to the Alaska native land claims will be before the Senate in the near future. We will have the opportunity in that bill to treat Alaskan Indians and Eskimos with a justice we never provided for the American Indian of "the lower 48."

The president and council of the King Island Village, located just outside Nome, have put together a most eloquent statement of their feelings on the land claims issue. In that document they state their goal as sharing "in the development of the progress of the State of Alaska as first-class citizens rather than wards of the Government." The natives claim that if that is not possible, "you might as well move us to the moon."

I believe the King Island Village statement provides us with an important insight into the native culture and enables us to better understand the role land plays in their life. I ask unanimous consent that their statement be printed in the RECORD.

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

KING ISLAND VILLAGE COUNCIL

Congressman Howard Pollock and other Congressmen from other States come to Alaska to hear our point of view about Land Claims. The meeting was very short and they did not hear what all the people had to say.

We of King Island Village, as you very well know, have literally been forced to move elsewhere from our Island and have been nomads ever since. And according to Organic Act of 1884 we are entitled to own our title to land used and occupied and claimed, and by Statehood Act our rights are protected. We as occupiers of the land know what we need and use better than anyone else.

So often we have asked ourselves when and where we were originally from. Anthropologists think that we might have come across through what they called the land bridge between Siberia and Alaska in the Bering Straits. If this was true? How long ago did this happen? (Anybody have any idea when or what year that was?) It must have been the time when human beings don't think of claiming what their foot step on, or what you might say when the first persons or be-

ings set their first step on the great land what they called now Alaska. Yes, Alaska is a great land, the last frontier. Our ancestors must have courage in those days otherwise the explorers would not have find Natives in the year 1741.

What the Native did not know was that there was gold in the earth, also oil and other valuable minerals. Just imagine if your ancestors had any knowledge of what was in store in mining and oil products. Would they have let the white man come and take advantage of them? The white man thinks the Native is ignorant, but just see in how many ways to native life he has adapted himself.

As far back as the Eskimo can remember the land has been theirs. They used it to hunt and fish. The land as it was before the white man came and claimed it was sort of developed already. The Natives gathered their stores of greens, several kinds, and also several kinds of berries, for their winter supply. As one Congressman asked us, if we wanted to own the blocks of land we were sitting on, where does he expect us to gather greens and berries, and hunt, for our winter supplies. So the land is of necessity needed by Natives. Land where the subsistence have not already been damaged by the white man.

We want land to live on as others in Lower 48 would live on land. The people down Lower 48 use their land to farm. Up here we can use land just as others would not just by farming but hunting, fishing, berry picking, camping, and land development. The Congressman ask how many of us people would like to have a deed to our houses. He has only one thing in mind. To give us land only in the spot where our houses are built. There are many reasons why we need the land. If the Congress people were in our position and we ask them why they need the land, their reasons for wanting the land would be ten (10) times less than our reasons, not counting the other Villages reasons. Each Village has different reasons because they have different way of doing things.

The younger people don't depend on hunting and fishing for their livelihood, even though they do a lot of hunting, but we are looking forward to obtaining a fair settlement in lands which would be used for economic purposes to untie us from the wardship of the government. We don't see any reason why the Congress would not make a reasonable settlement on land when the money from it would be spend for the benefit of all concern. Without land the Native would not be independent. He would be under Welfare. We all been told by Congressmen that they would like to see Natives become independent of the government, but if we do not get a fair settlement in land we still will be where we began in 1867 and the Organic Act of 1884 will just become one of the many broken acts of the government of the people, for the people, and by the people.

As for the \$500 million, we believe it is essential for the development of the land, housing, education, developing industry, legal services and social programs. In the past we have received a lot of social programs from federal and State, but they have not been too effective as all the planning have been done by the man behind the desk that may not be familiar with Village life. The 2% overriding royalty is essential to keep our programs going over the years.

Governor Miller is playing politics with the Land Claims. He is not concerned with Natives, but with his own politics and that the State get all the best of our land. His Land Claims position is unrealistic and unacceptable to us because it does not meet what we need. His using Anchorage and Juneau as examples is unrealistic because land use is different there and has nothing to do with life in the bush. Nome is a Native Village—80% Native! He is wrong about "non-Native Village" people not getting land.

All Natives should share on land, they are in cities partly because they can't own land in Villages except for small 160 acres. He is wrong about small withdrawals—they should be large to guarantee that we get what we need before the State takes it all. To insure a fair settlement. He is wrong about taxes—land and money should be tax-exempt for a while because it takes time to develop land and for us to learn about taxes, and so land won't be re-possessed putting us back where we were before settlement.

It is not much for what we ask compared to all of the land that will be taken by federal and State. All we ask is 10% of the land (40 million acres) for 20% of the population, and we are willing to let you have the rest of the land for 70-cents per acre (\$500 million) and a 2% overriding royalty.

We are asking you to support a fair Land Claims settlement as proposed by our representatives, the Alaska Federation of Natives (AFN) so we can share in the development of the progress of the State of Alaska as first-class citizens rather than wards of the government.

If a fair settlement is not possible, you might as well move us to the moon.

This letter was written and approved by the whole King Island Village people, and signed by our representatives on the Village Council.

In accordance with the desires and request of the people of King Island Village we set our hand hereto:

PETER J. SEEGANNA,
Village Council President.
MIKE SACLAMANNA,
Vice-President.
MARGARET SEEGANNA,
Secretary-Treasurer.
JOHN PULLOCK,
Councilman.
GABRIEL MUKTOYUK,
Councilman.
JOHN TAXAC,
Councilman.

CENTRAL UTAH PROJECT

Mr. BENNETT. Mr. President, the Central Utah project is the key to development of Utah's resources for the next 100 years. It provides for the beneficial use of most of Utah's remaining undeveloped share of Colorado River water.

Essentially, the plan calls for intercepting south-flowing streams on the slopes of the Uintas and channeling available water to croplands and cities in the Uinta Basin and central Utah.

The Bonneville unit is by far the largest and most complex of the authorized units of the Central Utah project. It will make water available to sustain continued economic, industrial, and population growth in Utah.

It has been my privilege for many years to fight to get this project funded at a realistic, economic level. I was delighted, therefore, to learn that President Nixon had recommended a construction program of \$12,910,000 in fiscal year 1971 for the Bonneville unit of the Central Utah project.

I fully support this budget request. So that Senators might be aware of how these funds will be used, I ask unanimous consent that the Central Utah Water Conservancy District's resolution supporting the President's budget request be printed in the RECORD.

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

RESOLUTION

Whereas, the President's budget recommends a construction program of \$12,910,000 in Fiscal Year 1971 for the Bonneville Unit of the Central Utah Project, and

Whereas, the recommended program provides for the completion of construction on the Water Hollow Tunnel and Open Channel No. 2, acquisition of land and rights for Soldier Creek Dam, Strawberry Reservoir enlargement and collection works; the awarding of contracts for Currant Creek Dam; Currant Creek Road rehabilitation, second reach; relocation of the Forest Service road; Soldier Creek Dam; Water Hollow Diversion Dam, feeder pipe and pipeline; Layout Tunnel and access road; Layout Creek Diversion Dam, pipeline and feeder pipe; Currant Tunnel and access road; Vat Tunnel; and the relocation of U.S. Highway 40 to bypass the enlarged Strawberry reservoir; initial acquisition of land and rights for Jordan Aqueduct System, and the awarding of a contract for construction of Jordan Aqueduct Section No. 1, and for other associated works; and

Whereas, the President's budget includes as a part of the Central Utah Project, \$500,000 for the start of construction on the Jensen Unit, \$233,000 for the construction of drains on the Vernal Unit, \$75,000 to complete construction of the Bottle Hollow Dams and dike, and \$270,000 to continue Feasibility Investigations on the Ute Indian Unit;

Now, therefore be it resolved, that the Board of Directors of the Central Utah Water Conservancy District does hereby support the President's Budget and program, and requests the Congress of the United States to appropriate funds as recommended by the President; and,

Be it further resolved, that the Executive Department in the Federal Government make all the appropriated funds available so that the program, as recommended, can be carried out during fiscal year 1971; and

Be it further resolved, that copies of this resolution be forwarded to the President of the United States, Director of the Bureau of the Budget, Secretary of the Interior, Commissioner of Reclamation, Members of the Congressional Appropriations Committees, Governor of the State of Utah, Utah's Congressional Delegation, Executive Director of the Utah Department of Natural Resources, Executive Director of the Upper Colorado River Commission, Director of the Utah Division of Water Resources, Ute Indian Tribe, and other interested parties.

CERTIFICATION

I certify that the foregoing is a true and accurate copy of a resolution adopted by the Board of Directors of the Central Utah Water Conservancy District on April 6, 1970.

LYNN S. LUDLOW,
Secretary.

OPERATION RESCUE LINE—TO AID AMERICAN PRISONERS OF WAR

Mr. MONTROYA. Mr. President, on February 18, 1970, a prisoner of war resolution was passed unanimously expressing the sense of the U.S. Congress in protesting the treatment of U.S. servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calling upon them to comply with the requirements of the Geneva Convention, and approving and endorsing efforts by the U.S. Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

As one who, with like-minded Mem-

bers of Congress, has long labored to focus world public opinion upon the need for demanding proper protection for prisoners of war, I am indeed gratified at passage of the measure, which embodied the essence of my own Senate resolution protesting these violations of international law.

Senators and Representatives of Congress subsequently joined with thousands of concerned Americans and family members on May 1 in Constitution Hall in Washington to reaffirm a common declaration—that those who have fallen into the hands of the enemy will not be forgotten. It was all the more appropriate that the deeply moving May 1 appeal for international justice should have taken place on Law Day, for this example of North Vietnamese inhumaneness should and must result in the outraged sense of humanitarianism under accepted standards of international law of all nations of the free world.

Our voices must continue to be heard throughout the world in behalf of these prisoners and their families. Among those who are continuing to work in meaningful ways to aid American captives is the Santa Fe wife of an American prisoner of war in North Vietnam—Mrs. Dottie Hughes, the wife of Air Force Col. James Lindberg Hughes.

Last year, I had the opportunity of meeting with a group of POW wives who reside in my State of New Mexico and who are suffering deep mental anguish as they await anxiously the safe return of their loved ones. As a result of my suggestions at those meetings and through subsequent correspondence, Mrs. Hughes has initiated a most commendable campaign to secure release of the hundreds of known American prisoners of war in Southeast Asia and almost a thousand other Americans listed as missing in action. She has established an organization known as "Rescue Line," to accept contributions and channel them into projects that will directly work for the freedom of American captives. Still another purpose of Rescue Line's mission is to urge concerned persons to write national officials in Washington, their congressional delegations, and the North Vietnamese negotiators in Paris.

Mrs. Hughes' efforts are all the more praiseworthy in view of the fact that they are designed to assist the wives and families of American POW's in other parts of the Nation as well. Thus far, people all over New Mexico, as well as elsewhere, have been responding very sympathetically and positively to Rescue Line's objectives.

Mr. President, Dottie Hughes has prepared for me a summerization which sets forth more eloquently than I could the purposes of Rescue Line. I ask unanimous consent to have it printed in the RECORD following the conclusion of my remarks. I also urge Members of both Houses of Congress to publicize the nature of this effort in their periodic newsletters to their constituents, so that all Americans may have an opportunity to take a stand on and assist in behalf of this crucial humane issue.

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

BACKGROUND INFORMATION ON A NEW MEXICO ORGANIZATION FORMED TO WORK FOR THE RELEASE OF THE AMERICAN MILITARY MEN BEING HELD PRISONER IN SOUTHEAST ASIA

During the strangest conflict in history occurring in Southeast Asia, husbands of military families have become trapped in an even stranger diplomatic-political limbo where one government defies all the international rules relative to the treatment of prisoners of war and relegates them to the position of being human hostages. It had taken most families until spring of 1969 to realize that any movement at all would have to come by their own efforts and here in New Mexico where there are at least 20 families in this category, we originated the idea of creating an organization called Rescue Line which is simply a vehicle whereby citizens of the state can participate by contributing to a central working fund which is used to promote projects all over the world in an effort to rescue these trapped men. The project initially began with an advertisement in the Albuquerque Journal during December 1969 and many New Mexicans responded by contributing funds. Almost immediately these funds were used to partially pay for advertisement inserted in a Hong Kong Chinese newspaper—Wah Kiu Yat Po, asking for every point outlined in the International Red Cross Geneva Conventions . . . release of the sick and wounded . . . lists of captured personnel . . . free flow of mail . . . impartial inspection of camps by neutral forces and these ads were directed to the leaders of North Vietnam. Rescue Line also partially paid for another advertisement inserted in the Bangkok Post on February 4th of this year . . . just before the Tet Lunar New Year holiday and this ad was the direct reason for a taped recording of my husband's voice (Lt. Colonel James Lindberg Hughes) which was broadcast over Hanoi Hannah's English speaking program on February 5th and beamed to the troops in Southeast Asia. This was the first indication I had had in nearly two years that he was alive . . . this direct message in his distinctive phraseology.

I feel we have a very important mission to accomplish here in New Mexico . . . we must continue to press for information . . . to probe and confront these people who hold our men as hostages to be used for bargaining power. We must also continue to request funds so that we can continue our New Mexico effort to free all the 1,406 men unaccounted for in Southeast Asia . . . and we will succeed because human compassion is a quality that is so highly contagious that it just might spread from our little embryonic idea here in New Mexico to the far corners of the world.

Mrs. JAMES LINDBERG HUGHES.

HARD TIMES IN THE COUNTRY—A COMMENTARY ON THE PLIGHT OF THE AMERICAN FARMER

Mr. YARBOROUGH. Mr. President, on April 13, 1970, the National Educational Television network presented a timely and hard-hitting documentary entitled "Hard Times in the Country," which dramatized the difficulties confronting the American farmer and his family.

As the program correctly pointed out, in a time of skyrocketing consumer food prices, the farmer is receiving less profit for his production than he did 20 years ago. The major reason for this decline in farm prices is that large corporations have cornered the farm market and are driving farm prices down while increasing the prices the consumer must pay for such commodities as cereal, meat, and

milk. Unless action is taken soon to reverse this alarming trend, farming as a family occupation will become just another page in history. Should this happen, the real losers will be the consumers of this country.

To prevent a complete corporate takeover of farming in America, it is imperative that Congress act immediately on S. 3068, the coalition farm bill. This bill, of which I am proud to be a cosponsor, is designed to insure that the farmer receives a fair return for his products.

However, low farm prices are only part of the problem. To stop the decline in agriculture it is also necessary to encourage more young people to choose farming as a career. One way to stimulate interest in farming is to improve the veterans farm training program so that more young veterans will be attracted to careers in agriculture. To achieve this purpose, I recently introduced S. 3698, which would establish a new veterans farm training program which emphasizes on-the-farm instruction. Both of these bills, S. 3068 and S. 3698, are constructive solutions to our farm dilemma.

The crisis in rural America affects every citizen and every area of the country. Congress must focus its attention on the problems of the American farmer.

I ask unanimous consent that an article entitled "Farmers Hit Price," published in the Washington Post of April 14, 1970, be printed in the RECORD.

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

FARMERS HIT PRICE

America has the most efficient food production and distribution system in the world, yet the farmer is going broke and selling his land and the consumer is paying higher and higher prices for food.

The television documentary, "Hard Times in the Country," viewed last night by channel 26 audiences, fixed most of the blame on the 50 or so corporate giants that control the \$100-billion-a-year food industry.

It also blamed a few non-food corporations and conglomerates that are going into the farm belt as a tax shelter and land investment for the future while farmers are making smaller profits than they did 20 years ago.

"They're farming for a loss, for a tax write-off, and we've got to farm for a living, and there's a big difference," one California farmer complained bitterly.

Farmers and ranchers interviewed said they could not compete on the same level with big corporations like Goodyear, duPont, Gulf and Western, Dow Chemical and the Conglomerate, AMK which are buying up big blocks of land from the Rio Grande up middle America to the Canadian border.

The social documentary produced by award-winning NET producer Jack Willis, concluded that milk, meat and cereal prices are kept high by limited competition in an industry dominated by relatively few companies.

Three companies—Kellogg's, General Mills, and General Foods—make more than 80 per cent of all cold cereals, the documentary observed. "They then spend over \$90 million on advertising and promotional come-ons to create consumer demand."

The cost is passed to the consumer and the farmer receives less than the price of the box for the grain inside, the program noted. The camera pans a row of flashy cereal boxes, all promising a gimmick inside.

During a branding scene, narrator Philip

Sterling declared that chain stores took advantage of increased consumer demand for beef last year to raise the price.

"The top four chains, A&P, Safeway, Kroger's and Acme," he said, "account for over one half the retail sales in the large metropolitan markets. By keeping the wholesale price down and raising the price to the consumer, they can increase their profits."

"In 1969 the retail price of beef rose steadily. By the end of the year the chain stores were paying the wholesaler only one cent more a pound for it—but were charging the consumer 10 cents more a pound."

One farmer, A. Martin, predicted that the trend is leading America toward a feudal set-up, with "peasants" working the land. "When we get to this position in this country, we'll wipe out the middle class."

SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, when President Nixon's statement on school desegregation was released several weeks ago, I remarked that its message to the Nation was to do as little as possible. Over the last year, this has been the theme of the administration's actions, as well as its words. We have increasingly found Justice Department lawyers arguing school desegregation cases on the side of school districts. We have seen the only administration official who demonstrated any enthusiasm for the principle of integrated education, Leon Panetta, fired for trying to fairly enforce the law. We have heard no criticism from the President or his Cabinet for Governor Kirk's defiance of a Federal court order, but we have heard them denounce Federal courts for desegregation decisions which they consider "extreme."

This failure of moral leadership is stunning hypocrisy from gentlemen whose battle cry on other political fronts is "law and order," and it threatens to bear tragic fruit.

An article entitled "Dixie Defiance," on the front page of the April 17, 1970, issue of the Wall Street Journal documents a rising climate of racial violence, centered on opposition to constitutionally required school desegregation, encouraged by the administration's articulated policy and its actions. As the lead paragraphs of the article state:

The Nixon Administration's easing of Federal pressures for schools integration has rekindled Southern defiance reminiscent of the Dixie of a decade ago.

Gov. Claude Kirk's stand last week in the old orange school building here caught the headlines. But his stance of angry resistance is showing up in statehouses from here to Louisiana. And the new mood is being accompanied by an ugly wave of racist violence—a fast-growing but largely unnoticed outbreak marked by bombings and burnings of Negro schools and churches and the reemergence of white hate groups once thought dead.

I note that this climate may be found in northern as well as in southern communities where school desegregation has been required.

I have every confidence that the good sense and decency of the vast majority will prevail. But the willingness of the administration to play politics with an issue which so vitally affects the lives of school children sets a sorry example for those less sensible and less decent.

Mr. President, 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:

DIXIE DEFIANCE: KIRK'S STAND POINTS UP RENEWAL OF RESISTANCE TO SCHOOL INTEGRATION

(By Neil Maxwell)

BRADENTON, FLA.—The Nixon Administration's easing of Federal pressures for school integration has rekindled Southern defiance reminiscent of the Dixie of a decade ago.

Gov. Claude Kirk's stand last week in the old orange school building here caught the headlines. But his stance of angry resistance is showing up in statehouses from here to Louisiana. And the new mood is being accomplished by an ugly wave of racist violence—a fast-growing but largely unnoticed outbreak marked by bombings and burnings of Negro schools and churches and the reemergence of white hate groups once thought dead.

Southern segregationist leaders say Washington's slackening of past efforts to integrate schools has heartened them greatly. They see new hope in reasserting old attitudes of fervent resistance, attitudes that in the past couple of years had been abandoned as futile.

The change has been so marked that the South's old enemies—the Department of Health, Education and Welfare and the Justice Department—are now considered allies in the fight against the remaining foe, the Federal courts.

GOVERNOR KIRK'S NEW FRIEND

The Manatee County case here is one such instance: The Justice Department said last weekend that it would team up with Gov. Kirk to see what could be done in a Federal appeals court to ease the terms of the integration plan a Federal district court imposed here. Both Gov. Kirk and local whites in this Gulf Coast county object heatedly to the court-ordered plan because it calls for busing of whites to predominantly black schools and busing of blacks to mostly white schools—a procedure President Nixon has criticized himself.

Just a few days earlier the Justice Department attacked another Federal court for overzealousness in ordering busing of students in Charlotte, N.C. The criticism followed a statement by President Nixon last month, declaring that he considers school segregation resulting from residential segregation to be "lawful" and rejecting busing to achieve racial balance. The President tossed aside a number of recent decisions by state and Federal courts ordering busing as "untypical" and said he will "not consider them as precedents to guide Administration policy."

The Presidential statement was foreshadowed late last year when the Justice Department moved in court to delay integration in Mississippi. The move surprised and delighted officials of that state.

The Administration hasn't explicitly told the South it is off the hook, but some experts feel that to do so in the face of its actions would be redundant. Leon Panetta, fired recently as the Government's top integration strategist, bitterly suggests Mr. Nixon's policy has gone beyond the "benign neglect" suggested by adviser Daniel P. Moynihan and is now in a state of "malignant retreat."

"SHAKE THIS COUNTRY"

Any doubt about the posture of resistance Southern leaders have assumed is dispelled in a chat with Gov. John McKeithen of Louisiana, whose promises of "defiance" are echoed by others such as Gov. John Bell Williams of Mississippi and Gov. Albert Brewer of Alabama. Mr. McKeithen paces back and

forth in the den of the columned governor's mansion in Baton Rouge and adopts the rhetoric of the late Martin Luther King in calling for Southern whites to come forth and man the barricades.

"We're going to shake this country if necessary," declares the governor. "We will not sit at the back of the bus. We're not going to accept second-class citizenship. We'll do whatever we need to do to get justice—including defiance if need be."

"We won't burn and loot and bomb buildings like they do in New York," the governor says, "but we will do whatever it takes . . . short of violence. It looks like the only way you can get justice is defiance."

That's tough talk, but it's also vague. Gov. McKeithen's current strategy, as well as that of some of his counterparts in other Dixie states, seems to be to resist as much as necessary to fend off complete integration, fighting mainly through the courts.

The Nixon Administration has said it will no longer rely on cutoffs of Federal funds to press for integrated schools, a tactic used successfully by Washington over the past several years and one that left Southerners few means to fight back. Instead, the Administration has said that where it faces total local recalcitrance it will use the courts to enforce compliance—an involved, tedious process and one that permits Southern politicians to wage counterattacks. (An Administration official says the Justice Department plans to file five statewide school desegregation suits soon, similar to one filed a few months ago in Georgia. That suit would require a lesser degree of integration than that ordered recently by Federal courts.)

Several Southern states in the past few months have hurriedly passed new laws copied after one in New York State that has the effect of banning busing to achieve integration. Says Gov. McKeithen: "We didn't want to take a chance on ours being ruled unconstitutional, so we made it just like New York's—we even included a grammatical error they made." The Louisiana law passed quickly in a special session of the legislature called for that sole purpose in February.

At the capitol building in Jackson, Miss., Gov. Williams says there's nothing new about his determined defiance to integration, but he now sees new hope. "We don't expect a complete reversal of form or an instant reversal," he says, "but at least we are receiving sympathy where before we were condemned."

Like most Southerners, Gov. Williams first opposed and then embraced "freedom of choice" school enrollment, which theoretically permits any child, white, or black, to choose the school he wants to attend. Freedom of choice was first imposed by the Federal Government as a tool of integration. But invariably it resulted in a perpetuation of predominantly black schools. Some blacks chose white schools, but many, out of fear or preference, did not. Hardly any whites chose black schools. The courts eventually ruled that the policy is insufficient where it does not eliminate segregation.

"Very frankly, we did not think (freedom of choice) would work," says Gov. Williams, "but we've found it to be most acceptable. It leads to as much integration as people want and are willing to accept." The governor is hopeful that in the new atmosphere the courts will be pushed by public pressure into reestablishing freedom of choice as acceptable legal doctrine. "The courts have gone too far for public acceptance around the country," he says.

Gov. Kirk of Florida, whose reliance on direct defiance has apparently paid off, feels the same way. It's true that he failed to get the hearing he had sought before the Supreme Court, which he had predicted would strike down the controversial "cross-busing" order. Nor did his pronouncement that no lower Federal court could control his actions

as governor survive for long against the threat from a district court of fines of \$10,000 a day. Nonetheless, Gov. Kirk's showy stand of dramatic resistance was followed by the Justice Department's move to join him in seeking an appeals court review of the Manatee County integration plan. That lesson hasn't been lost on Southern politicians elsewhere.

TIRED BUT NOT DEAD

In states such as Alabama and Georgia, whose leaders have long been the staunchest advocates of defiance, observers say there has been an even more militant tone in recent months. Listen to Georgia Gov. Lester Maddox urging defiance in a recent never-say-die speech to an Optimist Club: "If I am held in contempt of court, it will be only because the actions of the court were contemptible. We are tired, but we are not dead. We have lost much, but we have not lost all. God forgive us if we surrender while one of us still stands."

Resistance in Dixie has also been encouraged by the tone of recent articles in the national press—articles regarded by segregationists as sympathetic because they have criticized forced integration. Magazine columnist Stewart Alsop recently questioned the value of continued pressing for integration, and other journalists, in publications both right and left expressed similar doubts. "What they are saying now is confirmation of what us racists and bigots have held all along," William Simmons, executive director of the Citizens Council of America, based in Jackson, Miss., says with a grin.

The racist violence that has accompanied the official defiance across the South has dismayed students of civil rights and Southerners sympathetic to integration.

In Forrest City, Ark., the Negro community center was burned late last month. A few weeks before two nearby Negro churches were burned. A bomb exploded and a cross was burned on the front lawn of a school board member in Forrest City.

Near Greenville, Miss., three Negro churches were burned to the ground one week-end late last month. The incident prompted the Delta Democrat-Times to reflect on the burnings in this fashion: "We thought that Mississippi had passed beyond the day when they would occur. Last week-end proved us wrong."

THE VIOLENT SOUTH

Earlier, bomb threats were received at several largely black schools in the Greenville area, one of which was recently integrated, another which is soon to be integrated. In Maben, Miss., a Negro school was burned the day before the faculty was to integrate in February. Last month a Negro church outside Carthage, Miss., was bombed. A Negro community center in West Point, Miss., recently was burned, and shortly thereafter a bomb exploded at the county courthouse. Police arrested several Negroes, including the director of the burned-out community center, on a conspiracy charge in connection with the bombing.

In Little Rock, Ark., bomb scares recently disrupted several high schools that had been integrated for years with no such threats. Last month there were two bomb threats at Columbus, Miss., junior high schools, and in Jackson there were three cross burnings in one night recently. In Gainesville, Fla., a shotgun blast hit the school superintendent's home and a rash of racial clashes in schools led the sheriff last weekend to threaten to post armed deputies in every classroom and in lavatories to restore order.

In an incident in February, a group of students from largely black Tougaloo College outside Jackson, Miss., were arrested and claimed they were badly beaten after a boycott march in nearby Mendenhall. One student, after his release, reported: "After they had taken me inside of this jailhouse, I asked

one (of the officers) for my Constitutional rights. He said, 'Nigger, I'm going to give you your constitutional rights, your marching rights and your civil rights,' and that's when he kicked me and the rest of them commenced to beat me with blackjacks and billy clubs and started kicking me and stomping me."

The Rev. John Perkins, a Negro leader who went to the jail to seek the students' release, says: "I was met at the door by these policemen and the sheriff, and they said, 'This is a different ball game,' and they began to crack me over the head. . . ." Sheriff J. R. Edwards denies the minister and students were beaten. Gov. Williams also says the claims of police violence are "exaggerated."

HATE GROUP REEMERGES

There has been a rash of school clashes between blacks and whites serious enough to make local news in spots such as Dorchester County, S.C., and Sarasota and Jacksonville here in Florida. The Jacksonville outbreak was followed by protest marches by white parents led by a hate group most Southerners thought had faded away—the National States Rights Party.

The American Friends Service Committee is conducting a survey to measure the new upsurge of violence and intimidation across the South. "We feel it's important to call attention nationally to what is happening," says Miss Constance Curry, a Southern field worker for the committee.

Some Southerners fear more violence is likely. "I don't see how it's avoidable," says Paul Anthony, director of the Southern Regional Council in Atlanta. "All the things coming out of Washington these days and the new defiance by leaders just can't help but encourage a greater degree of white resistance—and the only way some people know how to respond is with violence." Mr. Anthony fears the resurgence of violence will be more dangerous than past bloodletting, which was largely one-sided, with whites attacking blacks. "Negroes aren't going to take another wave of violence nonviolently," he says. "They are going to give back whatever they get."

That hasn't happened yet, but Negro leaders agree that it may. W. J. Hunter, a black grocery store owner and a member of the county school board in Lamar, S.C., says another incident in that city could trigger real trouble. Whites in Lamar last month overturned buses carrying black children to formerly white schools. Critics of U.S. Rep. Albert W. Watson have since accused him of stirring up hate a few days before the outbreaks in a fiery defiance speech at a freedom of choice rally in the county. Warns Mr. Hunter, the black school board member: "People will only take so much. If (the whites) hurt some kid seriously, then this whole thing will blow off and nobody can stop it."

THE DEATH OF WALTER REUTHER

Mr. McGOVERN. Mr. President, Walter Reuther's death is a staggering loss to the cause of peace and justice.

His life has been a great rallying standard for those who seek economic and civil justice and an end to the tyranny of war.

He said a few months ago during the South Carolina hospital workers' strike: Black is beautiful. White is beautiful. But the most beautiful of all are white and black together.

That was the spirit of brotherhood and compassion which guided Walter Reuther's life. And that is the spirit in which we must continue.

Our entire Nation will mourn the loss

of both Mr. and Mrs. Reuther and the companions who died with them in the tragic airplane crash. My deepest sympathy goes to the surviving family members, and to Mr. Reuther's special friends in the labor movement.

WHATEVER HAPPENED TO THE BILL OF RIGHTS?

Mr. MONTROYA. Mr. President, we must understand that recent waves of student protest have by and large been a reaffirmation of the right to disagree. Because most of these young people accept what we have taught them, they have sought to tell us of their deep disaffection with the expansion of an endless war. It must not be forgotten that the cause of all this very vocal disagreement was the actual widening of the war in Vietnam into an Indochinese conflict. The students did not go out on strike across the land, mainly peacefully, just for a lark. They were provoked by the purposeful expansion of the war by their Government. There have been excesses, to be sure, on both sides. Yet we must keep in sight the fact that the overwhelming majority of these young people have sought to express their disenchantment with the administration's widening of the war through legitimate means of disagreement provided for under the Constitution of the United States.

I do not want our youth to lose faith in legitimate forms of protest. We should not ignore the causes of such dissent and pretend it does not exist. These young people are the ones whose generation is called upon to fill the ranks. They are the ones who must sacrifice the most in a physical sense. We must recognize that we are destroying our own credibility by not listening to their pleas—for that is what most of their protest really is all about.

A group of law students at the University of New Mexico Law School has succinctly put their position in the form of a statement. I ask unanimous consent that it be printed in the RECORD.

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

FROM A STATEMENT BY A GROUP OF LAW STUDENTS AT THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW

Deeply disturbed at the implications of the events at Kent State University, we the students at the University of New Mexico School of Law feel that we can no longer remain silent and only hope that our concern is not too late. Believing that in this moment of crisis, failure to state a position approaches criminal neglect, we must state our beliefs.

There is evidence that many political leaders and a significant portion of the nation's populace view dissent as somehow harmful or evil by its very nature. But our heritage is the right to free speech and assembly. If the right is to survive for us all, it must include the right of a person to express unpopular views without fear of government repression. The events at Kent State seemed to show that freedom of speech has been gravely abused, and that government power has also been gravely abused, with devastating results. The first amendment to the con-

stitution does not condone violent exercise of the right of free expression. Neither is excessive force in the suppression of violence permitted. The wisdom of free expression without violence is again demonstrated when death is the alternative.

Existing tension among the universities, the communities and the governments which support them has been severely aggravated by situations which should not have been allowed to develop. Existing channels of communication, including administration and student government, have been neglected. On the occasion when existing channels have been used, the reaction of campus administration generally has been insufficient to meet legitimate requests of socially conscious students. Requests have become demands, and demands have become unreasonable, to the point where communication in any real sense is crumbling. Government has added to the polarization by statements further alienating the moderate here-to-fore concerned with legitimate goals. The radical argument that present communication is worthless is becoming more attractive as each reasonable demand is refused. The weapon of the radical is violence, and if society is to avoid violence, it must answer the radical argument, not contribute to its effectiveness.

Existing lines of communication must be used by both sides with increased effectiveness and with open minds. Arguments on both sides must be evaluated on their merits, not based on the character of the speaker or personal prejudice. Violence in the exercise of first amendment rights must be avoided, and the training of governmental forces to quell violence must emphasize the very great danger of overreaction. Because of student response to troops on the campus, all reasonable measures short of their use should be exhausted before this drastic step is taken.

If existing or new means of communication do not begin to work, and very soon, the tragedy of Kent State will be repeated until the university as a source of new ideas will be destroyed. We must recognize that narrowing of the right of student dissent goes to the heart of the fundamental right of free speech for us all.

OMICA AND RUDY JUAREZ, A NON-VIOLENT WAY TO EQUALITY

Mr. MONDALE. Mr. President, as chairman of the Subcommittee on Migratory Labor, I have been following closely the careers of emerging leaders among the migrant and seasonal farmworkers and their families.

In this regard, I was pleased to see that the Washington Post of Sunday, April 26, 1970, contained a feature article by reporter Bruce Galphin on Rudy Juarez and OMICA. Like other farmworker leaders throughout the Nation, including Cesar Chavez of the United Farmworkers Organizing Committee, Juarez is devoted to nonviolence as the only method of achieving self-dignity and the respect of others.

OMICA—Organized Migrants in Community Action—is the community organization that Juarez has developed in Florida with the assistance of hundreds of fellow workers and church and labor leads. It is concerning itself with helping migrants deal with State and Federal assistance agencies on issues such as housing, food programs, and health care. It advises laborers on their work rights; it tries to resolve grievances; and, it attempts to overcome discriminatory practices. OMICA is also organizing to ob-

tain coverage for farmworkers that have for so long been excluded from basic social and worker benefit and protective legislation.

I think this kind of community organization, in which migrants themselves are asserting themselves for the solution of their own problems should be encouraged, not discouraged; stimulated, not repressed. We must be aware that every day that we perpetuate the second class citizenship of farmworkers, the greater the strain we place on the commitment to nonviolence to which the members of OMICA have dedicated themselves.

Mr. President, I ask unanimous consent that the article from the Washington Post of April 26, 1970, and the concluding remarks of Rudy Juarez in testimony before our subcommittee last June be printed in the RECORD.

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

OMICA: A NONVIOLENT WAY TO EQUALITY—
"WE WANT LAWS TO LET US STAND UP ON OUR OWN"

(By Bruce Galphin)

HOMESTEAD, FLA.—A movie producer probably would not cast Rudolfo Juarez as the leader of a revolution. He's a little too chunky for a mountain guerrilla role; he's generally sunny-tempered; and while he can work up some ardor speaking about the plight of his people, his voice generally is calm and quiet.

But at 31, Rudy Juarez is the emerging champion of one of America's smaller minorities—the 140,000 or so laborers who pick tomatoes and cucumbers in South Florida most of the year, then follow the crops north in late spring.

Some refer to him as "the Cesar Chavez of the Florida migrant workers." And while Juarez is not, like the leader of the California grape harvesters, talking now about unionization or boycotts, he shares with Chavez a belief in nonviolence and a determination to earn the respect of others for his people.

The question among the migrants, most of them Spanish-speaking Americans, is whether change will come through Juarez' peaceful revolution or through violent pressures applied on the system by young militants calling themselves Los Chicanos.

These young people, numbering in the hundreds, are bitter about the treatment of their parents and themselves. Many of the men are military veterans, trained in the use of firearms and explosives, and ready, some say, to use them.

EAGLE ON A BERET

For now, the Chicanos are wearing the eagle emblem of Juarez' OMICA (for Organized Migrants in Community Action) alongside the Chicano pins on their brown berets, and working with OMICA in common cause. But both groups know they may part company somewhere down the road.

"I don't know," said Juarez; "when I was working in the fields, I'd listen to my father. But these kids don't listen any more. They say 'This is the way it's going to be.'"

Juarez is a second-generation migrant worker whose family followed the crops across the country from Texas.

"I never stayed in one place long enough to complete my education," Juarez recalled. "I was in 13 schools and got to the third grade."

Juarez married when he was 15; he and his wife have seven children.

NORTH AND SOUTH

Juarez moved to Florida in 1954 and soon was locked into the routine of migrant farm

laborers there: About 8½ months on South Florida truck farms, then north in May or June for another 3½ months.

He might never have broken out of that rut, he says, except for "some very helpful VISTA volunteers. They were telling me about a different kind of world, telling me about beaches, telling me about amusement parks . . . there are people here who don't even know there's a beach over there. All they know is the road from Texas and the camp where they're put."

Soon thereafter, Juarez became an investigator for an OEO-funded private agency called South Florida Migrant Legal Services.

ORGANIZED IN SECRET

His work with the legal service, Juarez said, "gave me time to learn and gave me courage."

During his time with the legal service, Juarez and some friends began organizing the migrants. That was 3½ years ago, and they worked for more than a year in secrecy, because association with any organization that had even the hint of a union could cost a worker his job.

OMICA, which is not a union, is concerning itself with helping migrants deal with state and federal assistance agencies, insurance companies, and occasionally police courts; advising laborers of their work rights; trying to resolve grievances of workers against their bosses; and lobbying for legislation that would extend minimum wage and workmen's compensation protection to migrants, and make it easier for them to own decent homes.

It costs \$1 to join OMICA, and \$6 a year for dues. About 4000 workers are listed as members, and only part of them are regular dues-payers.

The strength of the organization, however, Juarez contends, is not in actual membership, but in the respect it has gained among the workers—in the number of people who manage to slip word of trouble in the fields to OMICA representatives.

OMICA's only office is an abandoned store in the little town of Homestead, about 30 miles southwest of Miami. On the glass of the front door is painted a dark hand clapping a light hand in a handshake, and the legend "razas unidas"—races united.

FOUNDATION GRANT

OMICA's financial base is a grant of \$17,500 from the Field Foundation. The money is supplemented by dues, church donations and funds raised from fiestas.

"We don't like to stay in the office," Juarez said. "We spend most of our time out in the camps and out in the fields."

Several of his associates came and went, from the office some just listening, others joining in for a while—Joe Alexander, a former labor contractor; James (Jaime) Baldwin, who is sort of office manager; Inez Figueroa, a brown beret Chicano from Tampa; an OEO worker; a radio engineer, others.

Periodically the talk was punctuated by migrants reporting their problems: a child injured at school who had been turned away by a hospital and had to be driven for nearly an hour to a free clinic; a man whose truck had been damaged in a collision and needed help with his insurance papers; an old man baffled by the bureaucratized Spanish of a federal agency; a mother who reported "there were 13 scorpions under my baby's bed."

"It's not charity we want," Juarez says. "We want laws to let us stand up on our own two feet."

"The Congress of the United States is well aware of our problems. No more surveys need to be made."

WHAT MAKES A RESIDENT?

Because of their yearly movement, it is difficult for migrants to establish themselves

as legal residents of Florida. "We're here 8½ months a year. A rich man can go to Mexico for six months of the year, and he's still a resident. But a Chicano is gone only 3½ months, and he's not," Juarez said.

Housing is a persistent woe. Few workers can afford to hold a house or apartment during the summer months when they are away. When they return in the fall, there is always a scramble.

In a typical work camp, a family pays \$24 a week for a two-room unit—one room 10-by-14 feet and the other 6-by-10 feet, with the nearest running water several hundred feet away. Juarez says:

"We need low-cost housing—individually owned homes. Not just someone coming in and saying 'here they are.' We need to participate in the planning and have the say-so, so we can learn about these things . . .

"We need to be able to negotiate with the farmers, to buy food and homes, to stay in one place and get better-paying jobs."

The threat of mechanization haunts the migrants. There already are mechanical bean-pickers, and there are rumors of machines for harvesting tomatoes and cucumbers.

Many workers would like part-time "regular" jobs but poor education is a barrier, and so is discrimination.

NO JOBS FOR 23

An OEO worker said he recently helped 23 brown people prepare applications for jobs at a new department store. None was hired.

"If you're a migrant, you will always be a migrant," Juarez declared. "And if you're brown, you're a migrant."

"The migrant people are a very peaceful people," Joe Alexander said. "When they are hungry, they don't break in a store. They don't steal money. They just tighten their belts."

"We don't want to destroy property. We don't want to burn the boss' house. But there's a militant in everybody."

"Would they rather have us get our people together," Juarez asked, "and fight and see who has the most guts? Is this what the United States wants? This is what I'm afraid of."

"I'm not afraid," said Figueroa, fingering his brown beret.

EXCERPTS FROM STATEMENT OF RODOLFO JUAREZ BEFORE THE SENATE SUBCOMMITTEE ON MIGRATORY LABOR, JUNE 10, 1969

Mr. Chairman, members of this subcommittee, of all things I have said I hope you have paid attention. With all my heart I have presented some of the problems that have existed since past generations and continue to exist to this day. I have lived them, experienced them, and suffered them. This is not hearsay. I am sure that others have told you the same things I have spoke about. Some of you have seen them with your own eyes. We have no reason to lie for we have nothing to loose for we have never had anything. Those who have spoken against us, have because of profits, others for their own personal gain, some have, because they, too, suffer and really don't understand who is to blame and because they misinterpret our needs to charity they tend to be against us.

But more and more people are joining together and soon there will be enough people to keep men in power who will make, pass and enforce laws that will be fair and equal to all Americans, just as there will be enough people to bring down those in power who are favorable to one group only because of personal gain.

Therefore, discriminatory legislation practices should continue no more. The migrant worker should be covered by the National Labor relations act with additional favorable rights as well as workman's compensation laws, unemployment compensation, insur-

ance laws, Social Security, must be enforced and reinforced. Housing code laws should also be enforced to improve the conditions of housing provided to him. Programs such as housing loans, small business loans which the migrant has never heard about until others who have recently come into this nation.

Let's stop worrying about other nations and do something about our own. Do something about the migrant so he can pull himself out of this repeating cycle.

The men who are in power must fight hard to make real changes in society and society's laws. Change all discriminatory laws and attitudes. The men who are in power must help the powerless to gain power and all rights entitled to him. Bad programs of the establishment must be eliminated for good programs. Those which dispute the powers that be and fight for the poor must be maintained and encouraged in their activities.

If the poor are not given extra encouragement and help in gaining power over their own lives, and influence into the general society in order to eliminate poverty; if the governments, local and national, do not respond to the real needs of the poor through traditional processes, the poor will find other ways to make their needs known and to gain power.

WALTER REUTHER, A MAN OF CONSCIENCE

Mr. PELL. Mr. President, with a deep feeling of sadness I mourn the death of one of the great men of this century, Walter Reuther, president of the United Auto Workers.

While Walter Reuther was probably best known as a courageous and effective leader of the country's largest labor unions, his greatness rested not in the pay raises he secured, but in his acute sense of social conscience which made him ask both unions and management to look beyond the simple pocketbook issues of our time to a concern for brotherhood and peace. He was a deep thinker and a fine man.

In this time of national doubt and moral questioning, the spirit of Walter Reuther will be sorely missed. I know I shall.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be equally taken out of both sides.

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCOTT. Mr. President, we have before us the nomination of the Honorable Harry A. Blackmun, who is now a member of the U.S. Court of Appeals for the Eighth Circuit, a position for which he was confirmed by the Senate in 1959.

Judge Blackmun has the rare distinction, among other distinctions, of meeting with the complete approval of all of the judges of his circuit, with the applause still ringing in his ears of the members of the bar who have practiced before him during his service on the bench, with the encomiums of those of all different races who have appeared before him in difficult civil rights cases, for example, and who have said that no matter what the judge's decision, be it for them or against them, they have always felt him to be a fairminded, a just, an able, and a competent judge.

Judge Blackmun is a scholar. He is a man of notable compassion, a man of saving humor, a diligent man who has earned for himself the respect of his community.

He has served in his community of Rochester, Minn., as an adviser to the Mayo Clinic. His contributions to civil life have been numerous. He has come before us with no known and no heard-of objections whatever to his advancement to the highest Court of the land.

I interviewed Judge Blackmun. I made public statements that in view of the length of time that was taken to fill this vacancy, I would not announce my own decision as to whether I would vote for Judge Blackmun or not until I had completely satisfied myself in every way in which it was possible to do so, in depth and through an examination of the record.

Mr. President, I have done that. I am satisfied. I am convinced that Judge Blackmun is well qualified for this position on the High Court.

I do not know what his judgments will be. If they are like the judgments of other Judges on the Supreme Court, there will be many a time when I personally will not agree with them.

I do not know whether he will end up as a strict constructionist or a loose constructionist, because I do not know which is which in some opinions. What I do know is that each matter that comes before Judge Blackmun will be decided by a man whose head is filled with knowledge of the law, whose mind is imbued with wisdom, and whose heart has been touched by the infinite sadness of the injustices which are embodied so often in the course of the legal process and end with the necessity for a decision.

It is said that "upon knowledge is a house builded and with wisdom shall its chamber be filled with all pleasantness and beauteous riches."

I think that saying illustrates the kind of understanding which Judge Blackmun has.

I do not suppose there has ever been a time when understanding, tolerance, and a feeling and a reciprocating of the feeling of this Nation and the trust this Nation has in its High Court has been better exemplified than by this designation.

This is a good man, and the Supreme Court needs good men. This is a wise man, and the Supreme Court needs wisdom. We could use a little here from time to time. It is always welcome. I am sure it will be welcome on the Court.

I believe that this appointment will re-

flect credit upon the administration, upon the Court, upon the bench, and upon the bar.

This appointment illustrates that while good judges may be hard to find, they are around and they are available. And this appointment indicates that the system works. The system works sometimes with interruptions, but it works. And I am glad of that, because today we hear voices all over America saying, "The system does not work. The establishment has failed us."

And then some of them blame the outcome of their first, early encounters in life on the establishment. The establishment is no more nor less than the society. It is no more nor less than the organism which exists to protect men from each other and from their excesses.

That is why the Supreme Court exists. The Supreme Court is not only the court of last resort, but also of less guess. It exists because men can be protected from their own excesses, from their own tendencies toward evil, and it is a means by which may be channeled its own tendencies—I would not call them residual, but those other tendencies—toward good which exist within the human structure.

Mr. President, I am not going to give up on the system because the system at times falters, because we are bound at times as Members of the Senate to make the most difficult kinds of decisions.

But I feel better about the system when I talk to men like Judge Blackmun because I think the system needs men of honor and of integrity, such as he is; it needs men of scholarly zeal, such as he has; it needs men of articulate capacity and it needs that understanding and compassion which soften the difficulties surrounding the attempts which the system makes to adapt itself to the security of people, to the needs of people, and above everything else, as I said, not only to protect people against each other but also to enable them to continue to live one with another within a societal relationship which can become at least tolerable.

So I use the nomination of Judge Blackmun, in a sense, as a springboard to release some of my own concerns. Those concerns run very deep. I think here in the Senate we should plead for some understanding of the difficulties which confront us and our desire to do what is right, and to find a proper course in our deliberations; and as the chaplain said yesterday, "To contend without being contentious; to disagree without being disagreeable." We must seek somehow to respect what is so disturbing to our people in this country, particularly our young people, and to convince them that even though they cannot always agree with what we are doing, at least we are proceeding from honest motives and a decent regard for their great and deep distress.

Therefore, Mr. President, with a great deal of pleasure I join in advocating the confirmation of the nomination of Honorable Harry A. Blackmun. Here, indeed, is a good and honorable judge. The Senate is to be congratulated. It has this opportunity to vote this afternoon upon his confirmation.

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished minority leader has said. I think he has expressed his concern in a temperate manner and he has made known very well his views relating to the most recent nominee and to the Court as well.

I have never met Judge Blackmun. All I hear about him is good. I would anticipate his confirmation and come the hour of 2:30, when the Senate votes, it may be that he will be confirmed unanimously.

When we vote to confirm a Presidential appointment to the Supreme Court we exercise a tremendous responsibility. Once a nominee is confirmed it is official. In the case of a Justice of the Supreme Court it means office for life; subject to removal only—and I stress only—by impeachment under the most serious circumstances. Those circumstances are few and the cases of removal rare indeed.

Justices of the Supreme Court are—as they should be—independent; they function within the Judiciary, a separate branch apart from the executive and the legislative—and in this instance I stress “the Executive.” In short, Justices of the Supreme Court stand at the head of an essential component of the triad which is our Government.

Mr. President, all too often in the past, and I have no reason to think it will be the case with regard to this nominee, Justices of the Supreme Court have maintained relationships that have been too close to Presidents of the United States. In my judgment, a Justice should not become a casual visitor to the White House; he should remember the line of demarcation that is so carefully drawn between the Supreme Court and the White House and the very precise line of demarcation between the Supreme Court and the legislative branch of Government.

I would hope also that these people on whom such great honor is bestowed would consider the possibility of spending more time attending to their duties and that the 3- or 4-month vacation, which has become common and perhaps was understandable in the past, would be ended. Not only Supreme Court Justices but all Federal judges should operate on a year-round basis to eliminate the pileup of cases, to assure speedy trials as is specified in the Constitution and to bring the judiciary up to date.

Mr. President, just as the Senate is becoming an institution operating on a year-round basis so should the Supreme Court, and the lower courts function throughout the year. I hope, with this little stricture, that some of these words may be heard—although I doubt it—by these gentlemen, these Justices, and the judges in the Federal judiciary system that have a year-round responsibility. I would like to see them all stay on the job for 12 or 11 months. I would hope that the work of the courts could be handled more expeditiously. It is work of the highest importance in our society; work that is vital to the strength of all of our institutions.

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. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FAMILIES OF POW'S NEED HELP, REASSURANCE, AND COMFORTING

Mr. DOLE. Mr. President, the very serious and heart-rending problem of over 1,500 Americans now being held prisoner by the North Vietnamese has two basic facets to it. The first, and by far the most pressing area of concern is for the men themselves. But there is also the concern we must feel for the wives and families of these men.

These brave and dedicated women are under enormous strain at all times. A great part of this strain lies in the fact that they do not know what has happened to their husbands or sons.

All of us who have been in the Armed Forces ourselves or who have had close friends and relatives in the military understand this business of worrying because we have not heard from our men. There is always that gnawing fear that something has happened to them.

Then, maybe after weeks or months of this kind of strain, we get news, perhaps a letter, or a news dispatch, and the strain eases.

But for these women there is no such lessening of the tension under which they must live and work and hope. There just is no news at all. And for some of them it has not been weeks or months but in some cases up to 6 years since they have heard.

These wives and mothers live with the hope that their husbands are indeed being held prisoner and that they are well. But they actually cannot be sure.

In this the Communists of North Vietnam have shown the most reprehensible disregard for all human decency and humane treatment. Under the Geneva Agreements dealing with prisoners of war, the captors are required to notify the government of the men they have captured and permit at least limited communications between the men and their families.

The North Vietnamese have neither notified the United States Government of the names of the men they hold, nor have they allowed letters to be exchanged between the men and their families.

They have, however, suggested that families might be able to learn more about their loved ones if they took an active role in opposition to our Government's policy in Vietnam.

Although our Government is doing all possible to bring an end to this uncertainty, many of the women are increasingly worried that their situation is being ignored or overlooked.

As individuals we cannot force the Communists to change their pattern of violating the international code of humanity as it pertains to war prisoners. But as individuals we can do much to

comfort and to reassure the families of over 1,500 men that they have not been consigned to oblivion but that their plight and their problems are still very much on our minds.

Our first consideration must be for the men themselves and we must, as a Nation, do what we can to ease their lot and return them to their homes. But our second consideration must be for the families of these men.

We must help where and how we can. We must never let them think that theirs is a hopeless cause or that their years of suffering have gone unnoticed.

And this cannot be a once-in-a-while kind of thing. It must be our daily preoccupation, our day-by-day concern.

Therefore, I wish to commend the senior Senator from California (Mr. MURPHY) for his effort to have some Member of this body, either a Republican or a Democratic Member, speak about the prisoners of war and Americans missing in action in Southeast Asia. It is an excellent idea. It at least calls to the attention of the American people, on a daily basis, that there is concern in this body and there is concern across the country and that we will, if at all possible, do everything we can to make certain that those men are treated in accord with the Geneva Conventions of 1949.

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. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. TALMADGE. Mr. President, I ask the acting minority leader to yield me not more than 7 minutes.

Mr. GRIFFIN. Mr. President, I am happy to do so.

STUDENT DIALOG WELCOMED

Mr. TALMADGE. Mr. President, last weekend, the Nation's Capital was visited by tens of thousands of students to express their feelings about the war in Vietnam and the expansion of the conflict into Cambodia.

They visited their Senators and Congressmen. Many Georgia students came by my office. I regret very much that because of a longstanding commitment in Georgia I was not here to see all of them. I saw some of them and my staff others. I did carefully study accounts of their visits in the daily press, and I was fully briefed by members of my staff who met with these young men and women.

I believe these young people made a tremendous impression on Capitol Hill last Thursday, Friday, and Saturday morning. A dialog was established. Viewpoints were exchanged. We could not always agree with them, nor they with us.

But, most important, there was the give and take of discussion in reasonable terms, and in voices calm enough to be heard and understood. I for one am glad these students came to Capitol Hill. If the ones who came by my office are an

example, they did both their cause and their fellow students throughout the Nation a great service. They did us in Congress a service.

I know that many of us, because of our position and generation, are accused of not listening. I might say that in the controversy of the past few years, this is the first time that students have come to my office and asked me to listen. As I say, I am glad they did.

From all the information that I am able to gather, here was an expression of genuine concern:

Concern about a war in Southeast Asia that has dragged on and on for more than 6 years.

Concern about enlarging the scope of the war in Cambodia.

Concern about the fact that they really have been given nothing concrete to indicate, either through Congress or the administration, that there is an end in sight.

I am not talking about the college radicals, militants, or revolutionists who speak with a voice of violence. I am thinking of the millions of American college students and other young people all across the land who I believe were represented by most of the thousands who visited Capitol Hill last week. They stand as an overwhelming majority of the American youth. Their trip to Washington indicated to me that they were interested in speaking and being heard, and that they disdain throwing bombs and setting fires as much as all of us.

Consider how it is that their concern is so intense. Here are 19- and 20-year-old people, who were only 13 or 14 when the United States first started fighting in Vietnam. They have attentively followed progress, or the lack of progress—of the war over the years. They have seen 50,000 Americans lose their lives, and some 275,000 wounded. They have been inundated by promises and pledges, but yet the war goes on.

Now, they are of the age that their Government may well ask them to go halfway around the world and lay down their own lives in a war that they believe should have been brought to a conclusion a long time ago.

I can understand that concern. I, too, believe the war should have been brought to a conclusion a long time ago. I also want the U.S. Government to conclude the war and bring the troops home at the earliest possible moment.

For years, these young people have watched American soldiers sent to fight and die with virtually one hand tied behind them. On the basis of past performance, I can understand their outrage about the prospect of enlarging the boundaries of the war—whatever reasons that may have been given. Not even the Congress of the United States or the Senate was adequately briefed or consulted on the move into Cambodia.

This goes to the point of one of the principal complaints raised by some of the students who visited my office. They asked how they could have confidence in the President's decision on Cambodia, when the President did not appear to have enough confidence in the people to discuss his plans with Members of Con-

gress—who after all are representatives of the people.

They question the President's decision to put American troops on a foreign battlefield in an undeclared war in the absence of congressional consultation and involvement. They ask how it began, and when will it end?

This Senate has questioned such action as well. Last year the Senate adopted Senate Resolution 85, which I supported, expressing the sense of the Senate that the President—not just our present Chief Executive, but any other—not have such a free and easy hand to commit American combat soldiers.

I also can share and understand this concern of the Nation's young people, and I believe an overwhelming majority of our citizens do too.

In sum, I want to congratulate these young people who took the time to make their feelings known on Capitol Hill. This is where decisions have to be made, and not in the streets.

We are willing to listen to young people, and we share their hope for an end to the fighting and killing in Southeast Asia. I hope that they will continue their mission of making their voices heard and their feelings known in peaceful ways. I would be less than candid if I did not say that I also hope they will not speak so loudly as to hear no one's voice but their own.

I, for one, welcome dialog such as that of last weekend, not just about the war in Southeast Asia, but also about any other of the multitude of problems that presently plague American society.

Mr. President, I thank the distinguished acting minority leader for yielding, and 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. 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.

THE STRIKE FORCE

Mr. HRUSKA. Mr. President, in the May 1970, issue of the American Bar Association Journal an excellent article appeared entitled, "The Strike Force." This article was written by Thomas J. McKeon, a former Department of Justice attorney, who, while with the Department, was in charge of the Detroit "strike force."

The "strike force" is an organized crime fighting concept utilized by Attorney General John Mitchell and the Department of Justice. It resulted from the years of frustration facing the law enforcement community in its battle against the Mafia and organized crime. Much effort has gone into this fight and little by way of accomplishment has been realized. The Mafia families are as active as ever. But Mr. Mitchell has done more than lament about it. He has taken a major step toward eliminating this threat.

The Department has established "strike forces" or field offices in the major organized crime centers around the Nation. These groups pull together representatives of all Federal law enforcement agencies as well as certain State agencies. Working under the direction of Department of Justice Organized Crime Section attorneys, they coordinate their resources on the cancerous growth we call organized crime.

Thomas J. McKeon now is in private practice in Washington, D.C., but during 1968 and 1969 he was a special assistant in charge of the Attorney General's strike force in Detroit. He was graduated from Fordham University—B.S. 1950—and Georgetown—J.D. 1958. He has served private industry and the Government, in addition to the Department of Justice.

In this article, Mr. McKeon explains how the strike forces operate and why we can hold out a great deal of hope that they will prove a success. Mr. President, I ask unanimous consent that this fine article be printed at this point in the RECORD.

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

THE STRIKE FORCE

(By Thomas J. McKeon)

(The investigation and prosecution of organized crime is complex and difficult. To meet the challenge, the Federal Government has organized "strike forces", units that bring together and co-ordinate the skills and activities of many agencies. Last year the first fully operational strike force in Detroit obtained its first convictions.)

John N. Mitchell, the Attorney General of the United States, characterizes the current government operation to combat organized crime as "federal racketeering field offices". His predecessor, Ramsey Clark, called them "strike forces". Whatever the name, how do these entities operate and what are the methods being used in the attempt to combat organized crime?

Much has been written about the problem of organized crime as a result of several Congressional investigations and an exhaustive Presidential commission study. The massive organized crime problem is well documented in the reports of these forums and will not be restated here. This article is directed principally to members of the Bar, who should be aware of the concept of a strike force and know where to turn should a client relate a problem with organized crime symptoms. In addition, as an integral part of the leadership cadre in a community, attorneys must act to catalyze their state legislators and elected officials, their newspapers, their chambers of commerce and the public at large to informed and meaningful action to combat organized crime. Without community awareness and local action, this cancer of crime will continue to thrive. What follows is a brief description of the strike force concept.

After a pilot project in Buffalo, which began in December, 1966, the first full-fledged strike force became operational in Detroit in February of 1968. Simply stated, a "strike force" is an integrated investigation and prosecution program with collocated attorneys and investigators. A strike force emphasizes the pooling of criminal intelligence data among investigative agencies and stresses the vigorous prosecution of indictments returned by a specially empaneled federal grand jury.

Footnotes at end of article.

The Detroit strike force has full-time representatives from eight federal investigative agencies and three state agencies in addition to a Royal Canadian Mounted Police representative. There also are attorneys from the United States Department of Justice. In all, there are eighteen professionals. Although the Federal Bureau of Investigation does not have a full-time representative, its investigative reports provide approximately 75 per cent of the total intelligence available to the strike force regarding organized crime activities. Co-ordination and co-operation with United States attorneys and with state and local law enforcement officials and prosecutors are stressed.

The strike force program begins with an orientation phase with four principal goals. They are (1) the identification of the target groups to be investigated, (2) the indoctrination of the agents and attorneys as to the various statutes available for criminal prosecution, (3) the assessment of methods for developing and exploring heretofore unexploited sources of information and (4) the development of an initial integrated investigative plan and prosecution program.

To define what constitutes "organized crime" is an elusive task. However, a sharp focus has to be drawn at least as to the target groups. The target groups are:

(1) Members of La Cosa Nostra (LCN), who are considered the bull's-eye of an imaginary target.

(2) Criminal associates of LCN members, regardless of their national origin, who are in the concentric circle nearest to the bull's-eye. "White collar" associates of LCN members are also included in this group. Illustrative of this group would be officers or employees of financial institutions, insurance companies and stock brokerage firms.

(3) Labor union officers and management officials doing business with LCN members or their criminal associates are included in the third concentric circle. They are individuals who violate the law in repressing the legitimate rights of their union members or who weaken the free enterprise system by not dealing at arm's length with each other. The LCN has members and associates who have extensive "legitimate" business interests or hold offices in various labor unions.

(4) The area of public corruption is the last of the four target groups. The corrupted public official in whatever position he holds is the central figure of this group. It is axiomatic that organized crime cannot exist without official corruption. In addition to the corrupt, this target group also encompasses the corruptors. Illustrative would be lawyers, accountants or other individuals who attempt to corrupt judges, prosecutors, police officers and other public officials on behalf of organized crime clients.

Prior to the indoctrination of the strike force representatives, it was recognized that statutory authority for investigative jurisdiction had been fragmented by the United States Congress. While extremely knowledgeable about their own agency's area of investigative jurisdiction and techniques, agents usually have only a superficial knowledge of the statutes under which other agencies operate. So, in a sense a part of the indoctrination consists of the removal of jurisdictional blinders through a thorough discussion of all pertinent criminal statutes. Federal grand jury procedures, applicable immunity statutes, contempt problems, the development of evidence for trial and the effect and ramifications of recent Supreme Court decisions are additional topics discussed during the orientation.

CREATIVE APPLICATION OF STATUTES A MUST

Emphasis is placed on innovation and creativity in the application of the statutes to factual circumstances. The representatives are admonished not to be satisfied with the standard approach of "business as usual",

which may result in mediocrity. Total commitment and all-out effort are the goals.

Before the strike force reviews available information regarding individuals or entities in the four target groups, the files are stripped of any data which originated through electronic surveillance devices. A reading of investigative or criminal intelligence reports made it apparent that confidential informants were being questioned primarily about violations of concern only to the so-called handling agency. Information concerning the jurisdiction of another federal agency was not being fully exploited, if at all, or else the data were treated as being of secondary interest to the handling agency. We theorized that if a confidential informant was knowledgeable about one type of criminal activity, he should be questioned exhaustively as to all areas of his knowledge of criminal activity. This should be done regardless of the investigative jurisdiction of the particular agency involved.

This theory was translated into an "informant debriefing program". A seven-page checklist was developed to suggest questions to be asked of each informant regarding his knowledge of various types of criminality. The results of such an approach in actual practice are indeed startling. As an extension of this theory, a "jail interview program" of interviewing knowledgeable felons also was initiated. Interviewing felons is not a new technique. However, the systematic and exhaustive identification of knowledgeable felons and their subsequent planned interview by prepared investigators are novel.

An intensive effort to develop additional sources of information is also encouraged. A successful strike force is predicated on the development of a dual cycle of incoming information. One type of information relates to the general activity of organized crime figures and may be accurately termed "criminal intelligence". In the main, this is provided by long-term confidential informants who are unavailable as witnesses.

INVESTIGATIVE ACUMEN NO SUBSTITUTE FOR WITNESSES

Emphasis is given to the development of a second type of source, which may be characterized as the "testifying witness". Witnesses in trials involving organized crime figures are scarce and are subject to many real and, in some instances, imagined fears. The traditional witness protection detail as well as the subsequent geographical relocation of a vital witness and his family are humane incentives in motivating a potential witness to testify. Organized crime figures will not be prosecuted successfully without co-operating witnesses, regardless of the acumen of the investigating agencies. The placing or the reassignment of undercover agents has to be effected. These undercover agents are government employees and are available as testifying witnesses without the limitations of the two types of sources discussed above.

After the orientation phase, strike force representatives work with their own agency on the local level and develop an initial investigative program. The individual programs are integrated into the strike force program in order to minimize overlapping and duplicating investigative activity. Contrary to popular belief, the personnel and financial resources of the Federal Government are limited and sometimes nonexistent. The agency representative is charged with communicating to the strike force the status and progress of investigations being conducted by his agency. He is also the principal communication link to his own agency regarding intelligence data being developed by other participating agencies. These data may be useful in current investigations or for initiating new investigations by his agency. Meaningful communications and mutual trust are the dual keys to a successful effort.

Department of Justice attorneys are assigned to work with designated strike force representatives and their local agencies. The dialogue must be full and complete. The attorneys are instructed to be energetic and prosecution oriented and not to listen passively to a recitation of the facts for background or intelligence purposes. The attorney's initial responsibility is to glean from the plethora of incoming facts what statute is being violated or what statute may be utilized for prosecution. Every criminal statute has a variety of elements that must be proved to sustain a conviction. The elements of the statute that are or may be involved are discussed with the agent by the attorney, who indicates what elements have been proved, what components have to be strengthened and what original investigation has to be undertaken to complete the proofs. This type of purposeful dialogue decreases the time lapse between the initiation of an investigation, the further inquiry by a federal grand jury and the subsequent indictment.

A twenty-three member special federal grand jury was empaneled in Detroit through the co-operation of the chief judge and the entire bench of the district court to sit for an eighteen-month period. Regular federal grand juries usually sit for six consecutive months, and then a new grand jury is empaneled. Organized crime investigations usually are complex, and an investigation exceeding six months is more the rule than the exception. Therefore, the prospective special grand jurors were put on notice by the chief judge that they would sit for the full eighteen-month period.

Over this period and prior to their discharge on September 3, 1969, the grand jury returned forty-nine indictments charging a total of 101 defendants with various federal violations. The indictments ranged from income tax evasion, perjury, counterfeiting, interstate and international gambling, and conspiracy to the smuggling of narcotics and jewels, thefts from interstate commerce, illegal importation of aliens, embezzlement, extortionate loan sharking, sale, possession and illegal transportation of firearms, false ownership of bars, conspiracy to transport obscene matters in foreign commerce and the deprivation of the rights of union members by the use of force and violence. The grand jurors sat biweekly in one- to four-day sessions and subpoenaed documents and heard testimony from hundreds of witnesses.

Upon the return of an indictment by the special grand jury, arrest warrants were issued. Multiple federal agency representatives, including local enforcement officers, usually comprised the arresting team. A picture of unity of purpose and action by both federal and local enforcement officers is not only desirable but necessary.

After arraignment and bail, the cases were set for trial. Mindful of crowded court dockets, a separate trial calendar was established by the federal district court in order to afford these defendants a speedy trial. As of November 1, 1969, twenty-two convictions had been secured.

A new special federal grand jury has been empaneled, and the effort continues. But much remains to be done within and without government. The Federal Government has organized additional strike forces in Boston, Buffalo, Chicago, Miami, New York, Newark, Philadelphia, Brooklyn, Cleveland, Los Angeles and St. Louis. Attorney General Mitchell has stated that a total of twenty is planned. President Nixon has asked the Congress for \$50 million to intensify this nationwide campaign.

However, the most crucial part of the effort against organized crime cannot be accomplished by prosecutors and investigators alone. Success in this effort requires the development of a will on the part of the com-

munity to eradicate this malignancy. What motivated individuals or communities to take preventive action without personally contracting such ills as poliomyelitis or developing emphysema? Interested individuals with leadership ability recognized the inherent dangers to health and initiated affirmative educational and action programs. Similar action programs on the state and city levels to motivate the various components of our society to combat organized crime are necessary.

FOOTNOTES

¹ Since 1951 several committees have held hearings, and the committees have taken the names of their chairmen—Kefauver, McClellan, Poff and Pepper. See, for a description of organized crime, *PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: ORGANIZED CRIME (1967)*.

² The Chamber of Commerce of the United States has published a deskbook on organized crime, which is available from local chambers of commerce. Page 64 states, "As a general rule, the most effective procedure is to let the prosecuting authority decide what, if any, police or investigative units are necessary." Symptoms might be a bankruptcy fraud, loan sharking, labor racketeering, gambling, coercive competitive practices, business takeovers and illegal uses of stocks, bonds and credit cards.

³ The Chamber of Commerce deskbook gives a partial list of eighty-seven businesses and industries in which organized crime has been active. The following examples from the list reflect a diversity to which most conglomerates might aspire: advertising, banking, chemicals, drugs, insurance, manufacturing, oil and gas leases, public relations, real estate, shopping centers.

⁴ President Johnson on June 30, 1965, ordered all executive departments to cease electronic surveillance activities, except in national security matters. Wiretaps now are authorized under 18 U.S.C. §§ 2510-2520, enacted in 1968. The Attorney General personally reviews each application, which must meet the probable cause requirements of *Spinelli v. United States*, 393 U.S. 410 (1969), and a federal district judge must review and issue an authorizing order.

ORDER OF BUSINESS

Mr. HRUSKA. 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. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. HARRIS. Mr. President, on May 4, the Senate Judiciary Committee by a unanimous vote of 17 to 0 recommended approval of the nomination of Judge Harry A. Blackmun for membership on the U.S. Supreme Court.

From every indication Judge Blackmun appears to meet high standards of judicial competence, temperament, and per-

sonal integrity. It is important to note that during several days of hearings no one requested to appear before the Judiciary Committee to testify in opposition to this nomination. It is also significant that Judge Blackmun is a "strict constructionist" in the opinion of President Nixon.

His judicial opinions are well written and scholarly, and they show an awareness of the broad social problems of our day and a perception of current trends in the law. The American Bar Association found that, as a judge, he considered and weighed in a fair manner all arguments presented to him. The ABA further stated that:

Judge Blackmun was interviewed and impressed us as a judge who is sincere, frank, understanding and cooperative, one who conscientiously and with open mind weighs every reasonable argument with careful knowledge of the record, the arguments, and the law.

Judge Blackmun's qualifications to be an Associate Justice of the Supreme Court are evidenced by his broad general experience in law and business, 11 years service on the Eighth Circuit Court of Appeals, 8 years experience as a professor of law, and 16 years of work as a practicing attorney. Judge Blackmun has the unanimous support of his colleagues on the eighth circuit, as well as that of a former chief judge of that circuit. He also has the backing of judges, lawyers, and law-school deans in the eighth circuit and throughout the country.

Judge Blackmun's financial holdings have been fully disclosed and adequately explained; they show no apparent conflicts of interest. His testimony before the committee was given with great care and full candor.

The Supreme Court serves as the court of final appeals in our judicial system. Individuals appointed to the Court are appointed for life. Consequently, they should measure up to high standards of moral, ethical, and judicial integrity if public trust and confidence are to be promoted and preserved. On the record, the nomination before us meets such standards. Accordingly, I believe the Senate should advise and consent to the nomination of Judge Harry A. Blackmun to be an Associate Justice of the U.S. Supreme Court.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent to proceed as in legislative session, to discuss an amendment to the so-called Church-Cooper amendment.

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

AMENDMENT TO THE FOREIGN MILITARY SALES ACT

AMENDMENT NO. 622

Mr. DOLE. Mr. President, I send to the desk an amendment to the Foreign Military Sales Act (H.R. 15628). I ask unanimous consent that it be printed

and ordered to lie on the table. I also ask unanimous consent that the text of the amendment be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed and, without objection, the amendment will lie on the table and will be printed in the RECORD, as requested by the Senator from Kansas.

(See exhibit 1.)

Mr. DOLE. I may offer this amendment as a substitute for the language of the amendment submitted yesterday by the distinguished Senator from Kentucky (Mr. COOPER), the distinguished Senator from Idaho (Mr. CHURCH), and others, because I feel it would more fully accomplish the aims than that amendment.

Let me point out that I share the concern of the Senator from Kentucky and the Senator from Idaho. They have long distinguished themselves and this body by their sincere dedication to the wise direction of this country's foreign policy. Like them, I, too, have had some misgivings over the recent turn of events in Indochina and am not fully convinced the use of American troops within Cambodia was necessary to protect present U.S. troop positions in Vietnam or to secure the Vietnamization process.

However, I have great faith in President Nixon—in his wisdom, his courage, and his desire to do everything in his power to protect American troops while pursuing their withdrawal at the fastest possible rate.

The Cooper-Church amendment expresses a legitimate congressional concern that the conflict in Vietnam not be broadened or expanded into the surrounding nations and kingdoms. The distinguished Senator from Kentucky said as much in his statement on May 7.

However, I am concerned there be no limitation on the President's power to protect U.S. military forces.

I have therefore chosen language which does clearly state Congress' intention that the war not be expanded and at the same time avoids any possible interpretation which would lead any foreign or domestic party to think the President's power to protect our men has been hamstrung in any fashion.

I am highly concerned that the conflict in Indochina not be broadened or expanded. I am more concerned, however, that nothing can be done to jeopardize the safety of our forces or the President's power to protect them.

This amendment would accomplish the purpose of expressing congressional sentiment. It would also clarify some questions which the Cooper-Church proposal does not fully resolve.

Mr. President, briefly, the amendment would provide, by amending the Foreign Military Sales Act, as follows:

In line with the expressed intention of the President of the United States, no funds authorized or appropriated pursuant to this Act or any other law shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that the introduction of

such troops is required, as determined by the President and report promptly to the Congress to protect the lives of American troops remaining within South Vietnam.

Mr. President, I ask and urge the support of my colleagues for this amendment to insure the utmost safety and security for our troops in Vietnam.

EXHIBIT 1

Amendment No. 622.

Strike out section 7 and insert in lieu thereof the following:

Sec. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

"Sec. 47. Prohibiting Use of American Ground Combat Troops in Laos, Thailand, and Cambodia.—In line with the expressed intention of the President of the United States, no funds authorized or appropriated pursuant to this Act or any other law shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that the introduction of such troops is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECOGNITION OF SENATOR THURMOND

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the vote on Judge Blackmun, the distinguished senior Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 1 hour and a half.

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

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.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and, at 12:05 p.m., the Senate recessed, subject to the call of the Chair.

At 1 o'clock and 55 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. TALMADGE).

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. HOLLINGS. Mr. President, at this time, I would like to have printed in the RECORD, from the record of the Committee on the Judiciary in connection with the nomination of Judge Harry A. Blackmun to be a member of the Supreme Court, substantially those cases filed by the Justice Department on pages 15 and 16, and that portion with reference to the canons on page 16. I ask unanimous consent to have those excerpts printed at this point in the RECORD.

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

In the light of the extended debate over the confirmation of Judge Haynsworth, Judge Blackmun requested the advice of the Department, and requested the Department to call to the attention of the Judiciary Committee, the following specific situations.

Stock in Ford Motor Co. & American Tel. & Tel. In October, 1957, prior to assuming the bench, Judge Blackmun purchased fifty shares of stock in Ford Motor Company, at a total purchase price slightly in excess of \$2,500. Approximately six months after becoming a circuit judge, he participated in the decision of the case of *Hanson v. Ford Motor Company*, 278 F.2d 586 (1960). Prior to doing so, Judge Blackmun recalls discussing the matter with then Chief Judge Johnson of the Court of Appeals for the Eighth Circuit, and concluding that his interest in the case was *de minimis* and that he should not disqualify himself. He wrote the opinion of the Court of Appeals, directing the district court to reinstate a jury verdict in the amount of \$24,500 which had been rendered against the Ford Motor Company, but which the district court had set aside.

Four years later Judge Blackmun was a member of a panel of the Court of Appeals which heard and decided the case of *Kotula v. Ford Motor Company*, 338 F.2d 732. In that case, Judge Matthes wrote the opinion of the court, upholding a judgment of the district court which had set aside a jury verdict of \$12,500 in favor of the plaintiff.

In January, 1970, Judge Blackmun received notice of his assignment to a case in which a wholly owned subsidiary of Ford Motor Company, Gateway Ford Truck Sales, was a party. In view of the national attention that had focused on the issue of disqualification as a result of the debates over the confirmation of Judge Haynsworth, Judge Blackmun advised Chief Judge Van Oosterhout that he regarded himself as disqualified, and the case was assigned by the Chief Judge to another panel. *Bridgeman v. Gateway Ford Truck Sales*, Docket No. 19,749 (Feb. 4, 1970).

During 1963 and 1964, Judge Blackmun acquired 22 shares of American Telephone and Telegraph Company stock, at a total cost of approximately \$1,350. In 1967, he participated in the decision by the Court of Appeals of *Mahoney v. Northwestern Bell Telephone Company*, 377 F.2d 549 (1967). In that case, the Court of Appeals in a brief *per curiam* opinion upheld the judgment of the court below which dismissed the plaintiff's complaint for lack of diversity jurisdiction as required by statute. The plaintiff had prayed for \$35,000 damages, alleging that he was a citizen of Nebraska and that the defendant Northwestern Bell Telephone Company was, for jurisdictional purposes, an Iowa corporation. The Court of Appeals upheld the district judge's ruling that the defendant was

a Nebraska corporation, and therefore both the plaintiff and the defendant were citizens and residents of the same state.

The statute governing disqualification for federal judges is 28 U.S.C. 455, which provides in pertinent part as follows: "Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest. . . ."

The Department of Justice has advised Judge Blackmun that in its opinion he did not have in any of these three cases such a "substantial interest" as would require him to disqualify himself. By any quantitative standards, Judge Blackmun's interest in the two Ford cases can only be described as microscopic. In 1960, he owned fifty shares out of more than 16,000,000 issued and outstanding. In 1964, he owned 100 out of more than 52,000,000 shares issued and outstanding common stock. The \$24,500 jury award involved in *Hanson* is likewise but a tiny fraction of Ford's 1960 net income of approximately \$427,000,000, and the \$12,500 award involved in *Kotula* is an even tinier fraction of Ford's 1964 net income of approximately \$505,000,000.

Judge Blackmun's holding of 22 shares of American Telephone and Telegraph Company stock in 1967 must be related to the nearly 540,000,000 shares outstanding in 1967. The \$35,000 prayed for by the plaintiff in *Mahoney* is an infinitesimal portion of American Telephone and Telegraph Company's 1967 net income of approximately one and one-half billion dollars.

In short, if the word "substantial" in 28 U.S.C. 455 is to be given any meaning at all, Judge Blackmun was not required to disqualify himself in any of these three cases.

Canon 29, American Bar Association Canons of Judicial Ethics, provides that "a Judge should abstain from performing or taking part in any judicial act in which his personal interests are involved." The term "personal interests" is not defined, though Formal Opinion No. 170 states that a judge who is a stockholder in a corporation which is a party to litigation pending in his court should not perform any judicial function with respect to that law suit which involves an exercise of discretion.

The relationship between the federal statute pertaining to disqualification, 28 U.S.C. 455, and Canon 29 is far from clear. Different language is used in each, and the absence of the adjective "substantial" in the Canon suggests that it may impose a stricter test than the statute. However, in the light of the extremely small amount, both absolutely and proportionally, of Judge Blackmun's holdings in the corporations involved, this would appear to be an appropriate case for the application of the rule of "*de minimis non curat lex*" in interpreting Canon 29 and Formal Opinion 170. The *de minimis* principle in no way impairs the safeguarding of both the fact and appearance of impartiality which the Canon rightfully demands of our judges, and yet it permits a common-sense application of the rule where a judge's interest is genuinely insignificant. The underlying question under the Canons is whether Judge Blackmun either acted with partiality or created an appearance of partiality in the above-entitled cases. In the opinion of the Department, he did neither.

Mr. HOLLINGS. Mr. President, I think it is significant in considering this particular nomination, for which I intend to vote, that it brings into issue the same four issues that confronted Judge Clement F. Haynsworth, Jr., in his nomination to be a member of the Supreme Court. The fact is that the Blackmun-Haynsworth parallel is almost word for word, case for case, former clients, interests, and even cases involving the holding of a stock interest.

Significantly, they emphasize further the 3M case—the Minnesota Mining & Manufacturing Co. in which Judge Blackmun had an interest at the time of a ruling—which parallels in large measure the famous Brunswick case involved in the Haynsworth nomination. It will be remembered, Mr. President, that in the Brunswick case, Judge Haynsworth did not hold the stock at the time of the arguments before him or when the decision was made. He purchased the stock thereafter, and at the time a motion for rehearing was considered, he did hold the stock. The very same is true in the 3M case. Of course, the difference is that the opinion was filed, but the fundamental is still there: "Do you now hold the stock?"

As they said, the amount made no difference. No one ever doubted the honesty of Judge Haynsworth. They all asked him to remain as Chief Judge of the fourth circuit, where he now continues to serve with distinction. But the point was the "appearance of impropriety."

Mr. President, I insert these cases in the record to emphasize the double standard employed by my colleagues in the Senate as a body, apparently, on whether or not a judge is from South Carolina or from Minnesota. Apparently, if one is from South Carolina, the standards or qualifications by way of ethics, former client, and interest—substantial or not—are higher than would be required of a Minnesota judge.

I believe—as they all concluded in the Haynsworth case—that Judge Haynsworth adhered to the law, and I believe that Judge Blackmun adhered to the law. The interests were inconsequential. The law says "substantial." However, in the Haynsworth case, my colleagues, consisting of a jury, found otherwise. I am willing to abide by their finding.

In accordance, I had introduced a bill (S. 2994) which provided that any interest or real estate holding whatever by a judge would be disqualification, so there would not be that gray area of judges judging judges or judges judging themselves, as in the case of Judge Haynsworth as the chief judge; but, rather, having it clear for the practicing public and society as a whole.

Obviously, they do not mind, so long as they got rid of Judge Haynsworth. The bill has not been set for a hearing, and no one seemed to concern himself with it in the Judiciary Committee; and overtly now, with the Blackmun nomination that they are presently considering, the entire record is very interesting. I am sure that historians will go back and analyze the fact that they talk about whether it is a "regular client" rather than just a "client" and this "insignificant financial interest"; that is the way they ask the questions—that insignificant interest, no consequence, and if it was of any consequence, "it was an adverse consequence."

We had that same point in the Haynsworth matter, but they said that was not the point; that I did not seem, somehow, to understand that the Court itself was in disrepute in America. The confidence in the U.S. Supreme Court itself had been shaken in this critical time in

history. The mere appearance of impropriety, in and of itself, was sufficient to vote against the judge. I took the opposite position, which I shall adhere to in the Blackmun appointment. I shall vote for his confirmation. But I wanted to put this in the record prior to the vote, to see how much the appearance of impropriety will be reflected in the votes of my colleagues.

Mr. HOLLAND. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. HOLLAND. I am very happy that the Senator from South Carolina has placed in the record of this debate that portion of the report of the Justice Department in the matter of the nomination and confirmation of Judge Blackmun who, I hope, will be unanimously approved by the Senate. I certainly expect to vote for him, just as I voted for Judge Haynsworth at the earlier time.

I think it is probably appropriate, if I may, to quote again out of that part of the hearing record of the letter of the Justice Department in this case, three lines which, I think, summarize the whole question. They are the last three lines in the quoted part of the letter from the Department of Justice.

Here they are:

The underlying question under the canons is whether Judge Blackmun either acted with partiality or created an appearance of partiality in the above-entitled cases. In the opinion of the department, he did neither.

Mr. President, that is exactly what the Department felt was the case in the matter of the nomination of Judge Haynsworth. Like my friend from South Carolina, I regret the fact that some of our distinguished colleagues have followed a double standard in these two cases. I think that just a casual examination of the Haynsworth case will show that enough Senators followed that particular, misleading course to have made the difference between confirmation and nonconfirmation of Judge Haynsworth.

I think that the RECORD should clearly show the situation which will permit any casual reader of the RECORD to go back to the debates of the Haynsworth case and see for himself that various Senators did raise the ethical case on practically identical situations of fact relating to the record of Judge Haynsworth as a judge, which are now clearly here, in the case of Judge Blackmun as a judge, and are held by the Department of Justice. If this be inapplicable to the question of his fitness for the high office of membership to the Supreme Court, I think they well state the real question when they say, and I quote again:

The underlying question under the canons is whether Judge Blackmun either acted with partiality or created an appearance of partiality in the above-entitled cases. In the opinion of the department, he did neither.

Mr. President, the whole situation is this: It is not in the fact that a judge sits upon a case in which he may have a minor interest that the Senate should be interested, that the public should be

interested, or that the Department of Justice was interested, but it is in the question of determining whether impartiality, a clear willingness to apply the rules of justice to the case, was shown by the judge who was acting.

I think that is the test.

I am glad that my distinguished friend from South Carolina has placed this matter in the RECORD at this time.

Mr. HOLLINGS. I thank my distinguished colleague from Florida.

The PRESIDING OFFICER (Mr. TALMADGE). Who yields time?

Mr. MANSFIELD. Mr. President, I yield control of time to the Senator from South Carolina (Mr. HOLLINGS).

Mr. COOK. Mr. President, will the Senator from South Carolina yield to me?

Mr. HOLLINGS. I am happy to yield 1 minute to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOK. Mr. President, I want to associate myself with the remarks of the distinguished Senator from South Carolina, and merely say that it has been a privilege for our office to prepare an analysis of standards as they apply to these two nominations. It will be our privilege to put them in the RECORD at a later date.

I, too, voted for the confirmation of Judge Haynsworth, and I shall vote today for the confirmation of Judge Blackmun.

I might say it is very interesting to note that in the instant case the stock holdings, or the direct stock holdings in the case of Judge Haynsworth, the stock holdings were holdings in subsidiary companies other than the companies on which the judge was sitting, except for the Brunswick matter.

As you will recall, Mr. President, the purchase of the Brunswick stock was made after the court had held its hearing, after the court had rendered its decision, and after the court was in the process of correcting its opinion, and merely lacked that short period of time upon which a motion for a rehearing could have been made.

I want that to go in the RECORD, because I think there is a distinction between the two. One is by way of standards and one of more severity in the case at point, rather than in the nomination of Judge Haynsworth.

Mr. President, I shall not consume the remainder of my time, but would like again to associate myself with the remarks of the Senator from South Carolina and say to him that I would hope this Senator will be able to put it more in perspective at a later date.

Mr. HOLLINGS. Mr. President, I yield myself a couple of minutes, unless someone else wishes to speak at this moment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I appreciate the observations made by the distinguished Senator from Kentucky relative to the nature of the case, if we would only take one little reference, for example, to the 3M case of Judge Black-

mun and parallel it to the Brunswick case of Judge Haynsworth.

Everyone hates to be a loser. Everyone hates, more than that, to observe a poor loser. I do not rise as having lost the appointment. However, it was a personal loss that I felt.

I make these comments only to try somewhat to restrict the Senate as a body in being the loser with reference to its well-known reputation as the most deliberative parliamentary body in the entire history of free governments.

The fact is, this type of incident practically rocked the Capitol and ruined everything when it occurred under Judge Haynsworth but is just a little bitty thing here with Judge Blackmun.

Mr. President, on page 46 of the hearing record Judge Blackmun states:

The opinion was filed on December 1, 1960. I acquired my stock in 3M on December 28th. What happened was that a petition for rehearing was filed by 3M which was the losing party. I cannot give you the exact date because it was filed after the 10 days which I am sure was the period then allowed by our rules. Our clerk automatically grants extensions of time. It came in sometime in January.

I interrupt there to say that he bought his stock December 28, but the motion came up sometime in January.

Continuing reading:

We promptly denied it and adhered to our decision adverse to 3M. So, if there is any possible consequence to me as an individual in this very small holding—notice, he says a "very small holding"—it was an adverse consequence.

Well, the fact is that Judge Winter came up before the Haynsworth case to explain the Brunswick case and said that Judge Haynsworth did not have a part even though his name was there with the decision, because they automatically took this particular action on this motion.

But there was all this chaos, that the world was going to end even though it was admitted that Judge Haynsworth was distinguished, erudite, and capable.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. HOLLINGS. Mr. President, I yield myself 2 minutes, unless someone else wishes to be recognized.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. HOLLINGS. I believe, Mr. President, that this marks with great clarity the existence of a double standard, a double standard which is, I am afraid, about to be applied, if I follow the newspapers and editorials correctly.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield 1 minute to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. Mr. President, I voted for the confirmation of Judge Haynsworth. If that nomination were before the Senate today, I would gladly vote for his confirmation again.

I completely reject the right to hold any man responsible retroactively for

any standard of conduct concerning which no one could have any knowledge at the time that it would be wrong.

I did not intend to hold it against Judge Blackmun. I did not hold it against Judge Haynsworth. In this case, I certainly do not intend to vote against Judge Blackmun.

I would quite agree with the Senator from South Carolina in feeling that Judge Haynsworth was not treated quite right.

This case more or less illustrates the problem in which no one could know in advance if one could accuse him of being guilty of any kind of misconduct in doing what Judge Haynsworth was accused of doing. I have been told that even the present Chief Justice has informally told certain people that he has some doubts that the Senate would have confirmed him if it had tried him on the same basis as it did Judge Haynsworth. That was his opinion.

I will not hold this conduct against Judge Blackmun. I felt that it was unfair to try Judge Haynsworth on that basis. It is not fair to try any man on an ex post facto standard of conduct.

Mr. HOLLINGS. Mr. President, I thank the Senator from Louisiana. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. HOLLINGS. Mr. President, the Senator from Louisiana pointed out correctly that it was more or less an ex post facto situation and that Judge Haynsworth was not treated right. But more important, having decided that—not now ex post facto, because we have not voted, but now that we know what the rule is, that standard, and Judiciary Committee knew the new rule, the standard—here comes the most august body, the U.S. Senate, and says that this is the rule.

The President of the United States said:

That crowd down there is prejudiced. They will not approve a Southerner.

Here they prove that the President is right after all.

I just regret that occurrence, Mr. President, because in that love-in that we had on the Friday after the Carswell nomination was rejected, I made the open statement that certainly a good southerner could be approved by the U.S. Senate.

The distinguished Senator from Louisiana is correct in his statement that the application of the double standard now proves that the President was right in his observation.

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

Mr. HOLLINGS. I yield.

Mr. HOLLAND. Mr. President, I call attention again specifically to four lines, the excerpt which has already been placed in the RECORD by my friend, the distinguished Senator from South Carolina.

All of the information from the Justice Department on this point results from the statements that came up in the Haynsworth case.

The PRESIDING OFFICER. All the time of the distinguished majority leader has expired. There remain 17 minutes to the minority leader.

Mr. HOLLAND. Mr. President, will the distinguished acting minority leader yield me 1 minute?

Mr. GRIFFIN. Mr. President, I yield 1 minute to the distinguished senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

Mr. HOLLAND. Mr. President, the statement is contained on page 15 of the report. It has already been placed in the RECORD by the distinguished Senator from South Carolina. I am simply bringing out the point that this portion of the Justice Department report happened because of the trouble that came up during the Haynsworth case.

I read:

In the light of the extended debates over the confirmation of Judge Haynsworth, Judge Blackmun requested the advice of the department, and requested the department to call to the attention of the Judiciary Committee, the following specific situations.

All of these situations come into this RECORD simply because of the discussion referring to proposed breaches of ethics in the Haynsworth case. They were no such thing. They were instead matters which were clearly approved when they came up in a similar way in the Blackmun case. And I think they should have been as clearly approved in the Haynsworth case.

Mr. President, I thank the Senator for yielding.

Mr. DOLE. Mr. President, the Senate's responsibility to advise and consent to presidential nominations to the Supreme Court is not taken lightly by the Members of this body. The Senate has the duty to assure that those who would sit on the Court reflect the highest standards of integrity, and individual promise.

The Supreme Court is the embodiment of the finest traditions of our Government. Its motto, "Equal Justice under Law," captures the aims and aspirations of the entire Anglo-Saxon legal tradition.

The Senate, through its power over nominations, plays a primary role in insuring that the American people receive equal justice under the law of the United States.

We meet today in a third exercise of our advise and consent power in relation to the vacancy created by the resignation of an Associate Justice nearly a year ago.

The nominee before us is by all accounts a thoroughly respected and highly qualified member of the Federal judiciary. Judge Blackmun has compiled a notable record in his service on the Court of Appeals for the Eighth Circuit. The clarity of his opinions, the breadth of his understanding of the judicial function, and his obvious dedication to the firmest standards of ethics and propriety suit him admirably for service on the Supreme Court.

I have read the hearings of the Committee on the Judiciary. I have discussed the nomination with members of the

committee. And I have noted editorial and professional opinions from throughout the country.

Certainly, everything in his record commends Judge Blackmun to sit on the Supreme Court, and I shall vote "aye" for his nomination with full confidence that he will further distinguish his career and the Court through his service.

I would add, Mr. President, without the slightest intent to detract from Judge Blackmun's qualifications and fitness, that I am to some extent surprised to see the statements in support of this nominee from several of those Senators who were so vociferous and vigorous in their opposition to the two previous nominees.

Those who raised the hue and cry over Judge Haynsworth's and Judge Carswell's "conflicts of interest," "candor," and "insensitivity" appear to find no difficulties with the practices which have come to light in the present case.

I do not wish to imply that these three cases have been precisely similar, but I do feel that neither have the attitudes of certain of my colleagues been precisely similar throughout these three sets of deliberations.

It is fitting and proper that the Senate apply whatever degree of strictness it chooses to nominees for the Supreme Court, but in applying its standards this body owes a duty to itself, the Court, and the American public to maintain a consistency and uniformity of approach to which reasonable men can adhere.

Mr. President, I again offer my endorsement of Judge Blackmun and express my hope the Senate will confirm his nomination unanimously.

Mr. BROOKE. Mr. President, I am very pleased to endorse the nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States. I have reviewed with care the hearings and the final report of the Judiciary Committee, and I am convinced that Mr. Blackmun meets the high standards of judicial excellence that are essential for service on the Supreme Court.

In addition to the committee's recommendation, the American Bar Association, under a new improved system, stated that Judge Blackmun "meets high standards of professional competence, temperament, and integrity." The judge also received the unanimous support of his colleagues from the eighth circuit, and endorsement by the State and county bar associations. Not a single witness appeared in opposition to his confirmation.

A survey of Judge Blackmun's judicial work indicates a range of opinions that are written in a scholarly manner and with a keen sensitivity to current trends of the law. In civil rights matters, Judge Blackmun has a moderate record. Where substantive points of law have allowed, Judge Blackmun has ruled in favor of civil rights litigants. In *Bailey v. Henslee*, 287 F. 2d 936 (1961) Judge Blackmun wrote for the court in reversing the decision of the Federal district court and holding that a Negro defendant had made a prima facie case that Negroes had been systematically excluded from

the State court jury which tried him. However, in *Neal v. System Board of Adjustment*, 348 F. 2d 722 (1965), Judge Blackmun followed the precepts of strict construction in upholding the contention of a railway labor union that Negroes claiming racial discrimination on the part of their union were not entitled to prosecute their claim in the Federal courts because they had not exhausted their remedies within the union.

In other cases regarding civil liberties, Judge Blackmun has been cautious not to overstep what he considers the bounds of the law. In *Kemp v. Beasley* No. 19,782 (March 17, 1970) Judge Blackmun wrote for the court upholding part of the Arkansas District Court's judgment, but remanded the portions which had permitted continuation for four "racially identifiable and completely black" elementary schools. In *Jones v. Mayer* 379 F. 2d 33 (1967) Judge Blackmun wrote that a civil rights statute passed during Reconstruction days was not a nationwide open-housing law prohibiting private as well as public discrimination. The Supreme Court reversed the Eighth Circuit (392 U.S. 409), holding that the old civil rights statute prohibited even private discrimination in the sale or rental of property.

In criminal law decisions, Judge Blackmun showed a greater readiness to anticipate the direction of the High Court. In *Jackson v. Bishop*, 404 F. 2d 571 (1968) Judge Blackmun wrote for the court of appeals in holding that any use of a strap on convicts in the Arkansas State Penitentiary was a cruel and unusual punishment under the Constitution.

In reversing a conviction under the National Firearms Act, Judge Blackmun wrote for the court of appeals in *Deckard v. United States*, 381 F. 2d 77 (1967), that the registration provision was unconstitutional because it required self-incrimination in violation of the fifth amendment. The Supreme Court a few months later reached the same conclusion by a vote of 7 to 1 in *Hayes v. United States*, 390 U.S. 85 (1968).

I believe that Judge Blackmun has clearly demonstrated the kind of sensitivity and awareness that will allow for constitutional change within a constitutional framework. For these reasons I endorse the nomination of Judge Harry A. Blackmun and will support his confirmation by the U.S. Senate.

Mr. GOODELL. Mr. President, it will be my pleasure and my honor to vote to advise and consent to the nomination of Judge Harry A. Blackmun to the Supreme Court.

In testifying before the Judiciary Committee and in his decisions from the bench, Judge Blackmun has shown a marked personal empathy with the feelings and perceptions of young people disappointed with the failures of our "system," and a sensitivity toward both ethical issues and questions of civil liberties and civil rights.

He has freely made available to the committee information regarding his financial holdings. Before sitting on one case involving a company in which he had a stock interest, the nominee dis-

closed his interest to the chief judge of the circuit and obtained the chief judge's opinion on the issue of whether he should disqualify himself. In a second such case, he disqualified himself outright. Clearly, Judge Blackmun has displayed an openness and an awareness of ethical issues which well qualifies him to sit upon the Nation's highest court.

By the time of his appointment to the U.S. Circuit Court, 1959, Judge Blackmun had established a reputation as a brilliant attorney. He has been highly regarded by lawyers practicing before his court, and his opinions are scholarly, well written, and perceptive of current trends in the law.

His colleagues in eighth circuit have unanimously endorsed him as highly qualified for the Court, and virtually every lawyer and law school faculty member interviewed by the American Bar Association's Committee on the Federal Judiciary has had the highest praise for his juridical craftsmanship and fairness. His conduct before the Judiciary Committee reinforces the impression which all those who know him testify to: he is unassuming, considerate, and learned.

In short, and in complete contrast with the two previous nominees for the same seat which have been submitted to the Senate by this administration, I find Judge Harry A. Blackmun eminently qualified to sit on the Supreme Court.

Mr. CANNON. Mr. President, the Supreme Court has been functioning with only eight members for a long time. In my opinion, however, the nomination of Judge Harry A. Blackmun has made the delay in filling the vacancy worthwhile.

The Supreme Court needs men of principle, integrity, and professional excellence, and Judge Blackmun meets those qualifications.

He was graduated with honors and distinction from Harvard University and Harvard Law School and practiced law in Minnesota for 16 years, after which he has served on the Eighth Circuit Court of Appeals for 11 years.

Not only was Judge Blackmun given the unanimous approval of the Judiciary Committee, but not a single witness appeared to oppose his nomination.

As early as 1960, before Congress was shocked by cases involving ethics, Judge Blackmun carefully disclosed to the chief judge of his circuit a minor holding in the Ford Motor Co. before participating in the case.

He is fully devoted to the constitutional and statutory precepts which are controlling in Federal courts, and is sensitive to the challenging problems confronting the Court and the United States.

Where change is necessary, Judge Blackmun believes it should be achieved in an orderly manner with proper respect for due process. Basic precepts regarding conduct, nonviolence, and respect for the rights of others are part of Judge Blackmun's credo.

The judge respects the separation of branches—legislative and judicial—and opposes any efforts to create new legislation or modify existing legislation by court decree.

He also construes the Constitution carefully so as to respect the powers of the States and not usurp those powers by court decision.

The American Bar Association was asked to evaluate the qualifications of Judge Blackmun, and in its letter of response its Committee on the Federal Judiciary expressed the unanimous judgment that Judge Blackmun met high standards of professional competence, temperament, and integrity. That finding represents the ABA's highest recommendation.

I believe that Judge Blackmun's background, excellent education, solid legal and judicial experience, and principles of ethics and integrity superbly equip him for the office of Supreme Court Justice dedicated at one and the same time to the Constitution and the laws of the United States and to the best interests of the public.

I am pleased to give my enthusiastic and unreserved approval to this nomination.

Mr. KENNEDY. Mr. President, the Senator from Indiana (Mr. BAYH) has asked me to point out that the following paragraph was inadvertently omitted, following the first full paragraph on page 10 of his individual views submitted with the report of the Committee on the Judiciary on the nomination of Judge Blackmun, Executive Report No. 91-18:

Fifth, Judge Blackmun testified that he never sat on a case involving a company of which he was an officer or director. Judge Haynsworth, on the other hand, was a founder and organizer of Carolina Vend-A-Matic, and served as an active director and vice president while he was on the bench and deciding cases involving the company's vital interests.

Mr. COOK. Mr. President, it has been almost 1 year since the current vacancy on the Supreme Court was created by the resignation of former Justice Abe Fortas.

It has been a year of disappointment for two nominees and of tension and frustration for the Senate. Hopefully, we have all learned something about the proper role of the Senate in advising and consenting to Presidential nominations to the Supreme Court. Certainly, I feel I have.

As the Washington Evening Star in an editorial of April 15, 1970, put it:

Nobody has gained from the Haynsworth-Carwell fiasco except in the narrowest political sense. It is time those two episodes are forgotten, as President, Congress and Court devote their energies to finding solutions to the great issues which trouble our divided people.

I will have more to say later in the week about this era in Supreme Court history and the conclusions I have drawn about the proper role of the Senate in these matters. But this is not the time for such a discourse. Rather, this is the time to congratulate President Nixon on an outstanding nomination. And it is also a time to praise Judge Harry Blackmun for reaching the zenith of his remarkable career, a proper and just reward for an outstanding legal mind.

The American Bar Association has found that Judge Blackmun "meets high

standards of professional competence, temperament, and integrity." This is, as we all know, the highest ranking it can give. This rating was achieved after an extensive review of his qualifications, unparalleled in ABA history.

Additional credentials include the publication of three law review articles: "The Marital Deduction and Its Use in Minnesota," *Minnesota Law Review*, December 1951; "The Physician and His Estate," *Minnesota Medicine*, October 1953; "Allowance of in Forma Pauperis Appeals in Section 2255 and Habeas Corpus Cases," 43 *FRD* 343 (1968).

Also, Judge Blackmun is presently chairman of the Advisory Committee on Research to the Federal Judicial Center and a member of the Advisory Committee on the Judge's Function of the American Bar Association Special Committee on Standards for the Administration of Criminal Justice.

With Judge Blackmun's confirmation comes one of the greatest challenges and at the same time, one of the most difficult and complex tasks which can be undertaken by a lawyer.

What must he become as a member of the Supreme Court? Chief Justice Warren described it best and I quote him in closing in the hope that Justice Blackmun will be ever mindful of this through the coming eventful years:

Our judges are not monks or scientists, but participants in the living stream of our national life, steering the law between the dangers of rigidity on the one hand and of formlessness on the other. Our system faces no theoretical dilemma but a single continuous problem: How to apply to ever-changing conditions the never-changing principles of freedom.

Mr. KENNEDY. Mr. President, I think the Senate can take the full credit both for the quality of this nomination and for the thoroughness and candor with which it was handled by the Justice Department and the American Bar Association.

Because the Members of the Senate let themselves be governed by courage and conscience, and not by region or politics or convenience in voting on the previous two nominees, we now have a nominee whom we can all vote for with pleasure and pride.

There are those in the press and in the Government who have cast aspersions on our motivation and our wisdom in opposing the prior nominees. But we did so for the sake of the Court and of the Nation. The Court has already benefited. And so has the Nation, not only because it will have a better court, but because it has seen that the system—and especially the constitutional sharing of powers among the branches of Government—can work, can respond to the needs of the people, can do what is right. We have maintained many people's faith in the system this way, at a time when such faith was becoming hard to maintain. We will have other opportunities to maintain that faith in the coming days, and for the sake of all of us, I hope we will do as well as we have done here.

I congratulate Judge Blackmun and wish him well in his most difficult task of translating into reality our national pledge of liberty and justice for all.

JUDGE BLACKMUN SHOULD BE CONFIRMED

Mr. YARBOROUGH. Mr. President, it is with pleasure that I declare my support for the confirmation of the nomination of Judge Harry A. Blackmun as an Associate Justice of the Supreme Court of the United States.

The recommendation of the Judiciary Committee that Judge Blackmun's nomination be confirmed and the committee's report influence my decision. A careful study of the hearings before the Judiciary Committee also has convinced me that the President has finally nominated a gentleman of outstanding ability and of unquestionable integrity to sit on the Supreme Court of the United States.

Twice before, the President has sought to fill this seat on the Supreme Court. In each case, I determined it to be my responsibility as a Member of this distinguished body to withhold my consent from those previous nominations. In each case, the course of least resistance and the more politically popular action would have been to cast my vote for a nominee who I thought was not qualified. In fact, in each of the two previous cases, my vote was not the deciding one, and I could have abdicated my responsibility as a Senator and cast my lot with the political winds.

Mr. President, there is room in this country for those who lack ethical sensitivity, but not on our Supreme Court. There is room in our country for mediocrity, but not on our Supreme Court.

In the previous instances, I made my decision not to confirm a nominee to the Supreme Court who I did not think qualified, and I do not regret my previous decisions.

The President is to be commended for seeking out and nominating a man of stature and integrity such as Judge Blackmun. The U.S. Senate is to be commended for insisting and insisting again that the President fulfill his responsibility to the American people and to our great judicial heritage by nominating such a man.

I urge my fellow Senators to join me in support of the nomination of Judge Harry A. Blackmun as an Associate Justice of the Supreme Court.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. 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. GRIFFIN. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRIFFIN. Mr. President, I yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, the consideration of a President's nomination to the Supreme Court is always a serious and important matter. But the nomination before us today comes at a particular crucial time.

For over a year, intense controversy has surrounded nominees to and members of the Supreme Court. Basic questions have been raised concerning the role of the Court in our society and the qualifications of its members and potential members.

While there has been much disagreement during this period, I am sure that most of us would welcome an end to the controversy. That is why the nomination of Judge Harry A. Blackmun has been greeted not only with enthusiasm, but also with a sense of relief.

There is little if any dispute about the fact that Judge Blackmun is eminently qualified to serve as an Associate Justice of the Supreme Court. His record as a private citizen and as a Federal appeals judge clearly demonstrates that he is uniquely qualified for a position on our Nation's Highest Court.

Throughout his long career as a lawyer, teacher of law, and member of the Federal bench, Judge Blackmun has invariably been characterized as scholarly and brilliant.

In his 11 years on the Federal Court of Appeals, he has served with great distinction. He is highly regarded by lawyers practicing before this court, and he is known particularly for his expert opinions in complex taxation cases.

His judicial record is one of an able, fair, and understanding judge. His opinions demonstrate logical thinking and a clear respect for judicial precedents.

His record as a private citizen is perhaps best described by his hometown paper, the Rochester Post-Bulletin:

We know of no man in Rochester, the editorial states, or indeed in Minnesota, who is more respected by close friends and casual acquaintances alike; who has a higher reputation for integrity; whose judgment is more respected.

While his academic and professional record is "a matter of record," so to speak, let it be added that just as a man—a man of personal integrity—none can rate higher.

Based on his past career, I am confident that Judge Blackmun will become a distinguished Associate Justice of the Supreme Court. In recognition of this record, the Committee on the Judiciary unanimously recommended that this nomination be confirmed. I am confident that the Senate will come to the same conclusion.

This nomination is an honor to the State of Minnesota. As a fellow attorney from the State of Minnesota, I wish to say that the unanimous judgment of the State bar association, its practitioners, and all Minnesotans indicates that we are enormously proud of Judge Black-

mun. I commend the President for this excellent nomination.

Mr. GRIFFIN. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD my individual views, which appear on pages 12 through 17 of the report.

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

INDIVIDUAL VIEWS OF MR. BYRD OF WEST VIRGINIA

I support the nomination of Judge Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States, I deem it appropriate to amplify my reasons for supporting the nomination.

A review of Judge Blackmun's opinions as a judge of the United States Court of Appeals for the Eighth Circuit, the testimony given by him at the hearings held by the Judiciary Committee on this nomination, the American Bar Association's recommendation, and my own personal inquiries satisfy me that Judge Blackmun has the legal ability, the personal integrity, and the judicial temperament which qualify him for elevation to the Supreme Court.

He appears to be keenly conscious of the fact that it is the function of the Federal courts to interpret the Constitution and laws of the United States, and that in executing this responsibility it is the duty of judges not to take into account their personal ideas of what constitutes desirable social or economic policy. The chairman of the Judiciary Committee, Senator Eastland, asked the nominee some questions in this regard. I believe that it is pertinent here to quote Senator Eastland's questions and the responses of Judge Blackmun:

"The CHAIRMAN. * * * Judge Blackmun, do you believe that the only proper function of a Justice of the Supreme Court is to interpret the Constitution and laws of the United States?"

"Judge BLACKMUN. Of course, the answer to that question, Mr. Chairman, most definitely would be in the affirmative."

"The CHAIRMAN. Yes."

"If you do so believe, to what extent, if at all, do you think it proper for a Justice of the Supreme Court, in interpreting the Constitution and laws of the United States to take into account his own personal idea of what constitutes enlightened social, economic, or political policy?"

"Judge BLACKMUN. Of course, this is a changing world. It has been this way since the founding of our Nation. I personally feel that the Constitution is a document of specified words and construction. I would do my best not to have my decision affected by my personal ideas and philosophy, but would attempt to construe that instrument in the light of what I feel is its definite and determined meaning. Of course, many times this is obscure."

Judge Blackmun has also shown that he has great deference for the legislative branch of the Government in legislative matters. For instance, Judge Blackmun testified that he personally is opposed to the imposition of the death penalty. He made it very clear, however, that he believes this question to be a matter for the discretion of the legislative branch of Government, and that he would be most reluctant to use his authority as a Justice of the Supreme Court to interfere with the proper exercise of this legislative discretion.

Senator Fong questioned the nominee about statements attributed to him purporting to state his belief that the death penalty should not be imposed as a punishment for crime. Judge Blackmun responded by making

reference to three cases in which he participated as a judge of the court of appeals:

"In the last one, in *Maxwell v. Bishop*, I made the gratuitous observation which has caused so much furor, that it was particularly exonerating for one who is not convinced of the rightness of capital punishment as a deterrent in crime. This, Senator Fong, is a personal conclusion on my part. It is a part of personal philosophy. I think the other question of the rightness of legislation, be it by a State legislature, or by Congress in dealing with Federal crimes, to impose the death penalty is an entirely different question. * * *

"And I stated in connection with the observation which the press has latched onto, I think I can quote it verbatim. I also stated that ordinarily the imposition of the death penalty is a matter for the discretion of the legislature. I firmly believe this. One of course can imagine if the legislature were to impose the death penalty on a pedestrian for crossing the street against a red light this might be something else again."

Senator Fong commendably continued to elicit from the nominee his views as to whether a Federal court should interfere with the legislative function in imposing the death penalty as punishment for the commission of crimes, and Judge Blackmun made the following comments:

"* * * My personal feeling about it is on one side, it could change tomorrow."

"My attitude toward the legislative aspect is another thing. I have stated what my initial approach to it is, and certainly I would never want to decide that question without its being frequently briefed and adequately argued. * * *

"* * * If I were a legislator and it came up, probably this is the way I would initially feel depending in part on any overwhelming attitude on the part of my constituents. But otherwise, apart from that, I start with the premise that this is basically a legislative discretionary matter."

"Senator FONG. And if the Legislature says that capital punishment should be imposed you would follow that?"

"Judge BLACKMUN. Certainly, with an exception perhaps in my pedestrian illustration."

Judge Blackmun gave further evidence of his recognition of the nice delineation of powers between the legislative and judicial branches of the Government in answer to a question posed by Senator Hruska. Judge Blackmun stated:

"I strongly believe in our system of checks and balances and in our three-branched system of government. As you point out, the Constitution in Federal cases is always part of the record. I firmly believe in deciding cases on the record. I hope I have never done otherwise."

"I firmly believe that change, if change comes, must come within the framework of the law as we understand it. And not outside the law."

I conceive it to be the first duty of every official of this Government, including Justices of the Supreme Court of the United States, to protect and defend our system from the "new barbarians" who would destroy it. Violent crime must be suppressed and those who commit it must be punished, or no system, including ours, can survive.

I am particularly bothered by the implication that the youth of this Nation are opposed to the so-called system. My knowledge and experience lead to the opposite conclusion. In my opinion, most of our young people believe in our form of constitutional Government and in our democratic institutions. Only a tiny, but highly vocal, minority of them are violent disrupters or revolutionaries. Unfortunately, this small segment of our youth is the group that gets most of the publicity in the news media.

In my questioning of Judge Blackmun be-

fore the Judiciary Committee, I expressed these concerns to him and stated my views on these important issues. I was pleased when Judge Blackmun responded in the following manner:

"Senator Byrd, I am too much a product of the same kind of thing to disagree with your comment. I dislike to talk about it, but I did not have very much to start with either, and this is the only system I have ever known. It has been good to me. I do not know of a better one."

Judge Blackmun has demonstrated a high regard for the rights and privileges of all of our citizens, and a belief that for every right and privilege there is a corresponding duty and responsibility. For example, Judge Blackmun wrote the opinion for the eighth circuit in the case of *Esteban v. Central Missouri State College*, 415 F. 2d 1077 (1969). This was a case brought by two ex-students at Central Missouri State College who had been suspended for having taken part in a protest demonstration which disrupted activities at the college. The students sued in the U.S. district court under the Federal civil rights statutes to gain readmission to the college. They contended that their suspension was illegal and that their conduct at the protest demonstration was justified.

Speaking for the court, which affirmed the district court's dismissal of the students' complaints, Judge Blackmun made the following general statements which are worthy of being reprinted here:

"College attendance, whether it be a right or a privilege, very definitely entails responsibility. This is fundamental. It rests upon the fact that the student is approaching maturity. His elementary and secondary education is behind him. He already knows, or should know, the basics of decent conduct, of nonviolence, and of respect for the rights of others. He already knows, or should know, that destruction of property, threats to others, frightening passersby, and intrusions upon their rights of travel are unacceptable, if not illegal, and are not worthy of one who would pursue knowledge at the college level.

"These plaintiffs are no longer children. While they may have been minors, they were beyond the age of 18. Their days of accomplishing ends and status by force are at an end. It was time they assumed at least the outward appearance of adulthood and of manhood. The mass denial of rights to others is irresponsible and childish. So is the defiance of proper college administrative authority ('I have the right to be here'; gutter abuse of an official; the dumping of a trash can at a resident's feet; 'I plan on turning this school into a Berkeley if * * *'; and being a part of the proscribed college peace-disturbing and property-destroying demonstration). One might expect this from the spoiled child of tender years. One rightly does not expect it from the college student who has had two decades of life and who, in theory, is close to being 'grown up.'"

In my judgment, Judge Blackmun correctly stated the rights and responsibilities of students under our constitutional form of government. In these trying times, all of us would do well to be guided by these principles.

Judge Blackmun's decisions in the area of criminal law indicate that, when the competing rights of a convicted criminal are weighed in the balance against the rights of society and the victims of crime, he is willing and able to take the rights of society into account in making his decision. Too many of our courts—including, unfortunately, the Supreme Court of the United States—have forgotten or neglected the real and terrible needs of society to have convicted criminals punished under the law. Hopefully, the addition of Judge Blackmun to the Court might help to change this situation.

It is extremely important that members of the Supreme Court of the United States should be guided by the fundamental principle of constitutional interpretation that the Constitution is a document which grants specific enumerated powers to the Federal Government, with all powers not mentioned or delegated reserved to the States or to the people thereof. This constitutional principle is embodied in the 10th amendment to the Constitution. Unfortunately, in recent years, many Justices of the Supreme Court have disregarded this fundamental constitutional principle and have impinged upon the reserved powers of the several States and of the people. Many decisions of the High Court have had the effect of debasing the States and the people and exalting the Federal Government; especially the Federal judiciary.

I am pleased that the senior Senator from Arkansas, Mr. McClellan, asked the nominee about this important 10th amendment in the American Bill of Rights. The question of Senator McClellan and the answer of Judge Blackmun are as follow:

"Senator McCLELLAN. * * * The 10th amendment of the Constitution with which we are all familiar provides that the powers not delegated to the United States by the Constitution or prohibited by it to the States are reserved in the States respectively or in the people. That is a part of this document, this great Constitution of ours, and I have the feeling, and I know many others do, that sometimes that article of the Constitution, or that amendment to the Constitution is either ignored or forgotten. I would like to ask if in the examination of a constitutional issue that may be pending before the Court, if you find the powers attempted to be invoked have in fact not been delegated to the Federal Government by the Constitution, do you believe that the Supreme Court has either the duty or the right to usurp, attempt to confer or apply such powers by court decision or edict which would have the effect of or be tantamount to amending the Constitution of the United States?

"Judge BLACKMUN. Senator McClellan, the answer to that is definitely in the negative, of course."

I am expressing my individual views on this nomination because I believe that future nominees to the U.S. Supreme Court should be put on notice that not only will their financial transactions be carefully scrutinized by the Judiciary Committee, but also that their judicial philosophy is going to be put to a greater test than has been the case in the recent past.

Of course, one cannot foresee how a nominee will vote on the Court once his appointment is confirmed by the Senate. We can, largely, only make our judgments as to his judicial philosophy on the basis of his previous judicial record, if he has one, and/or on his statements adduced under questioning and under oath when he appears before the committee. But I, for one, will want to satisfy myself as well as I can be so satisfied, under the circumstances, with respect to his judicial philosophy.

Federal district judges, Federal judges of the courts of appeals, and State court judges might have gotten the impression from the controversy surrounding the preceding two nominations to the Supreme Court that a nominee with a conservative or moderate judicial philosophy might have a very difficult task in getting confirmed by the Senate. One of the motives of certain special interest groups who opposed these nominations may well have been to intimidate Federal and State judges who aspired to appointment to the Supreme Court of the United States to fit into the mold of their own particular judicial philosophy.

As an example of the type of philosophy which we should not want to prevail on the Supreme Court, there is a recent book pub-

lished by Justice William O. Douglas entitled "Points of Rebellion." In this book, Justice Douglas declares his support of efforts to radically alter the social, economic, and political structure of this Nation.

Justice Douglas also gives expression to his ideas concerning the proper education of our young people. He condemns most colleges and universities as tools of the "Establishment." He then spells out the type of instruction he feels our students should receive:

"Only revolutionary minded faculties would provide a curriculum relevant to either domestic or foreign political problems. Very few faculty members have a revolutionary fervor or insight" (pp. 13-14).

Justice Douglas has a very simple answer to those of us who are concerned about Communist aggression, rampant lawlessness, disorder and riots. He equates us with Adolf Hitler by making the following statements:

"We are witnessing, I think, a new American phenomenon. The two parties have become almost indistinguishable; and each is controlled by the establishment. The modern-day dissenters and protesters are functioning as the loyal opposition functions in England. They are the mounting voice of political opposition to the status quo, calling for revolutionary changes in our institutions.

"Yet the powers—that-be faintly echo Adolf Hitler, who said in 1932:

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting.

"Communists are seeking to destroy our country. Russia is threatening us with her might and the Republic is in danger. Yes danger from within and without.

"We need law and order." (Pp. 57-58.)

Any future nominee for the Supreme Court who holds views identical or similar to those of Mr. Justice Douglas expressed above will merit and should receive the strong opposition of those of us who are concerned about proper judicial philosophy on the Supreme Court.

In my judgment, the philosophical drift of the Supreme Court in recent years has been, in many crucially important respects, in a direction inimical to the welfare of the people and to the preservation of constitutional government.

I am disturbed by a Supreme Court which operates as a continuing constitutional convention and usurps the functions of the legislative branch. I am disturbed by a Supreme Court that gives the criminal the advantage over the law-abiding citizen. I am disturbed by a Supreme Court that enunciates a right of a Communist to work in defense industries and to teach in the public schools. I am disturbed by a Supreme Court that gives a green light to the flow of pornographic smut into the unsuspecting hands of children in the American home. I am disturbed about a Supreme Court that strikes down State-imposed welfare regulations designed to protect the taxpayer against freeloaders. I am disturbed about a Supreme Court that encourages license upon the part of protesters and demonstrators.

In the light of the foregoing concerns, future nominees to the Court ought to understand that they will not be given a free ride by the Judiciary Committee merely on the basis that their nominations are pleasing to the activist community. They ought to have to stand the test of judicial philosophy. If we value our oaths as Senators, as I am sure we do, we have a duty to do all we can to prevent the appointment of individuals to the Court who would substitute judicial activism for judicial restraint and sociological theory for judicial precedent.

I believe Judge Blackmun passes this test.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll. Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The hour of 2:30 p.m. having arrived, the Senate, under the previous order, will now proceed to vote on the nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll. Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 94, nays 0, as follows:

[No. 143 Ex.]

YEAS—94

Aiken	Gravel	Murphy
Allen	Griffin	Muskie
Allott	Gurney	Nelson
Anderson	Hansen	Packwood
Baker	Harris	Pastore
Bellmon	Hart	Pearson
Bennett	Hartke	Pell
Bible	Hatfield	Percy
Boggs	Holland	Prouty
Brooke	Hollings	Proxmire
Burdick	Hruska	Randolph
Byrd, Va.	Hughes	Ribicoff
Byrd, W. Va.	Inouye	Saxbe
Cannon	Jackson	Schweiker
Case	Javits	Scott
Church	Jordan, N.C.	Smith, Maine
Cook	Jordan, Idaho	Smith, Ill.
Cooper	Kennedy	Sparkman
Cotton	Long	Spong
Cranston	Magnuson	Stennis
Curtis	Mansfield	Stevens
Dodd	Mathias	Symington
Dole	McCarthy	Talmadge
Dominick	McClellan	Thurmond
Eagleton	McGee	Tydings
Eastland	McGovern	Williams, N.J.
Ellender	McIntyre	Williams, Del.
Ervin	Metcalfe	Yarborough
Fannin	Miller	Young, N. Dak.
Fong	Mondale	Young, Ohio
Fulbright	Montoya	
Goodell	Moss	

NAYS—0

NOT VOTING—6

Bayh	Gore	Russell
Goldwater	Mundt	Tower

The PRESIDING OFFICER. On this vote, the yeas being 94 and no Senator having voted in the negative, the Senate has advised and consented to the nomination.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina (Mr. THURMOND) is recognized for 1½ hours.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield to me very briefly, so that I may ask the majority leader what the schedule is for the remainder of the week?

Mr. THURMOND. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The Senator from South Carolina has yielded to the Senator from Michigan.

LEGISLATIVE PROGRAM—AUTHORIZATION FOR COMMITTEES TO FILE REPORTS

Mr. GRIFFIN. Mr. President, I ask the majority leader if he would be kind enough to advise us what the schedule may be for the remainder of the day and the remainder of the week.

The PRESIDING OFFICER. The Senate will be in order, so that the majority leader can be heard. Senators will please take their seats or retire from the Chamber.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, first, I ask unanimous consent that from the close of business until midnight tonight, all committees of the Senate be permitted to file their reports together with any minority, individual, and supplemental views.

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

Mr. MANSFIELD. Second, it is my understanding that there is a possibility that some time this afternoon the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), and the distinguished chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), with their colleagues on the Republican side, the distinguished Senator from New Hampshire (Mr. CORRON) and the distinguished Senator from Delaware (Mr. WILLIAMS), will call up the airport conference report.

It is not anticipated that there will be any further votes today, although that is not an ironclad guarantee.

Then it is anticipated that one of the four bills on the calendar, beginning on page 8, will be laid before the Senate and made the pending business. When those are disposed of tomorrow, it is anticipated that the Senate will move to the consideration of H.R. 15628, relating to the establishment of ceilings for foreign military sales, with numerous

amendments, including the Church-Cooper amendment, which bars funds for U.S. involvement in Cambodia unless specifically authorized by law.

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

Mr. MANSFIELD. I yield.

Mr. LONG. Mr. President, we are trying to find the papers on the airport safety and facilities bill, and they are on the way over here. The Senator said there would be no more votes today. I hope he is not precluding a vote on the conference report. We do not anticipate opposition to the conference report. I believe it will be agreed to by a large vote. But I would like the Senator to understand that we hope we will agree to the conference report this afternoon.

Mr. MANSFIELD. May I say that I added a proviso to my anticipatory statement by saying that this was not an ironclad guarantee. Now the Senate is on notice, based on the statement of the distinguished chairman of the Finance Committee, so pay heed.

How long we will be in session this week will depend upon developments. It is hoped that sometime toward the first part or the middle of next week, if conditions warrant it, we will follow consideration of the establishment of ceilings for military foreign sales with the resolution calling for repeal of the Gulf of Tonkin resolution.

That is about it, as I see it now.

Mr. GRIFFIN. I thank the majority leader.

APPOINTMENT BY THE VICE PRESIDENT—23D ASSEMBLY OF WORLD HEALTH ORGANIZATION, GENEVA, SWITZERLAND

The PRESIDING OFFICER (Mr. BELLMON). The Chair, on behalf of the Vice President, appoints the following Senators to attend the 23d Assembly of the World Health Organization, to be held in Geneva, Switzerland, on May 5-22, 1970: The Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. SAXBE).

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from South Carolina is recognized for an hour and a half. The Senator may proceed.

COMMUNISM IN THE UNITED STATES

Mr. THURMOND. Mr. President, Mrs. Julia Brown, a former member of the U.S. Communist Party, is traveling around this country telling a story worthy of our close attention.

Mrs. Brown's recent remarks at an appearance in Columbia, S.C., deserves the attention of Congress and the American people.

She explained how the Communist Party is using various peace and civil rights groups to promote revolution in America and drive wedges between our black and white citizens.

A newspaper report by Charlotte Wyndham, staff writer of the Columbia,

S.C., State newspaper, on Mrs. Brown's speech appeared in the April 30, 1970, issue of that paper. I ask unanimous consent that this article, entitled "I Came to Columbia To Tell You the Truth," be printed in the RECORD.

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

I CAME TO COLUMBIA TO TELL YOU THE TRUTH
(By Charlotte Wyndham)

A determined voice in the wilderness belongs to Mrs. Julia Brown, former member of the Communist Party, and now a most outspoken enemy.

A member of the Communist Party in Cleveland, Ohio, Mrs. Brown subsequently became an undercover agent for the FBI for nine years. She was in Columbia recently for a stop on a nationwide speaking tour.

"During those eight months I spent within the Communist Party in 1962 before breaking away, I learned enough to convince me it was a multi-faceted evil." She said in the speech here. "First and foremost, it taught the overthrow of our government by revolution, entailing force and violence. Second, lies, deceit and treachery were tools of its trade.

WILLING TO AID

"Third, a dictatorial few would enslave the many. Fourth, it encouraged immorality in all its most sordid aspects. Fifth, it denied God and all religion. What person of sound mind and honest heart would want any part of it? It had to be destroyed, and I was not only obligated, but willing to aid in its destruction."

She was an undercover agent for the FBI nine years, before "surfacing" to tell her story. In 1962 she went to Washington, D.C., to testify before the House UnAmerican Activities Committee. She named influential members of the Communist Party—over 100 of them—and described how the Party planned to use Negroes as "cannon fodder" in their program of racial agitation. (Mrs. Brown is a Negro.)

To her enthusiastic Columbia audience, made up of whites and Negroes, she explained her years of subterfuge and uncovering the machinations of the party.

YOUTH

"Nearly a decade ago in a booklet entitled, 'Communism: Target: Youth,' J. Edgar Hoover warned that world communism has launched an attack to capture students and youth groups. According to the Leninist and Marxist principles youth will decide the entire struggle to the extent that our young people will abandon their religious and moral principles, their patriotism and their family ties," she said.

"The revolutionaries are using college campuses as a base for their destructive purposes. Openly avowing that their aim is to overthrow the existing order, they hope to smash first our educational structure, the economic system, and finally our government itself."

POLICE BRUTALITY

"Lenin philosophy states that the overthrow of a government can only take place when respect for law enforcement is first impaired. The Communist press has seized on the theme of police brutality, and has led many unsuspecting to carry out the Communist program. Police brutality is being blamed for every riot and violent demonstration," she said.

"The physical danger a policeman accepts as part of his job, but he should not be subjected to the thoughtless ridicule and public indifference in an effort to do his job.

"Our nation today is right now witnessing a tremendous drive to glorify Martin Luther King and to raise money for his Southern Christian Leadership Conference. It is a

symptom of how far our country has already gone . . . to be deceived to support the memory of a man whom J. Edgar Hoover publicly called the most notorious liar our country has ever witnessed," Mrs. Brown said.

CIVIL RIGHTS

"When I was a Communist for the FBI, we were told that a young man by the name of Martin Luther King would lead the civil rights fight in this country," she said. "It was a well-known fact that King was in their corner. Did King himself know this? I think so.

"I had the opportunity to witness firsthand the effects of the SCLC in a small community in Georgia.

"In the fall of 1969, the SCLC descended upon this town for the purposes of organizing the colored people. They began immediately to search for issues to inflame the people. They decided on the need for more jobs for Negroes in the business district.

"They started marches, picketing and boycotting local merchants hoping to provoke the whites into violence. It was a farce from the beginning, for there were many Negroes employed down town. The Negroes were terrorized when a Negro woman broke the boycott and her home was burned down.

TELL TRUTH

"My whole purpose in coming to Columbia and many other cities is to tell you the truth, so that you can tell others. The voice of truth is not only needed in government but in your neighborhood, right out there on your street among your neighbors and friends," said Mrs. Brown.

"I am a believer in dreams . . .

"My dream is to put an end to the hatred that divides us, and the lies that deceive us. 'We live in perhaps the most exciting times in history. The torch of freedom is in the hands of the people in this nation. Whether we build this torch into a gigantic flame and spread it throughout the world or sit idly by while a monster conspiracy snuffs it out is a decision we must make.'"

BOOK

Mrs. Brown discussed at length her background, her Communist activities and years with the FBI in her book, "I Testify."

Julia Brown said she was raised in Atlanta, Ga., had never recognized discrimination, prejudice, was befriended by a white family, and was raised by her deeply patriotic parents to believe love of God and country is one and the same.

With strong, conservative background, why did she turn to a revolutionary, Godless organization? She was innocently duped into believing that the civil rights group she was invited to join would be helping her people and other minorities to a better life, she said.

After months of campaigning for Communist candidates, chauffeuring party leaders, attending meetings, and passing out the Daily Worker, she said she had enough.

TACT

What positive program does she recommend for concerned citizens who want to do something to combat this growing menace?

"Everyone who wants to restore fundamental American principles and build a safer, freer, prouder nation should contact his local conservative groups, such as TACT (Truth About Civil Turmoil), which is dedicated to encourage people to learn more about Communist influence in the so-called civil rights movement and to work together with all races to make a better and safer community."

COMMUNIST INFILTRATION OF OUR COLLEGES AND UNIVERSITIES

Mr. THURMOND. Mr. President, in the past 20 years, the Communist ele-

ment has steadily carried out its policy of infiltrating our colleges and universities. Our country is now experiencing the results of this infiltration.

The Sumter News, one of the most outstanding weekly newspapers in South Carolina, recently carried a fine editorial pointing out this fact. It called for all conscientious citizens to wake up to the fact that we must strongly support the concept of law and order if this country is to remain free for all of its people.

Mr. President, I ask unanimous consent that the editorial from the Sumter News entitled "Classroom Treason" be printed in the RECORD.

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

CLASSROOM TREASON

Immediately after World War II, on orders from Stalin, the communists accelerated their massive drive to infiltrate the schools, colleges and universities of America.

The Word of God tells us that "the fear of the Lord is the beginning of wisdom."

The theories and ideologies of socialism and communism strike at the very heart of the Christian faith, therefore it is to be expected that young, immature minds, subjected to Marxian materialism in the classroom, become poisoned, warped and depraved.

Great institutions of learning, at one time founded by Christian men and Christian money, have slowly but thoroughly become infiltrated with Marxian-minded "educators" who scoff at the Word of God, ridicule the basic principles of decent moral conduct, attack private enterprise and the American way of life and propagandize their captive audiences of inexperienced, easily-led youth in behalf of modernism, socialism, communism and theism, all under the false guise of progress, liberalism, and sex education.

The apathy—the indifference—of Christian patriots allowed all of this to happen.

To an alarming extent, "the little red school house," a citadel of faith, character building and patriotism in years gone by, has degenerated into the big red school house, a breeding place of infidelity, depravity and subversion.

Informed loyal Americans have long been gravely disturbed over communist infiltration into our institutions of learning.

Every good American shares with J. Edgar Hoover, the Director of the FBI, the conviction that, "There is no room in America for communists or communist sympathizers in our educational system."

Bible-loving Christians and liberty-loving Americans have slept too long. We are now just beginning to reap the harvest of our own folly.

The apathy—the indifference—of unconcerned Christians and sleeping patriots has allowed traitors to God and traitors to America to subvert and pollute the minds of great numbers of our young men and women—all across America.

SUPPORT THE PRESIDENT

Mr. THURMOND. Mr. President, it is a pleasure for me to invite attention to an editorial in the May 2, 1970, issue of the News and Courier, in Charleston, S.C., entitled "Support the President." This editorial strongly endorses President Nixon's decision to attack the North Vietnamese sanctuaries in Cambodia. In my judgment, the success of the campaign has proven the President to be correct.

I salute the News and Courier for its

astute evaluation of the President's action. The editorial makes it clear that President Nixon's course of action was essential to the safety of the U.S. troops and necessary for the success of the Vietnamization and withdrawal plans. I commend the News and Courier for its fine editorial in support of our President. It is noteworthy that the editorial stated that "we are confident he will have the support of the people of South Carolina."

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

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

SUPPORT THE PRESIDENT

In ordering U.S. forces to engage in a limited offensive against the North Vietnamese sanctuary inside Cambodia, President Nixon has carried out what he believes to be his responsibility as President and Commander-in-Chief.

This is a course of action which he deems essential to the safety of U.S. troops in South Vietnam. After a searching study, he decided that the policy of Vietnamization of the Southeast Asian conflict could not be accomplished without prompt action against communist military bases in Cambodia.

Only one man in the United States has all the information on the war in Indo-China: the President. He also bears responsibility for action or lack of action. Former President Harry Truman, discussing the presidential responsibility, said the "buck stops" at the Chief Executive's desk.

For this reason, The News and Courier believes that Mr. Nixon is entitled to the support of the American people in his decision on Cambodia. We are confident he will have the support of the people of South Carolina. They supported Presidents Truman, Eisenhower, Kennedy and Johnson in similar crises affecting national security.

When the American people elect a President, they also elect a Commander-in-Chief. In November, 1968, they decided to entrust their safety to Mr. Nixon. We are confident the vast majority of citizens recognize there can be only one President at a time.

Mr. Nixon is acutely aware of the campaign that will be mounted by those who oppose his course of action. A militant minority of protesters will do everything in its power to spread disunity. It is likely that protest won't be confined to marching, but also will take the form of riot, arson and bombs. Disturbing and shocking as such protests might be, they wouldn't be completely new. President Lincoln had to reckon with draft riots in New York City during the Civil War.

We admire Mr. Nixon's courage. We salute him for declaring: "I would rather be a one-term President than to be a two-term President at the cost of seeing America become a second-rate power and see this nation accept the first defeat in its proud 190-year history."

We don't believe the American people will turn their backs on the President. They may be tired of a long and often seemingly futile struggle, but they, too, are unwilling to accept national humiliation and defeat at the hands of a second-rate communist power called North Vietnam.

The President is still committed to Vietnamization, to a dignified, militarily secure plan of withdrawing large numbers of U.S. troops over the year ahead. The Cambodian operation is designed to protect and make feasible that plan. We believe all fair-minded citizens can and should support him

in his latest effort. Mr. Nixon will not bug out. In that resolve, the majority surely will be with him.

CONFIRMATION OF JUDGE BLACKMUN'S NOMINATION

Mr. THURMOND. Mr. President, in voting for Judge Harry A. Blackmun to be an Associate Justice for the Supreme Court, the Senate has confirmed the appointment of an able man of high ethical and legal competence.

By this action, the Senate has done more than confirm the appointment of an Associate Justice—it has confirmed its bias against the South.

Since President Nixon took office, he has appointed four men to the Supreme Court—Judges Burger, Haynsworth, Carswell, and Blackmun. All four are distinguished jurists; all four shared the President's philosophy of strict construction of the Constitution; all four are strong supporters of law and order; and all four had previously been approved by the Senate for the second highest Federal court. Yet Judges Burger and Blackmun were confirmed by the Senate for the Supreme Court, and Judges Haynsworth and Carswell were rejected. The distinction between these men is clearly obvious. The two who were rejected were from the South; the two who were confirmed were not.

The relationship of Judge Blackmun's stock holdings to several cases he decided is virtually the same as Judge Haynsworth's. In both instances, this relationship was indirect and insubstantial, yet Judge Haynsworth was charged with dishonesty and insensitivity.

On essentially the same circumstances, the condemners of Judge Haynsworth complimented Judge Blackmun on his high degree of integrity. During the Haynsworth debate, the Fourth Circuit was accused of maintaining lower ethical standards than the rest of the Nation. Yet when a similar situation arose, Judge Blackmun's court, the Eighth Circuit, escaped such unjust criticism. Again the reason for this hypocrisy is obvious. The Fourth Circuit is a southern court; the Eighth Circuit is not.

Mr. President, the civil rights decisions of Judge Blackmun are quite similar to those of Judge Carswell. Yet only Judge Carswell was accused of being a racist. The reason for this is inescapable. Judge Carswell is from the South; Judge Blackmun is not.

My vote has been aye for each man President Nixon has nominated. I have not allowed sectional bias to influence my vote. Had this approach been followed by other Members of the Senate, both Judge Haynsworth and Carswell would have also been confirmed. However, these men were rejected because they were southerners.

The South has never asked for special treatment, only equal treatment. Yet equal treatment has been denied and the South has been used once again as a whipping boy. I call on the Nation to join me in condemning this discrimination against the 50 million loyal Americans who live in the South.

UNITED STATES-JAPAN TRADE RELATIONS AND THE TEXTILE IMPORT PROBLEM

Mr. THURMOND. Mr. President, the refusal of the Government of Japan to negotiate a meaningful agreement with the United States on foreign trade in textile articles has precipitated action in both Houses of Congress. Recently Congressman WILBUR MILLS, chairman of the Ways and Means Committee of the House, and other Members of Congress have introduced bills similar to S. 3615, cosponsored by me along with the minority leaders and Senators CORTON and HRUSKA, which was introduced a month ago. The House committee has given notice that it intends to take up Congressman MILLS' bill in public hearings this week. With the Ways and Means Committee of the House thus committed to early action, the prospects for a legislative solution to the Japanese-American impasse appear excellent. I am pleased by the initiative and leadership in this matter of the distinguished chairman of the Ways and Means Committee and commend him for his action.

A great deal has been written and said about the textile import problem in relation to Japan in recent months. There is a need, however, for this difficult problem to be put into the larger perspective of our total trade relations with Japan. Perhaps then the appropriateness of a legislative solution to the problem will be more clearly understood.

At the outset let us compare the trend in recent years of Japan's balance of trade with the world as a whole with that of the United States. In 1956 the United States made tariff concessions in trade agreement negotiations under the General Agreement on Tariffs and Trade for the benefit of Japan. In other words, we cut our duties in exchange for concessions by European countries to Japan.

In 1958, the year these tariff concessions became effective, Japan had a net deficit in its balance of trade of \$156 million, while the United States had a surplus of \$5 billion. By the end of 1969, Japan had a net surplus in its balance of trade of \$1 billion, while the United States on a CIF—Cost, Insurance and Freight—basis had a deficit \$1.3 billion. Therefore, the trade positions of the United States and Japan have just been reversed since 1958, when we generously purchased European trade concessions for the Japanese with tariff cuts on our domestic products. Japan switched from deficit to surplus, and we switched from surplus to deficit.

Mr. President, it is also useful to compare Japan's trade with the United States with her total trade, and vice versa. In 1958 the United States enjoyed a balance of trade surplus of \$167.2 million with Japan; however, in 1969 we had a trade deficit of \$1.8 billion with Japan.

It is instructive to consider the policies by which Japan has been able to achieve such a dramatic change in her foreign trade position, with the world as a whole, and with the United States. Mr. President, a few months ago Dr. Osamu Shimomura, the highly respected director of

the Research Institute of Capital Formation of the Japan Development Bank, in a signed article in the Japan Economic Journal, referred to the fact that:

A big characteristic of Japan's economy is that its growth is being featured by the fact that the elasticity of exports against the gross national product is clearly showing a bigger rise than the elasticity of imports.

How did this come about? Dr. Shimomura explains by saying:

It is true that the increase in the surplus ratio of exports and the favorable balance in the overall account are being amplified by foreign exchange and import restrictions.

In view of the switch in the balance of trade between Japan and the United States, the question must be asked: Are these restrictions on Japan's imports still needed in 1970 in order to protect Japan's economy? Dr. Shimomura says no, stating that:

Japan's economy today has finally arrived at the stage of its possessing capacity in which it can subsist even without such props of foreign exchange and import restrictions as a result of the remarkable growth made so far.

In view of the fact that these import barriers are not needed, will Japan actually remove the foreign exchange and import restrictions which protect her competitive industries? Certainly the U.S. Government hopes so, but Japan's efforts in this direction have been painfully small, and slowly taken.

From Japan's point of view these policies have worked wonders for her position in the world economy. Dr. Shimomura has pointed out that:

If foreign exchange and import restrictions are retained as at present, the time will come when the country will be endowed with a large favorable balance with the passage of the years. It means that the economy has gained that much strength.

Mr. President, what is the purpose of this retention by Japan of her protectionist policies? Dr. Shimomura predicts that by fiscal year 1975, the export surplus "will most probably top \$10,000 million." Japan's position will then be dominant in the world economy. Dr. Shimomura predicts that:

If an economy in which the export surplus tops \$10,000 million and the GNP \$350,000 million materializes, the yen . . . probably will grow into the . . . strongest currency among the currencies of the various countries in existence at present.

Mr. President, this simply means that in 5 years Japan will become the most important economy in the world. The irony in this story is that the economically strongest country in the world today, the United States, will have literally given away its position of fiscal strength.

Mr. President, the distinguished Japanese economic and monetary expert whom I have been quoting does not himself favor the continued retention by Japan of her protectionist policies. He declares that if Japan does not change her protectionist, restrictive trade policies, "it will stir up an extremely big confusion in respect to international financing of the world."

Now, Mr. President, the moderate adjustment in Japan's textile exports en-

visaged by the type of agreement the Nixon administration has sought to negotiate and which would be furthered by the Mills bill is correctly seen against this perspective of Dr. Shimomura's analysis not only as not harming Japan's economic interests, but as positively benefiting her and her responsible position in the world trading community.

Let me say here, Mr. President, that I am impressed by the resurgent economic strength of Japan. From a condition of desolation, she has come in little more than two decades to be the second or third strongest nation in the world economically. This is the result of the hopes and aspirations for the Japanese people that constituted Gen. Douglas MacArthur's grand design. Recall with me for a moment his words describing the task which lay before him as he undertook the administration of Japan's affairs at the outset of the American occupation:

We fed the Japanese, but we didn't intend to feed them forever. I directed my staff to work out the plans we needed to make Japan self-sufficient as soon as it was humanly possible. We had to rebuild the factories that had been bombed. We had to put the machinery in working order. We had to get the trains running and float some kind of a merchant marine. We had to get the telegraph and radio and newspapers in operation. And last of all, we had to get the overseas trade revived. One of the biggest tasks was to give Japan a balanced budget.

Mr. President, the United States took the leadership in supplying Japan with the raw materials needed for its industrial plant, and by deep tariff cuts for her benefit, we opened wide our own vast market and purchased greater access for Japan's products in the markets of Europe. In this we have been generous, patient, and self-sacrificing of important domestic interests. We in the United States place a high value upon the good will and friendship of Japan. That is why we must walk the last mile in our search for amicable solutions to our differences of opinion on economic and political matters with Japan. This applies to the textile import problem no less than issues such as the return of Okinawa.

Mr. President, the essence of the relationship of mutual good will, friendship, and cooperation between Japan and the United States was manifest in the historic discussions which took place in Washington in November 1969 between Prime Minister Eisaku Sato and President Nixon. President Nixon welcomed Prime Minister Sato with the reminder that "whether we have peace and prosperity and progress in the Pacific will depend more than anything else upon the cooperation of the United States and Japan" and assured him that the two heads of state met as both official and personal friends.

On his part, Prime Minister Sato stated that "The relations between Japan and the United States are becoming increasingly closer in recent years" and he declared it to be his "earnest desire to strengthen further the relationship of mutual trust and friendship between our two countries." The purpose of the Prime Minister's visit was, as he stated, "to solve the Okinawa problem—the biggest issue pending between Japan and the United States."

The President, sensitive to Japan's hopes and aspirations in regard to Okinawa, and mindful of the carefully developed relationship of mutual trust and friendship between the two nations, agreed to the early reversion of Okinawa to Japan.

I personally have serious questions about several aspects of the President's agreement with Prime Minister Sato for the reversion of Okinawa to Japan. I developed these at length in an address to this body on April 7, 1970. The point I wish to make today, however, is that the U.S. Government has shown great understanding of the essential interests of Japan in the Okinawa matter and has acceded to Japan's desires at considerable expense to the immediate interests of the United States. As I have explained in my April 7 speech. Now it is appropriate for Japan to show comparably great and sensitive understanding to the essential interests of the United States in the textile import problem and to be prepared to accommodate our problem in the same spirit we manifested in the Okinawa matter.

Mr. President, we are asking Japan to do far less in entering into an agreement on textile imports into the United States than it systematically practices in its own self-interest on a far broader scale through its vast measures for foreign exchange allocation and quantitative import restrictions.

It will aid our understanding of the matter if we briefly consider Japan's import limitation policies.

Japan controls imports both as to volume and content through its allocation of foreign exchange. Monthly the Ministry of International Trade and Industry in Japan issues "import validations" for the specific commodities and amounts for which the Government will make available foreign exchange. A system of "administrative guidance" determines which commodities may be imported through the allocation of foreign exchange and the amount of the selected commodities which may be imported.

One of the guiding principles in this "administrative guidance" system is the protection of Japanese industry from the importation of directly competitive products. The effectiveness of this system in controlling imports into Japan of U.S. products is readily observed by a comparison of Japan's exports to us with our exports to Japan of manufactured articles exported by both countries. The information which I am about to give is based on 1969 trade data.

To supply the perspective against which the data for specific commodities may be evaluated, I point out that for the grand total of all commodities involved in our trade with Japan, 9 percent of our exports went to Japan, while imports from Japan accounted for 14 percent of our total imports, and imports from Japan were equal to 141 percent of our exports to Japan.

Japan is not self-sufficient in agricultural commodities and exports few farm commodities. The United States sends 16 percent of our agricultural exports to Japan, while she accounts for only 1 percent of our imports of agricultural

commodities. In nonagricultural commodities, however, Japan takes only 8 percent of our exports, while she supplies 16 percent of our imports. Imports of nonagricultural commodities from Japan are equal to 192 percent of our exports of such commodities from Japan.

In selected commodities Japan's dominance of U.S.-Japan trade relations is so great that the mind boggles in trying to grasp the full significance of the trade data. In iron and steel mill products Japan accepts less than 1 percent of our exports of iron and steel, but supplies 42 percent of our imports. Her iron and steel mill products imported into the United States are equal to 10,650 percent of our exports of such products to Japan. Mr. President, this is the largest imbalance of trade in any product category that we have with Japan.

In textile mill products and apparel Japan accepts only 3 percent of our exports of such articles, but supplies 23 percent of total U.S. imports. Imports of textile products and apparel from Japan are equal to 2,731 percent of U.S. exports to Japan of such articles. This is the second most serious imbalance in our trade with Japan and indicates why the Nixon administration has sought to negotiate voluntary restraint by Japan on her exports of textile and apparel products to the United States. Including manmade fiber primary products, imports of textile and apparel articles accounted for 11 percent of domestic consumption in 1969, in comparison with the similar ratio of 13 percent for iron and steel mill products.

The third highest state of imbalance in United States-Japanese trade is in radios, televisions, and other telecommunication equipment. Japan accepts 4 percent of our exports, but imports from Japan account for 68 percent of total U.S. imports of these products. Imports from Japan of radios, TV's, and other telecommunication products are equal to 2,645 percent of our exports of such products to Japan. In 1969 imports of radios accounted for 73 percent of U.S. consumption, and of TV sets 31 percent of U.S. consumption.

The fourth largest imbalance in United States-Japanese trade is in automotive vehicles and parts. Japan accepts less than 1 percent of our exports, but she accounts for 8 percent of our imports. Imports of automotive vehicles and parts from Japan are equal to 1,164 percent of our exports of such products to Japan. In 1969 imports of automobiles accounted for 13 percent of U.S. consumption.

The fifth largest imbalance in United States-Japanese trade is in the category of musical instruments, phonographs, tape recorders, records, and parts. Japan accepts 11 percent of our exports, but we receive from Japan products in this category equal to 72 percent of total U.S. imports. Imports from Japan are equal to 1,161 percent of our exports to Japan.

The sixth largest imbalance in our trade with Japan is in the category of textile, sewing and leather machinery. Japan takes only 4 percent of our exports, but her products account for 22 percent of our imports. Imports from Japan are equal to 711 percent of our exports to Japan.

Mr. President, these six specific classes of commodities which I have discussed are clearly disaster areas in our trade relations with Japan. They are not the only such heavily impacted areas of manufactured products where Japanese and American industry are keenly competitive, and where the Japanese industries are closing our products substantially out of the Japanese market while they enjoy full access to the American market.

They are illustrative of the problems which have developed under the closed-door policy of Japan and the open-door policy of the United States regarding directly competitive manufactured products. In just these six classes of commodities, the United States had a balance of trade deficit in 1969 of \$3.3 billion, and \$2.4 billion of that amount was in our trade in these six commodities with Japan. In other words, our trade with Japan accounts for 72 percent of our \$3.3 billion deficit in the products of these heavily impacted industries.

If we consider the larger, basic commodity classifications in which our foreign trade statistics are summarized, we find a similar picture. In manufactured goods classified chiefly by materials, Japan takes 5 percent of our exports, but she accounts for 21 percent of our imports. Imports of these manufactured products received from Japan are equal to 753 percent of our exports to Japan.

In nonmetallic mineral manufactures, such as glass and ceramics, Japan takes 8 percent of our exports, but her products account for 37 percent of our imports. Imports from Japan are equal to 334 percent of our exports to Japan.

In metal manufactures not elsewhere classified, Japan accepts only 2 percent of our exports, but Japanese products account for 37 percent of our imports. Imports from Japan are equal to 1,534 percent of our exports to Japan.

In electrical machinery, Japan accepts only 6 percent of our exports, but Japanese products account for 46 percent of our imports. Imports from Japan are equal to 552 percent of our exports to Japan.

In miscellaneous manufactured products, Japan takes only 8 percent of our exports, but her products account for 27 percent of our imports. Imports from Japan are equal to 559 percent of our exports to Japan.

Mr. President, our industries could be highly successful in exporting to Japan. The Japanese maintain high prices in their home market, in sharp contrast to the low, incremental prices which they charge on exports in their drive to penetrate our market and thereby sustain the expansion of their industry.

These facts are well known in the commercial world.

Mr. President, thus far I have described how the Japanese protect their domestic industries from competition with their American counterparts through the allocation of foreign exchange. The administrative guidance practiced through import validation is a subtle process, difficult to detect. Less obvious is Japan's continued maintenance of absolute import quotas on 98 categories of commodities.

Both the restriction of imports through exchange allocation and through the imposition of quotas is a violation of the rights of the United States under article XI of the General Agreement on Tariffs and Trade—GATT—which states that—

No prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licenses, or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party.

Article XII of GATT provides an exception which permits a contracting party to violate article XI "in order to safeguard its external financial position and its balance of payments." This exception obviously does not apply to Japan today. Yet she persists in exchange control and the use of quotas.

The magnitude of the damage inflicted upon our commerce by Japan's practices is so enormous that our Government cannot and should not delay much longer in protecting our legitimate national interests. The extremely modest step which we have taken in asking Japan to negotiate an overall limitation and rate of increase on imports of textile articles of wool and man-made fiber is small in comparison with the magnitude of the wrongs inflicted on us by Japan.

Consider the 98 categories of commodities which are subject to Japan's mandatory import quotas, Mr. President. The United States exports products in each one of these 98 categories to the world. In 1969 the total value of these exports was \$6.7 billion. Japan's quotas allowed only \$909 million in value of these commodities into that country.

Included in the 98 categories are antibiotics, which we exported in the amount of \$103 million to the world, but only \$5 million to Japan; engines for automobiles, which we exported in the value of \$151 million to the world, but only \$101,000 to Japan; electrical goods and apparatus, including computer controllers, which we exported at \$2.7 billion to the world, but only \$161 million to Japan; and computers themselves along with peripheral units and parts for computers, which we exported in the value of \$786 million, but only \$98 million to Japan.

I am afraid, Mr. President, that we have come to a point in our trade relations with Japan where the Japanese have grown accustomed to our extreme consideration and forbearance of her protectionist policies and practices. Moreover, she is determined to oppose our efforts now to protect our own vital national interests at this late date.

The textile case is the logical one to use to demonstrate to Japan that the day has come when she is no longer entitled to a free ride in our markets at the expense of our employment and the economic health of our manufacturing industries. We respect her as a coequal partner with impressive economic strength. She has reciprocal obligations to us which she must honor, and the Mills bill is ideally suited to encourage her in this direction.

Mr. President, the injury to our econ-

omy resulting from Japan's trade policies is magnified by her severe restriction on foreign investment. The latter policy has often been the subject of promises for liberalization, but these have not been meaningful to American interests. It is helpful to the total perspective one needs in considering our trade relations with Japan to understand just how these policies interact upon the business decisions of U.S. corporations, and how they affect employment in the United States.

My friends in this body who are ardent advocates of ever freer trade policies for the United States often embellish their arguments with the suggestion that our Nation's sophisticated industries are well able to export. They also say that, as we exchange ever-widening market opportunities with other nations, we will gain more in high wage employment in our sophisticated, technologically oriented industries than we are losing in our lower wage, labor-intensive industries. Our experience with Japan demonstrates that this is not so. I shall refer to a few examples, because it is imperative that this point be clearly understood, Mr. President.

Remember that Japan limits the foreign exchange which may be used for the importation of automobiles from the United States. Then consider this: The U.S. duty of 4.5 percent will be reduced to 3 percent when the Kennedy round tariff cuts are fully effective on January 1, 1972. This will be applicable to all autos, large and small. The Japanese import duty is 40 percent on small cars and 35 percent on large cars, and the two rates are to be reduced to 30 percent and 17.5 percent, respectively. Under this grossly inequitable difference in United States and Japanese auto tariffs, our auto manufacturers were able to export 4,448 cars to Japan in 1969, while the Japanese exported 260,005 cars to us in that year.

Auto manufacturers in the United States know the handwriting on the wall when they see it. Desiring to have some position in the Japanese market, the three largest firms each have set about to form joint ventures in Japan on any terms that the Japanese Government will approve. Ford offered to make a 20-percent investment in Toyo Kogyo. The Japanese are interested because the tie-up of the two auto-making firms will pave the way for the Japanese firm's swiftly promoting exports of its rotary engine cars to the United States. Ford has to hand over its U.S. dealer network to handle the Japanese cars and promise not to increase its investment over the 20-percent level.

This is not all. Ford has entered into a joint venture with Nissan Motor Co. and Toyo Kogyo Co. in which Ford will supply 50 percent of the capital, but the Japanese firms will control the enterprise for the manufacture of automatic transmissions in Japan. A portion of this production is to be exported to the United States for use by Ford, and to Ford interests in other countries. Neither arrangement seems to promise a boost of U.S. exports of automobiles or transmissions to Japan, but definitely are geared to an increase in U.S. imports of autos and transmissions.

Chrysler has joined the parade to Japan by contracting with Mitsubishi Heavy Industries, Ltd., to set up a joint auto production venture in Japan. Chrysler will put up 35 percent of the capital, while the Japanese name three of the four top executives of the new enterprise. Chrysler's worldwide sales network will handle Japanese exports of Mitsubishi's Gallant passenger car. Efforts will be swiftly taken to sell the Gallant in the United States. The objective is to increase Japanese exports of the Gallant from 14,000 to 46,000 units in 1970. The joint venture hopes also to undertake the assembly of Chrysler's compact, the Valiant, in Japan, but Government approval has not yet been given; and MITI has indicated there is little possibility of its approving the assembly of Chrysler cars in Japan.

General Motors is reported to be following the strategy of seeking permission for a 100-percent investment in a Japanese automaking venture. If this is refused, as seems certain, it will then ask for Japanese tariffs on auto imports to be abolished, which seems unlikely. If, but only if, the Japanese Government agrees to abolish the tariff, General Motors will establish automaking facilities in neighboring Asian countries, such as Taiwan or the Philippines, to produce autos for export to Japan. Notably, General Motors' plans do not seem to include the marketing in Japan of autos produced in the United States.

Only American Motors seems to have made a determined effort to break into the Japanese market with the sale of cars produced in the United States. Commendably, American Motors is reported to believe that it stands to gain more from exporting and selling its assembled autos in Japan than venturing into production ventures in Japan. So far as I am aware, American Motors has received little encouragement from the Japanese Government in this approach. Certainly the height of the tariff alone would prohibit the more, to say nothing of the curtailment of imports through exchange allocation under administrative guidance.

The leading consumer electronic product and semiconductor companies in the United States have reacted in an equally discouraging fashion to the wall of separation which the Japanese Government has erected through exchange control and import quotas against American products in Japan. First of all, the Japanese Ministry of International Trade & Industry has moved quickly following Prime Minister Sato's triumphant trip to Washington to head off any American industry attempts to establish plants on Okinawa to serve the Japanese market. In turn, MITI is fostering the establishment of Japanese electronic firms in Okinawa.

RCA has helped Hitachi, Ltd., build up its computer manufacturing capabilities to the point that the two concerns are reported to be working together to avoid unnecessary overlapping of their research and investment in computer technology. RCA is helping Hitachi to develop a superlarge computer. Hitachi hopes through this association to share jobs with RCA in developing and manu-

facturing terminal units used for data communications and to supply minicomputers manufactured by Hitachi to RCA for sale in the United States.

This marriage with Hitachi has also produced a contract with RCA under which Hitachi will produce for export to the United States electric cable for the wiring systems of electronic computers and electronic telephone switchboards. Hitachi's power bus cable is priced at only about half the price of American-produced cable.

Mr. President, RCA has steadfastly refused to lend a hand to efforts by domestic electronic product manufacturers to secure administrative or legislative regulation of imports of radios, TV's, and other consumer electronic products. It has generously benefited Japanese companies through technological assistance and purchase contracts in the computer field. One would think that such conduct would give RCA peerless credentials to speak softly yet effectively to Japanese authorities about the urgent need for voluntary restraint on Japanese exports of consumer electronic products to the United States.

RCA's executives recently made such a suggestion to top leaders of Japan's consumer electronic product manufacturing companies. As could be predicted, the Japanese leaders spurned RCA's suggestions. RCA learned that its espousal of reciprocally freer trade was an empty lesson for the single track commercial minds of their counterparts in Japanese industry.

The U.S. industry has blazed the way to progress in semiconductor technology. In this important sector of electronic manufacturing there was an ideal opportunity to test the validity of the theory espoused by my friends in this body who believe that it is at the frontiers of technology, and that we as a nation will triumph in foreign trade.

However, experience has shown that this theory is not valid. The industry leaders—Fairchild Camera & Instruments Co., Texas Instruments, Inc., and General Instrument Corp.—have each seemingly striven to outdo the other. They have turned over their technology to Japanese manufacturers for use in producing semiconductor devices for export to the United States and in electronic hardware for export to the United States.

Not only have they stultified our export potential; they have fostered the manufacture of the latest electronic hardware, such as desktop computers, in Japan for export to the United States and preemption of the establishment of new sectors of electronic hardware manufactured in this country.

Texas Instruments, Inc., set up a joint venture with Sony Corp. for the manufacture of integrated circuits. Fairchild Camera & Instrument Co. has been in negotiation with Koa Denko Co. to the same end. Texas Instruments was brought into a complaint state of mind for its joint venture arrangement with Sony after Japanese companies banded together, with the support and encouragement of MITI, to resist the efforts of Texas Instruments to enforce its patent rights to the integrated circuit.

Now, the latest generation technology in the integrated circuit field is being made available to Tokyo Sanyo Electric Co. by General Instrument Corp. The new devices will be produced for sale in Japan and for export throughout the world. Specifically, they will be used as the key component in an extra-midget desktop computer for export to the United States, further depressing the opportunity for American production in this new field of electronic technology.

Mr. President, these are dramatic examples of the effect of Japan's restrictive, protectionist, one-sided policies on the business judgment of American industry executives. There are many, many others.

The leading U.S. firm producing automated nail guns has entered into a joint venture in Japan for the production of these articles for export to the United States in substitution of American production.

An effort by a leading American producer of dairy products to establish a joint venture for the marketing of such products was vigorously opposed by Japanese industry organizations, resulting in deferral of action by the Japanese Government on the project.

No less an organization than the Encyclopaedia Britannica has established a joint venture for the printing and publication of a Japanese language version of the Britannica and the production of a variety of educational equipment in Japan.

A number of leading U.S. food product manufacturers have established joint ventures for the production of their food products in Japan. General Mills is involved in such a venture for the production of cake mixes and a snack cracker. Nestlé and General Foods are involved in another joint venture in Japan to build new large mills to produce various processed foodstuffs including instant coffee. Coca-Cola has established an affiliate in Japan and is building a new factory there to produce the extract for Coca-Cola. Dole Co. is planning a joint venture for production of orange juice in Japan.

A leading U.S. manufacturer of steel desks has agreed with a Japanese manufacturer that the latter will take over its production of steel furniture for marketing in the United States, while the American firm will discontinue its production activities. General Electric has licensed Toshiba of Japan to manufacture a new highly sophisticated type of machine tool numerical control system for export worldwide. Martin Marietta has offered to open up its entire know-how and basic technologies for the systems involved in the Titan series of rockets to a joint venture of Martin Marietta and three Mitsui group firms. Martin Marietta will make available 150 of its specialist engineers to assist the joint venture in development of space engineering products and projects.

Royal Typewriter Co. has agreed to form a joint venture in Japan with Silver Seiko Co. for the production of typewriter parts to be used by Silver Seiko in manufacturing manual and electric typewriters for export to the United States for sale by Royal. United Utilities,

Inc., of the United States has made an agreement to sell the United States automatic telephone switchboards manufactured by four Japanese telecommunication equipment producers.

Eastman Kodak Co. has indicated that it would be compelled to take up production and sales of color films in Japan if the Japanese Government continued to impose its 40-percent duty on such films. Eastman, commendably, prefers to export color film produced in the United States, but is prepared to shift its production of film for the Japanese market to Japan if, as seems likely, it is unsuccessful in getting the Japanese tariff reduced.

Mr. President, I mention these illustrative examples of American companies transferring to Japan their technology and production of articles for consumption in the United States, as well as their export potential for consumption in Japan, to dramatize the manner in which Japan's restrictive investment and trade policies are adversely affecting employment and production of goods in the United States.

The Japanese Government holds our exports at bay and lures our manufacturers to set up noncontrolling joint ventures in Japan for the manufacture of goods there that would otherwise be exported from the United States and of goods that would otherwise be produced in the United States for consumption here. At the same time, Japan is moving aggressively in other ways to injure our trading interests.

While Japanese exports of flat glass are contributing to the injury being inflicted upon our domestic flat glass industry, Japanese flat glass producers are expanding their investment in facilities for the exportation of flat glass to the United States from other Asian countries. Our sheet glass industry has been found by the Tariff Commission to be seriously injured, but Japan's response is to step up the pressure on our industry by creating additional production facilities in other low-wage Asian areas for further exploitation of the American market.

Japanese hide and leather companies are closely cooperating with each other in planning their exports to the United States of hides and leather products. This market is already under severe pressure from imports of leather products. Our raw cotton exports to Japan have registered a conspicuous decline as Japan's purchases of Mexican cotton displaced American cotton from its earlier primacy. Japan's cotton purchases from the United States in 1969 dropped by 440,000 bales.

American corn farmers continue to be penalized by the tariff quota system and the new surtax with which Japan limits imports of starch-making corn in order to protect Japanese products of potato starch. The basic tariff rate is 10 percent, but the surtax imposed on overquota imports has been raised from 40 percent to nearly 80 percent. Separately, Japan maintains tight import quotas on starches and potato flakes, so that her scheme of protection for her potato starch industry is complete. We exported

no potato flakes, and only \$32,000 of starches to Japan in 1969.

On April 23, 1970, the Department of Agriculture released its study which indicates that Japan has encouraged other nations to produce agricultural commodities which Japan has purchased previously from the United States. In particular, Japan has stressed the production of corn, grain sorghum, animal feed, and oilseeds by other countries for sale to Japan. In 3 years, the U.S. share of Japan's agricultural imports has dropped from 35 percent to 30 percent, and the Department of Agriculture economists forecast that by 1975 there will be a very significant further decline in the U.S. share of Japan's imports of agricultural commodities.

Thus, notwithstanding her great and growing foreign trade surplus with the United States, Japan, as a matter of positive policy, is sharply reducing her purchases of agricultural commodities from the United States. The injury to the American economy which I am describing, which is being caused by Japan's foreign trade policies, is, therefore, not limited to the manufacturing sector but extends across the entire American economy.

Mr. President, there has not been a developed country in modern times that has practiced such systematic, effective, total protection of her home industries as Japan. Never has a modern commercial nation been so successful in attracting the minority voice-majority investment interest of her overseas competitors in establishing production facilities within her borders and disgorging her latest technology for the benefit of home industries.

Does this success in the artful practice of systematic protection through control of every facet of foreign trade give Japan special status? Does she have the standing to oppose the modest efforts which the Nixon administration has been attempting to make to secure a negotiated solution to our manmade fiber and wool textile import problem? Bear in mind, Mr. President, that we as a nation are not consulted at all by Japan in her steadfast implementation of her system of protection for her home industries. Our sin seems to have been that, rather than acting unilaterally, as Japan does in sector after sector of her protectionist system, we had the courtesy to ask them to sit down and discuss our problem and help us find a reasonable solution. The very invitation seems to have inflamed the passions of Japanese textile industrialists.

Mr. President, what are the realities of the manmade fiber and wool textile import problem of the United States? These sectors are part of the interdependent textile import problem which includes textile articles regardless of fiber content. Because the Long-Term Cotton Textile Arrangement, negotiated with the principal exporting and importing nations under the auspices of the GATT organization, presently provides some limitation on the rate of increase in U.S. imports of cotton textiles, the administration's efforts have been centered upon securing generally similar procedures

through international agreement for manmade fiber and wool textiles.

Let us first take a look at the dimensions of the overall textile import problem. Then consider the relative size of the manmade fiber and wool segments of the problem. In 1969, imports of all textile articles were equivalent to 1.1 billion pounds, fiber content basis, and accounted for 10.6 percent of domestic consumption of textile articles. To put this import volume into perspective, I point out that during the years 1961 and 1962, when the short-term and then the long-term cotton textile arrangements were executed and entered into effect, total imports of all textile articles were equivalent to an annual average of 487 million pounds, of fiber content basis. This was equivalent to 7 percent of domestic consumption during that 2-year period.

During the years 1963 through 1965, total imports of all textile articles were equivalent to an annual average of 681 million pounds, fiber content basis, accounting for 8.4 percent of domestic consumption. Average annual imports were 40 percent higher than in the 1961-62 period, but average annual consumption of textile articles was only 17 percent higher.

During the years 1966 through 1968, total imports of all textile articles were equivalent to an annual average of 999 million pounds, fiber content basis, and accounted for 10.3 percent of domestic consumption. Average annual imports were 47 percent higher than in the 1963-65 period, but average annual consumption of textile articles was only 20 percent higher.

The year 1969 has been a period of recession for the textile industry. Consumption was 6 percent higher than for the average of the 1966-68 period, but imports were 9 percent higher. The imports accounted for nearly 11 percent of domestic consumption. From the base period of 1961-62, when partial regulation of textile imports went into effect, to 1969, total imports of textile articles increased by 124 percent while consumption increased only by 48 percent. This annual average rate of increase of 18 percent for imports of textile articles, but of only 7 percent for textile consumption, has had an unfavorable impact on the domestic industry. An absolute loss of employment is the most disturbing indicator. Between March 1969 and March 1970, the textile industry lost 50,900 jobs.

From February 1969 to February 1970, the index of industrial production for textile mill products dropped two percentage points, while that for apparel dropped about half as much.

By March of this year the impact of increased imports and the textile recession was so far advanced that more than half of the 247 areas of substantial unemployment in the South and Southwest were communities in which establishments for the production of textile articles are located. In South Carolina 100 percent of the labor surplus areas are communities in which textile mills are a principal source of employment. While unemployment has risen in the United

States and is now above 4 percent, in Japan the unemployment rate has dropped steadily, reaching an average of only 1.1 percent in 1969 and an average of less than 1 percent since July of 1969. The textile industry accounted for 17 percent of the total loss of jobs in manufacturing in the United States between March 1969 and March 1970, though the textile industry accounts for less than 13 percent of the total employment in manufacturing. This fact clearly demonstrates the terrible toll on our working people suffered because of foreign textile imports.

The highest level of import penetration in the U.S. textile market exists in wool textiles. It increased from 22 percent in the 1961-62 period to 27 percent in 1969. In cotton textiles, imports accounted for 6 percent of domestic consumption in the 1961-62 period, and this ratio rose to 12 percent in 1969. In manmade fiber textiles, imports accounted for 4.6 percent in 1961-62 and this penetration rose to 8.4 percent in 1969.

Domestic consumption of wool textiles has declined by 24 percent between the average of 1961-62 and 1969. In cotton textiles, domestic consumption has been stagnant, increasing by less than 1 percent between 1961-62 and 1969. Several developments have strongly contributed to growing economic distress in those sectors of the textile industry. These are: The lack of growth in consumption, the persistence of wool textile imports at a high level—in excess of 27 percent of the market—and the continued increase in imports of cotton textiles by 96 percent between 1961-62 and 1969 to a level of 12 percent of the market. In 1969, 35 percent of U.S. imports of wool textiles and 24 percent of imports of cotton textiles were received from Japan.

Only in the man-made fiber sector has there been growth and promise within the textile industry. Consumption increased by 159 percent between 1961-62 and 1969, averaging 22 percent per year. Imports, however, have increased even more rapidly by 368 percent or an average of 52 percent per year. Japan supplied 26 percent of total man-made fiber textile imports in 1969 and 34 percent of the imports of man-made fiber yarn, fabric and apparel.

To show Japan's emerging dominance in this trade, Mr. President, I point out that in 1969 the increase over 1968 in imports of man-made fiber yarn, fabric and apparel from Japan of 24.5 million pounds. Fiber equivalent, was equal to 41.7 percent of the total growth in the use of yarn and fabric in U.S. production of apparel between 1968 and 1969. In other words, Japan is boosting her exports of labor-intensive man-made fiber textile articles at a rate which threatens to take over the major part of the growth in the entire domestic market for such articles. Moreover, Japan supplies a larger share of total U.S. imports of man-made fiber textiles than any other country, larger than all of Western Europe and virtually as large as all of the rest of Asia combined.

In setting out to seek a moderation of the rate of growth of manmade fiber

textile imports, the Nixon administration logically decided to start with the country that supplies overwhelmingly the largest part of those imports. Its timing is important, for it is essential that ground rules for future participation in the dynamic manmade fiber textile market be established if foreign and domestic manufacturers and their workers are both to be able to look forward to sharing on some reasonable basis in the future growth of the manmade fiber textile market in the United States.

Bear in mind, Mr. President, that the cotton and wool textile markets are quite depressed, and that Japan supplies the lion's share of imports of cotton and wool textiles. In 1969 Japan supplied 24 percent of cotton textile imports and 35 percent of wool textile imports. But, Mr. President, Japan supplied 33 percent of manmade fiber textile imports from all yarn through the apparel stage. In all Japan supplied more than 1 billion square yards or square yard equivalents of textile products of all fibers and by far the largest quantity was of manmade fiber textile products. Japan supplied 585 million equivalent square yards of manmade fiber textile products, compared with 396 million equivalent square yards of cotton textiles and 60 million equivalent square yards of wool textiles. When we focus on our textile import problem, therefore, we must recognize that Japan supplies the largest amount of total textile imports into the United States and most importantly that she now devotes the largest proportion of her production of textiles for export to manmade fiber textile articles.

It is no mere coincidence that the Japan Chemical Fibres Association is lobbying every member of the Congress with a statistical road show designed to suggest that the manmade fiber textile import problem of the United States is not yet so awesome that action by the Congress is warranted. Their leadership role in the Japanese cause demonstrates that the manmade fiber textile import problem reaches up and down vertically through the entire fiber-textile mill product-apparel complex. The U.S. manmade fiber producers have been patiently explaining to the administration and to the Congress that the fiber content of every manmade fiber textile product whether suits, sweaters, shirts, trousers, hosiery, sheets, fabric, yarn or staple fiber, impacts the fiber producer. To the extent that the fiber producer's customers are impacted by directly competitive imports, the fiber producer is affected because his customer's loss of market is his loss of market, too.

The Japan Chemical Fibres Association confirms this essential truth by its behavior in leading the charge against the domestic textile industry in the halls of Congress. The Japanese industry's statistics are both inaccurate and misleading and need not deter us here. They are inaccurate because they omit manmade fiber primary products such as staple fiber. They are misleading because they exclude all imports except those from Japan, as though only the part of the iceberg visible above the water threatens the shipping lanes. Total im-

ports, of course, represent the problem threatening the domestic textile industry and its workers. The Japanese portion of the total is the largest.

The main point about the Japan Chemical Fibres Association is that its avowed interest confirms the lesson which our domestic manmade fiber producers have been trying to impart. The manmade fiber textile import problem adversely affects our entire textile industry complex from top to bottom.

The lesson to be learned from my review of United States trade relations is that the United States has become increasingly disadvantaged as a result of widespread, systematic violation of our Nation's rights under our existing trade agreements with Japan by Japanese trade practices. Long ago we could have retaliated to redress the wrongs committed by Japan in restricting access for United States exports to Japan. Long ago we could have imposed countermeasures to discourage the flight of American enterprise into minority-interest Japanese joint ventures for the substitution of Japanese production for United States exports and domestic shipments. Our forbearance as a Nation has earned us the right to special consideration by the Japanese of our most urgent trade problem, textile imports. However, the Japanese have collapsed the trade talks conducted by the administration.

Therefore, Congress must act in a manner proportioned to both the necessities of our problem and the realities of our trade relations with Japan.

The Mills bill is an appropriate instrument for congressional consideration. Its handling by the committees of the House and the Senate and the process of refinement which will be accomplished through debate and floor action will provide ample opportunity to shape its final language to a solution of the textile import problem which is in the best interest of our textile workers and companies.

Mr. President, in this speech I have explored and discussed the commercial relationship between the United States and Japan as it relates to the impact of Japanese goods imported into this country. I have documented many examples of Japan's favorable trade position.

The picture is complex, and as it relates to textiles, the situation is critical.

In my judgment, this Congress must take action now to protect the textile industry. This industry is vital to our national welfare and defense. We simply cannot afford to allow an industry of this importance to be literally destroyed. It ranks second only to steel in the matter of national defense.

Mr. President, the evidence that I have presented constitutes a prima facie case against those who argue the merits of "free trade." Therefore, the burden of showing why the Congress should not act swiftly to protect the American textile industry now rests with the opponents of the Mills bill.

In conclusion, Mr. President, I submit that the case for protection of the American textile industry has been made in no uncertain terms. Now is the time for decisive, positive action. I urge my col-

leagues to show their support by favorably endorsing and backing the Mills bill.

EXPANSION AND IMPROVEMENT OF THE NATION'S AIRPORT AND AIRWAY SYSTEM—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 91-1074)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

TITLE I OF THE HOUSE BILL

The managers on the part of the House and the managers on the part of the Senate as to title I of the House bill and the amendment of the Senate numbered 1 (except section 306 of such amendment which amended the Tariff Act of 1930) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

PART I—SHORT TITLE, ETC.

SECTION 1. SHORT TITLE.

This title may be cited as the "Airport and Airway Development Act of 1970".

SEC. 2. DECLARATION OF POLICY.

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

That the annual obligatory authority during the period July 1, 1970, through June 30, 1980, for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), should be no less than \$250,000,000.

That the obligatory authority during the period July 1, 1970, through June 30, 1980, for airport assistance under this title should be \$2,500,000,000.

SEC. 3. NATIONAL TRANSPORTATION POLICY

(a) FORMULATION OF POLICY.—Within one year after the date of enactment of this title,

the Secretary of Transportation shall formulate and recommend to the Congress for approval a national transportation policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

(b) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report shall include the specific actions taken by the Secretary with respect to (1) the coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

SEC. 4. COST ALLOCATION STUDY.

The Secretary of Transportation shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users, and shall identify the cost to the Federal Government that should appropriately be charged to the system and the value to be assigned to any general public benefit, including military, which may be determined to exist. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this title.

PART II—AIRPORT AND AIRWAY DEVELOPMENT

SEC. 11. DEFINITIONS.

As used in this part—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off a such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of in-

formation and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, take-off, or surface maneuvering of aircraft.

(7) "Government aircraft" means aircraft owned and operated by the United States.

(8) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this part is to be used.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

(15) "State" means a State of the United States or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

SEC. 12. NATIONAL AIRPORT SYSTEM PLAN.

(a) FORMULATION OF PLAN.—The Secretary is directed to prepare and publish, within two years after the date of enactment of this part, and thereafter to review and revise as necessary, a national airport system plan for the development of public airports in the United States. The plan shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate

to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of airport development eligible for Federal aid under section 14 of this part, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes or categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

(b) CONSIDERATION OF OTHER MODES OF TRANSPORTATION.—In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

(c) FEDERAL, STATE, AND OTHER AGENCIES.—In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies, as appropriate; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to insure that the national airport system plan reflects the product of interstate, State, and local airport planning.

(d) COOPERATION WITH FEDERAL COMMUNICATIONS COMMISSION.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(e) CONSULTATION WITH DEPARTMENT OF DEFENSE.—The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

(f) CONSULTATION CONCERNING ENVIRONMENTAL CHANGES.—In carrying out of this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality. The recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality, with regard to the preservation of environmental quality, shall, to the extent that the Secretary of Transportation determines to be feasible, be incorporated in the national airport system plan.

(g) COOPERATION WITH THE FEDERAL POWER COMMISSION.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating,

preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(h) AVIATION ADVISORY COMMISSION.—

(1) There is established an Aviation Advisory Commission (hereafter in this subsection referred to as the "Commission"). The Commission shall be composed of nine members appointed by the President from private life as follows:

(A) One person to serve as Chairman of the Commission who is specially qualified to serve as Chairman by virtue of his education, training, or experience.

(B) Eight persons who are specially qualified to serve on such Commission from among representatives of the commercial air carriers, general aviation, aircraft manufacturers, airport sponsors, State aeronautics agencies, and three major organizations concerned with conservation or regional planning.

Not more than five members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Five members shall constitute a quorum.

(2) It shall be the duty of the Commission—

(A) to formulate recommendations concerning the long-range needs of aviation, including but not limited to, future airport requirements and the national airport system plan described in subsection (a) of this section, and recommendations concerning surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(3) Each member of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the President, but not exceeding \$100 per day, including travel time; and, while so serving away from his home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(4) (A) The Commission is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(B) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed \$100 per diem.

(C) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(D) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(5) The Commission shall submit to the President and to the Congress, on or before January 1, 1972, a final report containing the recommendations formulated by it under this subsection. The Commission shall cease to exist 60 days after the date of the submission of its final report.

(6) There are authorized to be appropriated from the Airport and Airway Trust Fund such sums, not to exceed \$2,000,000, as may be necessary to carry out the provisions of this subsection.

SEC. 13. PLANNING GRANTS.

(a) **AUTHORIZATION TO MAKE GRANTS.**—In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

(b) **AMOUNT AND APPORTIONMENT OF GRANTS.**—The award of grants under subsection (a) of this section is subject to the following limitations:

(1) The total funds obligated for grants under this section may not exceed \$75,000,000 and the amount obligated in any one fiscal year may not exceed \$15,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 7.5 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

(c) **REGULATIONS; COORDINATION WITH SECRETARY OF HOUSING AND URBAN DEVELOPMENT.**—The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

SEC. 14. AIRPORT AND AIRWAY DEVELOPMENT PROGRAM.

(a) **GENERAL AUTHORITY.**—In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized to make grants for airport development by grant agreements with sponsors in aggregated amounts not less than the following:

(1) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation, \$250,000,000 for each of the fiscal years 1971 through 1975.

(2) For the purpose of developing in the several States, the Commonwealth of Puerto

Rico, Guam, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, \$30,000,000 for each of the fiscal years 1971 through 1975.

(b) **OBLIGATIONAL AUTHORITY.**—To facilitate orderly long-term planning by sponsors, the Secretary is authorized, effective on the date of enactment of this title, to incur obligations to make grants for airport development from funds made available under this part for the fiscal year ending June 30, 1971, and the succeeding four fiscal years in a total amount not to exceed \$840,000,000. No obligation shall be incurred under this subsection for a period of more than three fiscal years and no such obligation shall extend beyond June 30, 1975. The Secretary shall not incur more than one obligation under this subsection with respect to any single project for airport development. Obligations incurred under this subsection shall not be liquidated in an aggregate amount exceeding \$280,000,000 prior to June 30, 1971, an aggregate amount exceeding \$560,000,000 prior to June 30, 1972, and an aggregate amount exceeding \$840,000,000 prior to June 30, 1973.

(c) **AIRWAY FACILITIES.**—For the purpose of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958, the Secretary is authorized, within the limits established in appropriations Acts, to obligate for expenditure not less than \$250,000,000 for each of the fiscal years 1971 through 1975.

(d) **OTHER EXPENSES.**—The balance of the moneys available in the trust fund shall be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a) and (b) of this section, and for the maintenance and operation of air navigation facilities and the conduct of other functions under section 307(b) of the Federal Aviation Act of 1958, not otherwise provided for in subsection (c) of this section; and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958. The initial \$50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research and development activities.

SEC. 15. DISTRIBUTION OF FUNDS: STATE APPORTIONMENT.

(a) APPORTIONMENT OF FUNDS.—

(1) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) One-third to be distributed as follows: (i) 97 per centum of such one-third for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(ii) 3 per centum of such one-third for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(B) One-third to be distributed to sponsors of airports served by air carriers certificated by the Civil Aeronautics Board in the same ratio as the number of passengers enplaned at each airport of the sponsor bears to the total number of passengers enplaned at all such airports.

(C) One-third to be distributed at the discretion of the Secretary.

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) Seventy-three and one-half per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) One and one-half per centum for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(C) Twenty-five per centum to be distributed at the discretion of the Secretary.

(3) Each apportioned to a State under paragraph (1) (A) (i) or (2) (A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to a sponsor of an airport under paragraph (1) (B) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located at airports sponsored by it. Any amount apportioned as described in this paragraph which has not been obligated by grant agreement at the expiration of the period of time for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

(4) For the purposes of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be determined by the Secretary pursuant to such regulations as he shall prescribe.

(b) **DISCRETIONARY FUND.**—(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) of this section, including amounts added to the discretionary fund pursuant to paragraph (3) of such subsection (a), may be used only in accordance with the purposes for which originally appropriated.

(c) **NOTICE OF APPORTIONMENT; DEFINITION OF TERMS.**—Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State. As used in this section, the term "pop-

ulation" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

SEC. 16. SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT.

(a) **SUBMISSION.**—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

(b) **PUBLIC AGENCIES WHOSE POWERS ARE LIMITED BY STATE LAW.**—Nothing in this part shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

(c) **APPROVAL.**—

(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this part;

(B) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this part;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this part have been or will be met.

No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

(4) It is declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that any project involving airport location, a major runway extension, or runway location may have on natural resources includ-

ing, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no such project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

(d) **HEARINGS.**—

(1) No airport development project involving the location of an airport, an airport runway, or a runway extension may be approved by the Secretary unless the public agency sponsoring the project certifies to the Secretary that there has been afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

(2) When hearings are held under paragraph (1) of this subsection, the project sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary.

(e) **AIR AND WATER QUALITY.**—

(1) The Secretary shall not approve any project application for a project involving airport location, a major runway extension, or runway location unless the Governor of the State in which such project may be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved or where such standards have been promulgated by the Secretary of the Interior or the Secretary of Health, Education, and Welfare, certification shall be obtained from the appropriate Secretary. Notice of certification or of refusal to certify shall be provided within sixty days after the project application is received by the Secretary.

(2) The Secretary shall condition approval of any such project application on compliance during construction and operation with applicable air and water quality standards.

(f) **AIRPORT SITE SELECTION.**—

(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport, and notify the Secretary of the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

SEC. 17. UNITED STATES SHARE OF PROJECT COSTS.

(a) **GENERAL PROVISION.**—Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved airport development project submitted under section 16 of this part may not exceed 50 per centum of the allowable project costs.

(b) **PROJECTS IN PUBLIC LAND STATES.**—In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

(c) **PROJECTS IN THE VIRGIN ISLANDS.**—The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

(d) **LANDING AIDS.**—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 82 per centum of the allowable costs thereof.

SEC. 18. PROJECT SPONSORSHIP.

As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard sys-

tem of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this part, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this part or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this section.

SEC. 19. GRANT AGREEMENTS.

Upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

SEC. 20. PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Except as provided in section 21 of this part, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this part, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a

project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amount, and if the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable; except that in no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 13 of this part.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

(b) COSTS NOT ALLOWED.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

SEC. 21. PAYMENTS UNDER GRANT AGREEMENTS.

The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

SEC. 22. PERFORMANCE OF CONSTRUCTION WORK.

(a) REGULATIONS.—The construction work on any project for airport development approved by the Secretary pursuant to section 16 of this part shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

(b) MINIMUM RATES OF WAGES.—All contracts in excess of \$2,000 for work on projects for airport development approved under this part which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

(c) OTHER PROVISIONS AS TO LABOR.—All contracts for work on projects for airport development approved under this part which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

SEC. 23. USE OF GOVERNMENT-OWNED LANDS.

(a) REQUESTS FOR USE.—Subject to the provisions of subsection (c) of this section, whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this part, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) MAKING OF CONVEYANCES.—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

(c) EXEMPTION OF CERTAIN LANDS.—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States

within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation.

SEC. 24. REPORTS TO CONGRESS.

On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this part during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

SEC. 25. FALSE STATEMENTS.

Any officer, agent, or employee of the United States, or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this part;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this part; or

(3) knowingly makes any false statement or false representation in any report required to be made under this part;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed \$10,000, or by both.

SEC. 26. ACCESS TO RECORDS.

(a) RECORDKEEPING REQUIREMENTS.—Each recipient of a grant under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

(b) AUDIT AND EXAMINATION.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to grants received under this part.

(c) AUDIT REPORTS.—In any case in which an independent audit is made of the accounts of a recipient of a grant under this part relating to the disposition of the proceeds of such grant or relating to the plan or program in connection with which the grant was given or used, the recipient shall file a certified copy of such audit with the Comptroller General of the United States not later than six months following the close of the fiscal year for which the audit was made. On or before January 3 of each year the Comptroller General shall make a report to the Congress describing the results of each audit conducted or reviewed by him under this section during the preceding fiscal year. The Comptroller General shall prescribe such regulations as he may deem necessary to carry out the provisions of this subsection.

(d) WITHHOLDING INFORMATION.—Nothing in this section shall authorize the withholding of information by the Secretary or the

Comptroller General of the United States, or any officer or employee under the control of either of them, from the duly authorized committees of the Congress.

SEC. 27. GENERAL POWERS.

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this part, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this part.

PART III—MISCELLANEOUS

SEC. 51. AMENDMENTS TO FEDERAL AVIATION ACT OF 1958.

(a) (1) PROCUREMENT PROCEDURES.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

"NEGOTIATION OF PURCHASES AND CONTRACTS

"(e) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property. The Secretary shall, at the beginning of each fiscal year, report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate all transactions negotiated under this subsection during the preceding fiscal year."

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading "Sec. 303. Administration of the Agency." is amended by adding at the end thereof the following:

"(e) Negotiation of purchase and contracts."

(b) (1) AIRPORT CERTIFICATION.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1431), relating to safety regulation of civil aeronautics, is amended by adding at the end thereof the following new section:

"AIRPORT OPERATING CERTIFICATES

"SEC. 612. (a) The Administrator is empowered to issue airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board and to establish minimum safety standards for the operation of such airports.

"ISSUANCE

"(b) Any person desiring to operate an airport serving air carriers certificated by the Civil Aeronautics Board may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

"(1) the installation, operation, and maintenance of adequate air navigation facilities; and

"(2) the operation and maintenance of

adequate safety equipment, including fire-fighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft."

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading "TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS" is amended by adding at the end thereof the following:

"Sec. 612. Airport operating certificates.

"(a) Power to issue.

"(b) Issuance."

(3) PROHIBITIONS.—Section 610(a) of such Act (49 U.S.C. 1430(a)), relating to prohibitions, is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(8) For any person to operate an airport serving air carriers certificated by the Civil Aeronautics Board without an airport operating certificate, or in violation of the terms of any such certificate."

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) of this subsection shall take effect upon the expiration of the two-year period beginning on the date of their enactment.

SEC. 52. REPEAL; CONFORMING AMENDMENTS; SAVING PROVISIONS; AND SEPARABILITY.

(a) REPEAL.—The Federal Airport Act (49 U.S.C. 1101 et seq.) is repealed as of the close of June 30, 1970.

(b) CONFORMING AMENDMENTS.—

(1) The first section of the Act of March 18, 1950, relating to Department of the Interior Airports (16 U.S.C. 7a), is amended by striking out "Administrator of the Federal Aviation Agency" each place it appears and inserting in lieu thereof at each such place "Secretary of Transportation".

(2) Section 509(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by inserting "Airport and Airway Development Act of 1970;" immediately after "Federal Airport Act;"

(3) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by inserting "section 19 of the Airport and Airway Development Act of 1970;" immediately after "section 12 of the Federal Airport Act;"

(4) The Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) is amended—

(A) by striking out "or by the Federal Airport Act" in section 313(c) and inserting in lieu thereof ", the Federal Airport Act, or the Airport and Airway Development Act of 1970"; and

(B) by striking out "Federal Airport Act" in section 1109(e) and inserting in lieu thereof "Airport and Airway Development Act of 1970".

(5) Section 214(c) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214(c)) is amended by inserting "Airport and Airway Development Act of 1970;" immediately after "Federal Airport Act;"

(6) Section 13(g)(1) of the Surplus Property Act of 1944 (50 App. U.S.C. 1622(g)(1)) is amended by striking out "Federal Airport Act (60 Stat. 170)" and inserting in lieu thereof "Airport and Airway Development Act of 1970".

(7) Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) is amended by striking out "and (h)" and inserting in lieu thereof "(h) the Airport and Airway Development Act of 1970; and (i)".

(c) SAVING PROVISIONS.—All orders, determinations, rules, regulations, permits, con-

tracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

(d) **SEPARABILITY.**—If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons or circumstances is not affected thereby.

And the Senate agree to the same.

WARREN G. MAGNUSON,
VANCE HARTKE,
PHIL HART,
HOWARD W. CANNON,
NORRIS COTTON,
WINSTON P. PRUTY,
JAMES B. PEARSON,

Managers on the Part of the Senate.

HARLEY O. STAGGERS,
SAMUEL M. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
W. L. SPRINGER,
SAM DEVINE,
ALBERT WATSON.

Managers on the Part of the House.

TITLE II OF THE HOUSE BILL

The managers on the part of the House and the managers on the part of the Senate as to title II of the House bill and as to section 306 of the bill as proposed in the amendment of the Senate numbered 1 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 6, 7, 8, 9, 14, 21, 24, 26, 42, 46, 47, 57, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 10, 11, 15, 16, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 45, 48, 49, 59, 60, 61, 63, 66, 67, 69, and 71, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to section 306 of the bill as proposed in the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted in this respect by the Senate amendment, on page 47 of the House engrossed bill, immediately preceding line 1, insert the following new section (as the last section of part III of title I of the bill):

SEC. 53. MAXIMUM CHARGES FOR CERTAIN OVERTIME SERVICES.

(a) Notwithstanding the provisions of section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provisions of law, the maximum amount payable by the owner, operator, or agent of any private aircraft or private vessel for services performed on or after July 1, 1970, upon the request of such owner, operator, or agent, by officers and employees of the Customs Service, by officers and employees of the Immigration and Naturalization Service, by officers and employees (including an independent contractor performing inspectional services) of the Public Health Service, and by officers and employees of the Department of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock ante-meridian on a week day, in connection with the arrival in or departure from the United States of such private aircraft or vessel, shall not exceed \$25.

(b) Notwithstanding any other provision of law, no payment shall be required for services described in subsection (a) if such services are performed on a week day and an officer or employee stationed on his regular tour of duty at the place of arrival or departure is available to perform such services.

(c) Amounts payable for services described in subsection (a) shall be collected by the Department or agency providing the services and shall be deposited into the Treasury of the United States to the credit of the appropriation of that agency charged with the expense of such services.

(d) As used in this section—

(1) the term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) the term "private vessel" means any civilian vessel not being used (A) to transport persons or property for compensation or hire, or (B) in fishing operations or in processing of fish or fish products.

And the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 203. TAX ON TRANSPORTATION OF PERSONS BY AIR.

"(a) **IMPOSITION OF TAX.**—Section 4261 (relating to imposition of tax on transportation of persons by air) is amended to read as follows:

"SEC. 4261. IMPOSITION OF TAX.

"(a) **IN GENERAL.**—There is hereby imposed upon the amount paid for taxable transportation (as defined in section 4262) of any person which begins after June 30, 1970, a tax equal to 8 percent of the amount so paid. In the case of amounts paid outside of the United States for taxable transportation, the tax imposed by this subsection shall apply only if such transportation begins and ends in the United States.

"(b) **SEATS, BERTHS, ETC.**—There is hereby imposed upon the amount paid for seating or sleeping accommodations in connection with transportation which begins after June 30, 1970, and with respect to which a tax is imposed by subsection (a), a tax equal to 8 percent of the amount so paid.

"(c) **USE OF INTERNATIONAL TRAVEL FACILITIES.**—There is hereby imposed a tax of \$3 upon any amount paid (whether within or without the United States) for any transportation of any person by air, if such transportation begins in the United States and begins after June 30, 1970. This subsection shall not apply to any transportation all of which is taxable under subsection (a) (determined without regard to sections 4281 and 4282).

"(d) **BY WHOM PAID.**—Except as provided in section 4263(a), the taxes imposed by this section shall be paid by the person making the payment subject to the tax.

"(e) **REDUCTION, ETC., OF RATES.**—Effective with respect to transportation beginning after June 30, 1980—

"(1) the rate of the taxes imposed by subsections (a) and (b) shall be 5 percent, and

"(2) the tax imposed by subsection (c) shall not apply."

(b) **DEFINITION OF TAXABLE TRANSPORTATION.**—Section 4262 (relating to definition of taxable transportation) is amended—

(1) by striking out "subchapter" in subsections (a) and (b) and inserting in lieu thereof "part";

(2) by striking out "transportation" in subsection (a)(1) and inserting in lieu thereof "transportation by air";

(3) by striking out "in the case of trans-

portation" in subsection (a)(2) and inserting in lieu thereof "in the case of transportation by air";

(4) by striking out "any transportation which" in subsection (b) and inserting in lieu thereof "any transportation by air which"; and

(5) by adding at the end thereof the following new subsection:

"(d) **TRANSPORTATION.**—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service."

(c) **REQUIREMENTS WITH RESPECT TO AIRLINE TICKETS AND ADVERTISING.**—

(1) Subchapter B of chapter 75 (relating to other offenses) is amended by adding at the end thereof the following new section:

"SEC. 7275. PENALTY FOR OFFENSES RELATING TO CERTAIN AIRLINE TICKETS AND ADVERTISING.

"(a) **TICKETS.**—In the case of transportation by air all of which is taxable transportation (as defined in section 4262), the ticket for such transportation—

"(1) shall show the total of (A) the amount paid for such transportation and (B) the taxes imposed by sections 4261 (a) and (b).

"(2) shall not show separately the amount paid for such transportation nor the amount of such taxes, and

"(3) if the ticket shows amounts paid with respect to any segment of such transportation, shall comply with paragraphs (1) and (2) with respect to such segment as well as with respect to the sum of the segments.

"(b) **ADVERTISING.**—In the case of transportation by air all of which is taxable transportation (as defined in section 4262) or would be taxable transportation if section 4262 did not include subsection (b) thereof, any advertising made by or on behalf of any person furnishing such transportation (or offering to arrange such transportation) which states the cost of such transportation shall—

"(1) state such cost only as the total of (A) the amount to be paid for such transportation, and (B) the taxes imposed by sections 4261 (a), (b), and (c), and

"(2) shall not state separately the amount to be paid for such transportation nor the amount of such taxes.

"(c) **Penalty.**—Any person who violates any provision of subsection (a) or (b) is, for each violation, guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100."

(2) The table of sections for such subchapter B is amended by adding at the end thereof the following:

"Sec. 7275. Penalty for offenses relating to certain airline tickets and advertising

And the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with the following amendments:

Page 52, line 17, of the Senate engrossed amendments, strike out "404" and insert: "204"

Page 53, line 5, of the Senate engrossed amendments, strike out "April 30" and insert: "June 30"

Page 55, line 2, of the Senate engrossed amendments, strike out "transportation" and insert: "transportation". And the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "after June 30, 1970;"; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "after June 30, 1970"; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(4) Subparagraph (M) of section 6416(b) (2) (relating to special cases in which tax payments constitute overpayments) is amended to read as follows:

"(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;"

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 206. TAX ON USE OF AIRCRAFT.; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

the rate of—

"(1) \$25, plus

"(2) (A) in the case of an aircraft (other than a turbine engine powered aircraft) having a maximum certificated takeoff weight of more than 2,500 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight, or (B) in the case of any turbine engine powered aircraft, 3½ cents a pound for each pound of the maximum certificated takeoff weight.

And the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(e) TERMINATION.—On and after July 1, 1980, the tax imposed by subsection (a) shall not apply.

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with the following amendments:

Page 60, line 24, of the Senate engrossed amendments, after "with respect to" insert: "that portion of the tax imposed by section 4491 which is determined under section 4491(a) (2) on"

Page 61, line 8, of the Senate engrossed amendments, after "equal to" insert: "that portion of"

Page 61, line 9, of the Senate engrossed amendments after "such year" insert: "which is determined under section 4491(a) (2)"

Page 61, line 16, of the Senate engrossed amendments, after the period insert:

In the case of the year beginning on July 1, 1970, this subsection shall apply only if the person electing to pay the tentative tax establishes what the tentative tax would have been for such year if section 4491 had taken effect on July 1, 1969.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out.

Insert the matter proposed to be inserted.

And on page 65, line 16, of the House engrossed bill before the period insert:

or the amount to which any person is entitled under this section with respect to any period may be treated by such person as an overpayment which may be credited against the tax imposed by section 4491 with respect to such period

And the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with the following amendments:

Page 63, line 14, of the Senate engrossed amendments strike out "407" and insert: "207"

Page 63, line 24, of the Senate engrossed amendments strike out "March 31," and insert: "June 30,"

Page 64, line 13, of the Senate engrossed amendments strike out "March 31," and insert: "June 30,"

Page 65, line 14, of the Senate engrossed amendments strike out "March 31," and insert: "June 30,"

Page 67, strike out lines 22, 23, 24, and 25 of the Senate engrossed amendments and insert:

"(3) Allowance of credit against income tax.—

"For allowance of credit against the income tax imposed by subtitle A for fuel used or resold by the purchaser, see section 39.

Page 70, line 11, of the Senate engrossed amendments strike out "April 1" and insert: "July 1"

Page 70, line 13, of the Senate engrossed amendments strike out "April 1" and insert: "July 1"

Page 70, line 16, of the Senate engrossed amendments strike out "April 1" and insert: "July 1"

Page 70, line 19, of the Senate engrossed amendments strike out "April 1" and insert: "July 1"

Page 72, line 10, of the Senate engrossed amendments strike out "March 31" and insert: "June 30"

Page 73, line 1, of the Senate engrossed amendments strike out "March 31" and insert: "June 30"

And the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "208"; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1980"; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1980"; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagree-

ment to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1970"; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1980"; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1980"; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970"; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following "ending after June 30, 1970, and beginning before July 1, 1980, and attributable to use after June 30, 1970, and before July 1, 1980"; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "208(b)"; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "208(b)(3)"; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "209"; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

Page 75, line 17, of the Senate engrossed amendments strike out "to be assigned" and insert: "to be appropriately assigned"; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "210"; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 211. EFFECTIVE DATES.

"(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this title shall take effect on July 1, 1970.

"(b) EXCEPTIONS.—The amendments made by sections 203 and 204 shall apply to transportation beginning after June 30, 1970. The amendments made by subsections (a), (b), and (c) of section 207 shall apply with respect to taxable years ending after June 30, 1970."

And the Senate agree to the same.

RUSSELL B. LONG,
CLINTON ANDERSON,
ALBERT GORE,
JOHN J. WILLIAMS,
CARL T. CURTIS,

Managers on the Part of the Senate.

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JACKSON E. BETTS,

Managers on the Part of the House.

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. MAGNUSON. Mr. President, I move that the Senate agree to the conference report.

Mr. LONG. Mr. President, we have before us the Airport and Airway Revenue Act of 1970 conference report.

Mr. President, I shall direct my attention primarily to title II of the bill before us today, H.R. 14465, the Airport and Airway Revenue Act of 1970. These provisions provide the revenues to finance most of the expenditures authorized in the first title of the bill.

There is one section in title I, however, under the jurisdiction of the Finance Committee and the Ways and Means Committee.

I am happy to report the House receded and concurred in a Senate amendment which is now section 53 of the bill. This amendment establishes a maximum fee of \$25 for customs overtime services provided private aircraft landing at international airports at unusual hours. Under the Senate amendment and the conference agreement, those aircraft which are usually charged less than \$25 for the cost of servicing their aircraft at irregular hours will continue to pay the lower rates in accordance with the cost of the services rendered. However, those private aircraft owners who have found themselves paying more than \$25, sometimes as much as \$90, for custom services on a Sunday will now pay at a maximum of \$25.

This amendment, coauthored by the chairman of the Commerce Committee, (Mr. MAGNUSON), and the senior Senator from Alaska (Mr. STEVENS), was supported by the Treasury Department and it should relieve private aircraft owners of a financial burden which they now are carrying. It is especially helpful to those returning from Canada or Mexico on a Sunday or holiday.

Mr. President, let me now summarize

briefly the conference action on the revenue-raising provisions of H.R. 14465.

First, let me turn to the tax on air passenger travel. The conference adopted the House 8-percent tax on passengers, rather than the Senate tax on the airlines with the provision enabling CAB to pass the tax on to the passengers. However, the conference accepted the general intent of the Senate's tax on the airlines by stating that the airlines, and also the travel agents, in the case of travel all of which is subject to the 8-percent domestic tax are to show on the ticket only the total ticket price, including the 8-percent tax. In the case of advertising also the price shown must include the entire tax in the case of domestic transportation and must not contain a separate listing of the fare or tax. These measures will give assurance that the public will know the total airfare for a particular domestic flight and not be misled into assuming that the fare alone represents the total cost. It also will mean that passengers, upon arriving at the ticket counter will not have to wait in line while separate computations of tax and fare are made. These requirements as to inclusion of the tax do not apply to the new \$3 per person tax on international flights or to any travel involving foreign transportation.

The House also accepted the Senate provision of allowing no exemptions from the aviation user taxes. The House version of the bill had provided exemptions for transportation furnished to the Red Cross and international organizations. Thus, all users of civil aviation will pay their share of Federal aviation user taxes when they utilize the airport and airway facilities.

Second, with respect to the cargo tax on airfreight transportation, the conference accepted the Senate version, which provided three very limited exemptions. Exemptions from the cargo tax are provided for charges: First, for excess baggage; second, for the portion of flights to or from Alaska and Hawaii to the extent not over U.S. territory; and, third, for imported airfreight. In the case of imported airfreight, the conferees were unable to devise a satisfactory method of assessing and collecting a cargo tax on imported freight, and as a result it was decided, for the present, to forgo the imposition of a tax on imported freight but to keep this problem under observation should it become a serious competitive problem at any time in the future. I should also point out that both the House and Senate versions had exempted exported freight from the cargo tax.

Third, the conference adopted the House-passed 7-cents-a-gallon tax on aviation fuel used by general aviation, instead of the 6-cents-a-gallon tax as passed by the Senate.

The conferees took this action only after carefully considering the proportion of the total tax burden which would be borne by commercial aviation versus that borne by general aviation. Under the House bill, general aviation in 1971 would have borne 9.2 percent of the total tax burden and by 1980 this would have decreased to 6 percent. Relative to the administration proposal that general avi-

ation bear 11 percent of the burden, the House version looks favorable to general aviation. However, under the version adopted by the Senate, general aviation would have borne only 7.2 percent of the tax in 1971 and 4.7 percent in 1980. The action taken by the conferees represents a compromise between the House and Senate versions. In 1971, the percentage of the total tax borne by general aviation under the conference action will be 8.8 percent and by 1980 this will have decreased to 5.8 percent. While the conferees accepted the House tax rate on the fuel tax, as I will disclose in just a few minutes, it adopted some of the Senate amendments on the annual use tax which have the effect of decreasing below the House version the proportion of the total tax burden borne by general aviation.

Fourth, in the case of the annual aircraft use tax, the conference accepted largely the Senate provision. While the conference retained the basic \$25-per-plane tax of the House bill, more significantly, it accepted the Senate's idea of an exemption from the poundage portion of the use tax for small aircraft. The form of the exemption was modified, however, to base the exemption on weight rather than seating capacity. Under the conference action an exemption was provided for piston engine powered aircraft with a "maximum certificated takeoff weight" of 2,500 pounds or less. This will relieve 60 percent of general aviation aircraft from the poundage portion of the use tax. It was felt that an exemption based upon gross takeoff weight would be easier to administer by the Federal Aviation Administration. A poundage exemption also precludes the possibility of an exemption for certain large and more expensive aircraft simply because they happen to have a maximum seating capacity of four or less.

Fifth, the conference accepted the Senate amendments providing a termination date of June 30, 1980—for the increases in aviation user taxes provided by this bill and also for the termination of the new airport and airway trust fund. This will provide Congress an opportunity to review the entire Federal airport and airway program. I might point out that this is consistent with the highway trust funds which also has a termination date.

Finally, Mr. President, the conference adopted July 1, 1970, as the effective date for the new and increased aviation user taxes.

As approved by the conference, the revenue provisions of H.R. 14465 will provide aviation user tax revenues of \$665.8 million for fiscal 1971, or \$322 million above existing law aviation taxes. By fiscal 1980, the aviation user taxes are expected to yield \$1.8 billion, or almost twice the level of the projected revenue of \$927 million from existing law aviation taxes.

I ask unanimous consent that a summary table giving a comparison of the estimated revenues under the House, Senate, and conference versions of the bill be inserted at this point in the RECORD.

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

TABLE 1.—SUMMARY COMPARISON OF ESTIMATED AVIATION USER TAX REVENUES, H.R. 14465—HOUSE, SENATE, AND CONFERENCE VERSIONS, FISCAL YEARS 1971-74 AND 1979-80

(In millions of dollars)

	1971	1972	1973	1974	1979	1980		1971	1972	1973	1974	1979	1980
A. As passed by the House:													
Total.....	674.5	747.8	834.4	930.8	1,626.0	1,813.3							
Passenger ticket tax, 8 percent.....	526.2	584.4	653.5	731.7	1,293.2	1,444.2	Fuel tax, 6 cents a gallon ¹	40.4	43.6	47.2	50.7	69.4	73.2
Waybill tax, 5 percent.....	42.9	48.9	56.1	63.3	134.3	157.6	International flight tax, \$3.....	28.4	31.2	35.0	39.6	68.4	74.5
Fuel tax, 7 cents a gallon ¹	47.2	50.9	55.1	59.2	81.0	85.4	Aircraft use tax ²	19.2	20.9	22.6	24.4	33.0	34.9
International flight tax, \$3.....	28.4	31.2	35.0	39.6	68.4	74.5	Taxes on tires and tubes.....	3.0	3.2	3.3	3.5	5.0	5.3
Aircraft use tax ²	26.8	29.2	31.4	33.5	44.1	46.3							
Taxes on tires and tubes.....	3.0	3.2	3.3	3.5	5.0	5.3	C. As approved by the Conference:						
							Total.....	665.8	738.0	823.8	919.1	1,605.6	1,790.1
B. As passed by the Senate:							Passenger ticket tax, 8 percent.....	526.2	584.4	653.5	731.7	1,293.2	1,444.2
Total.....	661.7	733.9	819.4	915.1	1,604.0	1,789.7	Waybill tax, 5 percent.....	37.4	42.7	49.0	55.3	117.6	138.1
Passenger tax ³	533.3	592.3	662.3	741.6	1,310.6	1,463.7	Fuel tax, 7 cents a gallon ¹	47.2	50.9	55.1	59.2	81.0	85.4
Waybill tax, 5 percent ⁴	37.4	42.7	49.0	55.3	117.6	138.1	International flight tax, \$3.....	28.4	31.2	35.0	39.6	68.4	74.5
							Aircraft use tax ²	23.6	25.6	27.9	29.8	40.4	42.6
							Taxes on tires and tubes.....	3.0	3.2	3.3	3.5	5.0	5.3

¹ General aviation aircraft.
² Annual use tax of \$25 for all aircraft plus 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft.

³ Tax of 7.5 percent of air fare, imposed on airline; assumes full tax is passed on and included in the ticket price.

⁴ Revised. Exempts charges for portion of flights to or from Alaska and Hawaii not over U.S. territory, excess baggage, and imported freight.

⁵ Annual use tax of 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft with seating capacity of 4 adults or less.

⁶ Annual use tax of \$25 for all aircraft plus 2 cents a pound for piston-engine aircraft of more than 2,500 pounds maximum certificated takeoff weight and 3½ cents a pound for turbine-engine aircraft.

Source: Department of Transportation, Federal Aviation Administration, Office of Aviation Economics.

Mr. LONG. Mr. President, I urge approval of this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Nevada (Mr. CANNON).

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

STATEMENT BY SENATOR CANNON

Mr. CANNON. Mr. President, I am deeply disappointed that the Conference on the taxation provisions of the Airport/Airways legislation did not follow the Senate amendments on the general aviation fuel tax, and on the annual registration fee.

We of the Commerce Committee worked hard for these amendments. We agreed on a 6¢ fuel tax and the Senate agreed with us. State taxes on aviation fuel already range as high as 8¢ per gallon, and more states are looking into this source of revenue. We are putting too large a burden on the private pilot.

As to the annual registration fee, I had hoped the exemption to general aviation would also be adopted by the Conference, but unfortunately, the Senate receded.

So I am concerned about what we may be doing to our private pilot friends. A fuel tax, a yearly registration fee, pretty soon transponders to go into our larger airports, all this with the states rushing to raise their taxes.

As I stated, I am indeed sorry our Conferees did not approve the Senate Amendments.

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

Mr. LONG. I yield.

Mr. DOMINICK. Mr. President, the Senator will recall that one of the amendments I offered, and which was agreed to by the Senate on a rollcall vote, struck out the \$25 annual registration fee. Do I understand the conferees retained that amendment and that no longer do we have an annual registration fee?

Mr. LONG. The \$25 registration fee would continue but I am happy to say we were able to prevail with regard to the poundage tax on smaller airplanes, in which the Senator was interested. The poundage tax would not apply to any piston engine powered airplane weighing 2,500 pounds or less.

That is 60 percent of all general aviation airplanes. I am happy to report that, at least with respect to that part of it, we were successful in retaining the concept for which the Senator from

Colorado labored and as to which he prevailed on the floor. I regret that we were not able to prevail with regard to the \$25 registration fee; but, in terms of dollars, the latter provision is a much larger item, involving an estimated \$3.6 million in 1971 and \$5.7 million in 1980.

Mr. DOMINICK. I had not understood that. The \$25 annual registration fee, on which we had a rollcall vote, was really a nuisance tax as opposed to anything else, as I pointed out. Do I understand that that provision has been put back in the bill at the insistence of the House?

Mr. LONG. The House insisted on it. As the Senator knows, the House adopted the \$25 registration fee. It was the Senator's amendment that struck the matter on the floor.

Mr. DOMINICK. That is correct.

Mr. LONG. We tried to prevail in that. The House conferees were rather adamant with respect to it. They would not yield on it, although they were willing to concede to us what I believe is a major item, in terms of money, affecting owners of smaller airplanes. As I have said, the small aircraft exemption would take the poundage tax off 60 percent of the airplanes used by general aviation.

Mr. DOMINICK. I must say I am glad of the latter part, and I think it is very helpful, but I must also say that the \$25 registration fee will be a concern and be of intense annoyance throughout the whole country. It does not produce any new revenue. Additional personnel will have to be hired and a bureaucracy will have to be established to ascertain whether anybody has paid the fee. In the meantime, there is a requirement of periodic inspection, at least once a year. So there is an inspection of an airplane when it is originally certificated, which goes through its life, and now apparently a \$25 annual fee has to be paid to keep it alive as long as the airplane is around.

Mr. LONG. Of course, it costs \$25 for automobile license tags in some States of the Union, and I believe that is true here in the District of Columbia. What made it difficult was that some persons who were lobbying had indicated that they had great political power and that they were going to bring it to bear on the chairman of the Ways and Means Committee of the House, who had shepherded it through the House. I think

that is the type of challenge on behalf of that kind of man, who is doing yeoman service for the country, which does not make it easier for the Senate's position when we go to the House and try to make the House yield to a Senate amendment.

I want to assure the Senator that we did not yield on this matter lightly; that we really tried to prevail on it; and it was only when we became convinced that we could not prevail on this item that we finally yielded.

I commend the Senator for his great fight, because he is one of the champions for the operators of small airplanes, and the Senator made a magnificent fight. Well do I know that, because he won, and I, as manager of the bill, lost, on the floor.

Mr. DOMINICK. I thank the Senator. I know that even though the Senator from Louisiana may not be in favor of an amendment, he fights for it when the Senate adopts it.

Mr. LONG. Yielding on that amendment made the House conferees drop the other part of the bill which would have put a heavier tax on the airplanes. The fact that the Senate conferees had to yield on that amendment strengthened their hand in respect to the other part of it that involved these same people—that is, the small aircraft exemption from the poundage tax.

Mr. DOMINICK. I am glad of that. I hope the Senator from Louisiana, as chairman of the Committee on Finance, will take a look at this procedure after it has been in effect a while, because I think he will find that the cost of the added personnel will offset the revenues obtained from the fees. It will not result in added revenue such as would come from automobile fees, because airplanes must be inspected at regular intervals, and so it is highly expensive to comply with the FAA regulations and then have an annual registration fee that is not connected with safety in any way, but which is a harassment—not that the airplane owner cannot pay it. Obviously, if he is flying an airplane, he can afford \$25. However, it is a question of building up a bureaucracy which will not result in any net gain in terms of better airports or facilities. That is the point I make.

I thank the Senator for his fight. I am glad it was effective in reducing the tax on weight.

Mr. LONG. I shall be glad to have a report on that matter. As far as I am concerned, the Senator's amendment is the Senate's position. That is the way the Senate voted. I have no doubt that that is the way the Senate would vote again. If the Senator would like to have it, I will ask for a report on this matter. It might help lead to legislation on which we could agree with regard to what the Senate previously agreed to.

Mr. DOMINICK. I would appreciate it if the chairman of the committee would follow through, because I think the Senator will find that the cost of the number of personnel required to carry out this provision will offset what would be received as a result of the tax.

Mr. LONG. I will be happy to undertake that on behalf of the committee.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. LONG. I yield.

Mr. DOMINICK. The other amendment which was adopted—

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

Mr. DOMINICK. Mr. President, I ask unanimous consent that, under the same conditions, we may proceed for an additional 5 minutes.

Mr. THURMOND. Mr. President, I yielded for only 4 minutes. I have to finish my speech. I shall be glad to yield 3 minutes of additional time, if the Senator can finish in that time.

Mr. DOMINICK. I thank the Senator. I will try to. Perhaps I can put a statement in the Record later which will continue the colloquy.

I offered an amendment to the bill requiring that all new aircraft, when they are manufactured, an x number of months after the enactment of the bill, and all used airplanes—and I am talking about fixed-wing prop airplanes—shall carry a device which will help locate them when they go down, called an emergency locator beacon. To my perfect shock, this proposal was first opposed by the FAA in a memorandum signed by the Secretary of the Department of Transportation. I talked with the Secretary about it. He obviously had never heard of it, so obviously it was an FAA procedure, and not the Secretary's.

Since then we have received assurances from both FAA and the Department of Transportation that they support the concept, which is interesting, since the FAA has opposed it for years, in spite of the fact that it has cost \$8 million for search and find operations. When a person in an airplane goes down, he cannot be found. We do not know where he is. People will get killed searching for him. So here is a simple device, which now does not cost very much, particularly if it is going to be put on every aircraft, which is going to be invaluable to the owner in case of an emergency.

I understand that provision was knocked out of the bill in terms of some kind of study; is that correct?

Mr. LONG. The House was adamant, I am informed, against this amendment, because of the very considerable cost of it; but I will say to the Senator that I

was not a conferee on that part of the bill. That was a part of the bill on which the senior members of the Committee on Commerce conferred. It is my understanding from the chairman of the Committee on Commerce (Mr. MAGNUSON) that he was hopeful that this provision could be agreed to, and he regretted that it could not be. He would support what the Senator wanted to do as separate legislation in the future.

As I understand it, while the amendment has merit, the main reason why it was difficult to get the House conferees to agree to it was the cost. On that particular point, I regret to say I was not in a position to speak for the Senate, and, therefore, I am not as well informed as is the chairman of the Committee on Commerce.

Mr. DOMINICK. I can understand that, and I am sorry.

Mr. LONG. He told me he regretted that he could not prevail on this particular item of which the Senator had won approval, I believe both in the committee and on the floor, and that he hoped that at a future date that we could again act favorably on this measure.

Mr. DOMINICK. I thank the Senator, and I certainly hope we can get moving on it.

For the record, the costs the Senator refers to are original owners' costs. There is no cost as far as the taxpayer is concerned in connection with the amendment.

Mr. COTTON. Mr. President, I wish to join with the distinguished chairman of our Committee on Commerce, Senator MAGNUSON, and the distinguished vice chairman of our Aviation Subcommittee, Senator CANNON, in urging the adoption by the Senate of the conference report on H.R. 14465—the Airport and Airway Development Act of 1970. Mr. President, it is the personal opinion of the senior Senator from New Hampshire that this legislation is the single most important bill to have been acted upon by our Committee on Commerce. It serves to lay the cornerstone to meet our aviation needs for the 1970's and beyond. It provides the legislative formula and requisite financing for the development of our airports and airways in the several States of this Nation.

Mr. President, in this connection I would like to point out that with respect to such development, section 14 of title I provides the general authority and section 15 of the same title, the specific distribution of funds with regard to State apportionments. In both sections, there is terminology concerning "airports served by air carriers certificated by the Civil Aeronautics Board." The senior Senator from New Hampshire has been assured by the managers on the part of the House that in their statement there will be clarification of this quoted terminology to make it crystal clear that the intent of the committee of conference was that an airport sponsor would be eligible for such apportionment if the particular airport serves a point on the route of an air carrier certificated by the Civil Aeronautics Board, including those airports where the certificated carrier may have been authorized by the Board

to suspend its scheduled service subject to substitute service being furnished by a carrier exempt from certification, such as is the case with an air taxi operator. This intent, Mr. President, is of considerable importance to such States as my own where service by carriers certificated by the Civil Aeronautics Board has been replaced by service by air carriers providing scheduled substitute service, but which carriers are not required to be certificated by the Civil Aeronautics Board. It is the hope of this Senator that the Secretary of Transportation, in the administration of such provisions of the Airport and Airway Development Act of 1970, will take cognizance of, and abide by, this expressed intention on the part of the committee of conference.

Mr. President, I should like to make one further observation on the report of the committee of conference on H.R. 14465 with respect to the funding levels of the program and related features.

These provisions are to be found in section 14 of the first title of the bill dealing with the program aspects. As passed by the House the bill would have established a 3-year program; as passed by the Senate, a 10-year program. The committee of conference resolved the differences by striking a compromise 5-year program but essentially adopting the enumeration of the Senate version. On this point the Secretary of Transportation, by letter of March 17, 1970, to the distinguished chairman of our Committee on Commerce, expressed some reservations concerning the appearance in this section of establishing priorities for the use of the newly created trust fund moneys. For example, the Secretary expressed some concern that he might be required to spend the first \$250 million for airport development; the second, for airways facilities before he, the Secretary, could make expenditures in other vital areas. The net effect would be a limitation on the flexibility of the Secretary's use of trust fund receipts.

Mr. President, the senior Senator from New Hampshire would like to make two points in this regard. First, the use of trust fund moneys was not a matter at issue in the conference between the respective Commerce Committees of both Houses but rather one before the conference of the Senate Finance Committee and the House Ways and Means Committee since the title dealing with financing establishes a trust fund and specifies expenditures which may be made from it. The second point, Mr. President, is that the use of trust fund moneys is subject to annual appropriations by the Congress. It, therefore, is for the Appropriations Committee of the respective Houses to review this program and through appropriations acts establish the necessary priorities.

In conclusion, Mr. President, H.R. 14465—the Airport and Airways Development Act of 1970—is directed toward the development of a safe system for the American traveling public. Safety, therefore, is the keynote and guiding principle for the implementation of this act and I would hope that with this in mind the Secretary of Transportation will administer the act with the requisite authority to insure the safe travel of our

citizens in the airways and at the airports of our Nation.

Mr. President, subject to the foregoing observations, I urge without reservation the adoption by the Senate of the report of the committee of conference on H.R. 14465 and extend my personal congratulations to the President and our distinguished Secretary of Transportation on a job well done in proposing and advancing this legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the report was agreed to.

Mr. DOMINICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VIEWS OF KENNETH CRAWFORD ON CLEANING OUT CAMBODIAN SANCTUARIES

Mr. ALLOTT. Mr. President, the May 11 issue of Newsweek contained a most valuable column by Kenneth Crawford, an able student of American foreign policy.

It is Mr. Crawford's considered judgment that President Nixon's decision with regard to cleaning out the Cambodian sanctuaries is deserving of the highest praise.

I ask unanimous consent that this column be printed in the RECORD.

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

[From the Newsweek, May 11, 1970]

PROFILE IN COURAGE

(By Kenneth Crawford)

"To save mankind's future freedom, we must face up to any risk that is necessary. We will always seek peace—but we will never surrender . . . We are Americans, determined to defend the frontiers of freedom . . ."

This is a quotation not from President Richard M. Nixon's televised announcement last week that American and South Vietnamese troops had crossed into Cambodian territory but from a speech President John F. Kennedy delivered in November 1961.

Mr. Nixon paraphrased it and made it his own. Moreover, he set the words to the awesome music of hazardous action. What for President Kennedy had been only inspirational oratory was for President Nixon a solemn commitment already being carried out. After ten years, 40,000 killed-in-action casualties and \$100 billion invested, Mr. Nixon was trying by bold military maneuver to bring to a reasonably acceptable conclusion a war Kennedy had tentatively joined by sending American soldiers and equipment to the South Vietnamese.

Some of Kennedy's posthumous interpreters have insisted that, had he lived, he would have refused to escalate American intervention in the Vietnamese war. This is necessarily a guess. There is as much reason to guess that he would have admired what Mr. Nixon has now done. It has in it the stuff celebrated by his book "Profiles in Courage." An American statesman has again done what he thinks right in the face of opposition both formidable and determined.

PREDICAMENT

This was Mr. Nixon's predicament: he had promised to wind down the war and bring American troops home as rapidly as prudent.

This promise, and evidence that it was being carried out, had quieted opposition to the war. But impatience with the continued fighting and the weekly casualty figures was growing. Polls showed that both support of the war and of the President himself were suffering attrition. Reasonable critics of Administration policy were asking the pertinent question: "If we couldn't bring the enemy to terms while escalating how could we hope to do it by de-escalating?" Vietnamization was not a wholly persuasive answer.

Military realists recognized that the North Vietnamese and Viet Cong sanctuaries in Cambodia had become, especially after the Communists' Tet disaster in 1968, the key to the enemy's durability. Yet Prince Sihanouk's nominal neutrality and, after his overthrow, the outcry in Congress against "widening the war" seemed to assure continued immunity for the Cambodian hide-outs.

Nobody outside of the innermost White House circle thought Mr. Nixon would dare attack these sanctuaries. For this reason, the Senate Foreign Relations Committee, center of the run-sheep-run game now so popular in Congress, concentrated its attention on ways of preventing the President from arming the Cambodians. Meanwhile he was secretly preparing a far more promising initiative. Secrecy was maintained in the hope of achieving surprise on the battlefield. There was no leakage, and initial surprise apparently was achieved.

COURSE

It was an audacious move. Mr. Nixon knew it would be accepted reluctantly, given the temper of the times, even by a silent majority, and that it would infuriate his Congressional opposition and in all probability add to it. Even so, it seemed doubtful that Congress would go to the length of forbidding him to pursue the course he had chosen. This was one of the many chances he thought worth running. For the alternatives—doing nothing or trying to shore up the weak Cambodian Army—promised only drift and ultimate humiliation.

Now it is up to the soldiers attacking such an exotically named place as the Parrot's Beak and the Fishhook, sites of Communist command headquarters, staging areas and supply dumps. If the operation goes well, the enemy will have suffered his worst defeat of the war and recovery will be difficult, given his already weakened position in South Vietnam. If, on the other hand, the operation goes badly or the enemy merely retreats deeper into Cambodia and regroups rapidly, the gamble will pay off only in small change.

Whatever the outcome, Richard Nixon deserves reappraisal. Skeptics who have said he is a compromiser incapable of standing up to pressure should, but probably won't, recant. Foreign Offices making the same mistake probably will. The effects may reach far beyond Cambodia. Perhaps Kennedy's words live a little.

RAPID TRANSIT PROGRESS

Mr. ALLOTT. Mr. President, I have said many times that the United States ought to look to Western Europe where sound rapid transit progress is swiftly developing.

We hear a good deal of talk these days about new concepts and new modes of transportation. I am a supporter of research and development in new concepts for long distance transportation.

But, as I have often said, I have grave reservations concerning the economic feasibility of some of the new technology in urban transportation. This is simply true because in an urban transportation system frequent stops are required to

make a system viable and convenient. If trains are to stop every four blocks to a mile, then top speeds of over 80 miles an hour are obviously unnecessary.

So, while in America we continue to talk and talk and talk in many of our cities, in Western Europe rapid transit lines are being developed in many major cities.

An excellent presentation by Gunther Gottfeld of the Massachusetts Bay Transportation Authority highlighted these European developments. Mr. Gottfeld's address was delivered to the Joint Rail Transit Conference of the Institute of Rapid Transit of the American Transit Association in Boston on April 22, 1970.

The progress Mr. Gottfeld aptly describes should serve as inspiration to those transit authorities in the United States charged with the responsibility of creating new rapid transit facilities.

Mr. President, I ask unanimous consent that Mr. Gottfeld's remarks be printed in the RECORD at this point.

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

RECENT DEVELOPMENTS IN EUROPEAN RAPID TRANSIT SYSTEMS

(By Gunther M. Gottfeld)

During May, 1969 as part of a trip to London to attend the Congress of the International Union of Public Transport, I had an opportunity to survey a number of rapid transit systems in England, Sweden, Germany, and the Netherlands. This slide presentation is intended to provide highlights of some of the recent developments in European rapid transit systems. Its purpose is not to be an in-depth analysis of any transit system.

The first city to be looked at is Stockholm. Stockholm, the capital of Sweden, has a population of about 1.3 million people in the metropolitan area. Its subway system dates back to 1950, and was developed when auto ownership was only one car for every 26 persons. The geography of the city with its many islands connected by a limited number of bridges, required the development of a rapid transit system at a much earlier date than other cities of comparable size. It was indeed fortunate that the city fathers had such foresight, because auto ownership today has increased to one car for every 3.5 persons, and orderly growth would have been impossible without good transit. At the present time there are 40 route miles in operation. The existing system adequately serves the city, and carries about 600,000 passengers on an average weekday. Construction is now underway to add 40 additional miles of lines, mostly in growing suburban areas, and to be operational by 1980. The doubling of the Stockholm network to 80 miles in a relatively short time is made possible by grants from the national government, which contributes 95 per cent of the basic construction costs of rapid transit lines. Basic construction consists of most of the fixed costs. It does not include such items as track, power, signalling or rolling stock, which are paid for by the Greater Stockholm Transit Authority.

Recognizing the importance of integrating the automobile with rapid transit, an increasing number of stations have park and ride facilities. Extensions are being built simultaneously with the development of new communities. This policy has been made possible by public ownership of large sections of vacant land which are developed according to a strictly adhered to plan. It assures proper growth and the availability of good public transportation at the time residents move in. One of the outstanding features

of the city's planning is the reserving of open space between rapid transit stations in suburban areas. This buffer zone provides a pleasant contrast to the endless sprawl which is so characteristic of many American suburbs.

Graphics play an important role in station interiors. One of the most attractive artistic decorations is the large enamel painting measuring 3000 square feet at station Malarhojden. Many of the newer stations have such graphics designed by leading Swedish artists and architects.

In addition to the rapid transit system, electrified suburban rail service was recently inaugurated between Stockholm and outer suburban points up to 30 miles away. The new trains are of an advanced design with a high rate of acceleration and deceleration, high level platform loading and interiors similar to the subway cars. These commuter trains have replaced many bus routes which used to operate into the center of Stockholm. Buses are now used as feeders to the trains, and their schedules are coordinated to connect with train arrivals and departures.

London has the world's oldest and most extensive underground system in the world. Of special interest today is, of course, the new Victoria Line. This line was built to relieve congestion on other underground lines, and to reduce bus operations in Central London which are costly to operate and subject to numerous traffic delays. The new tube provides a faster and more direct route to the West End in Central London. Construction began in 1962 and completed in early 1969. The line was built entirely by shield driven tunnelling through London's clay. The present route extends for 10½ miles from Walthamstow Central in the northern part of London to Victoria Station in downtown London. An additional 3½ miles are under construction from Victoria to Brixton, and this extension is expected to be completed in 1972.

The Victoria Line features a number of technological developments.

AUTOMATIC TRAIN OPERATION

The motorman starts the train by pushing two buttons and the train moves automatically at speeds controlled by the signalling system, and also slows down and stops automatically. The opening and closing of doors is done manually by the motorman with the aid of a closed circuit television screen located at the front of the station opposite the motorman's cab. Trains are of eight cars, and operated by one man.

ELECTRONIC FARE COLLECTION

London Transport has a graduated fare system based on the length of journey. As a result of this system, it is necessary to have both entrance and exit controls for fare payment, and this of course requires substantial personnel when handled manually. The Victoria Line is the first one on the London Transport system to be fully equipped with electronic fare collection equipment, which reduces but does not eliminate station personnel. The system works as follows:

1. Passenger purchases a ticket from proper vending machine. Each machine has tickets of a certain value and lists the stations which can be reached for that price. If a journey is to be made for which a ticket cannot be purchased from a machine, the passenger must then buy his ticket from the collector.

2. Passenger inserts magnetically coded ticket into gate and this permits entry into station area.

3. Passenger exiting inserts ticket into exit gate; ticket is swallowed by the machine, and gate opens to permit passenger to exit.

CROSS PLATFORM TRANSFER TO OTHER UNDERGROUND LINES

Four of the Victoria Line stations have cross platforms to enable passengers to trans-

fer to other underground lines at the same level. This is one of the outstanding features of the new line, because of the large number of Victoria Line passengers originating on other underground lines.

Germany has created what we could call a transportation trust fund. In January 1967, gasoline and diesel fuel taxes were increased by three cents per gallon to be placed in a special fund to pay for improved transportation. Sixty per cent of this additional tax is spent for new highways and 40 per cent for mass transit. Except for Berlin, which is a special situation, the funds earmarked for transit are used to pay 50 per cent of the capital costs, and local governments contribute the remaining 50 per cent. This new source of money has permitted an acceleration of rapid transit construction in Germany. Prior to 1968, Berlin and Hamburg were the only German cities to have subways. Since then Frankfurt and Cologne have been added to this list, and new systems are under construction in eight cities, including Munich, Essen, Dortmund, Stuttgart, Hanover, Nuremberg, Dusseldorf, and Bremen. It is ironic that Germany's rapid motorization is actually helping mass transit because of increasing gas tax revenue being placed into the special fund.

Berlin, as we all know, is divided into two sectors—West and East. The subway system serves both, although it is no longer possible to ride between West and East Berlin. At the end of World War II, Berlin's subway network consisted of 51 route miles. Since 1956, an additional 15 miles have been completed, and 14 miles are under construction. By 1975, the system will have grown from 51 to 80 miles, an increase of 57 per cent. All of the postwar construction has taken place in West Berlin, and it is now 40 years since the last extension opened in what is now East Berlin.

Most of the system has been built by cut-and-cover, which is relatively easy in Berlin because of the sandy subsoil and wide streets. Berlin now spends about \$23 million annually for subway construction. This amount is sufficient to increase the network by an average rate of two miles each year. There are two sources of funds:

1. Loans from the German Federal Republic as part of a subsidy to Berlin, because the city cannot be self-supporting.

2. Grants financed by motor vehicle fuel taxes, as previously explained.

Berlin is noted for having exceptionally quiet subway trains. A study made by Operations Research, Inc. a few years ago concluded that Berlin had the lowest noise level of any subway system in the world. There are two major reasons for this. First, the truck of the car is built in such a manner that two steel surfaces never touch, but are separated by vulcanized rubber. Secondly, the track area is heavily ballasted, cushioning exterior noise and vibrations.

Although its subway stations are not as colorful as in Stockholm, the new extension to Mariendorf does include one station with a very attractive display area for chinaware. One of the extensions under construction is to serve a new residential area called Rudow. This large area at the outer edge of the city near the border with East Germany, was vacant until recently. Now high rise apartments are under construction, and the new subway will be ready for its residents in 1972.

Hamburg is Germany's chief port city. A few years ago a new Authority, known as the Hamburger Verkehrsverbund was created to coordinate and integrate public transportation in the Hamburg region. The Authority is a policy making organization. It does not operate any service directly. This function continues to be handled by the nine transit systems, but under supervision of the regional body.

There are two rapid transit systems in Hamburg. The U-Bahn is the city subway operated by the Hamburg Elevated Railway Company. The S-Bahn is the suburban com-

muter system operated by the German Federal Railways. The new Authority has established a uniform fare structure, based on zones, which makes it possible to transfer between U-Bahn, S-Bahn, and feeder buses without paying separate fares. Buses are now used as feeders to the S-Bahn in addition to the subways in order that rail transit provide the principal means of transportation. These changes have reversed a ten year decline in riding, which was caused by the large increase in automobile ownership.

The rail systems have expanded. Since 1955, 14 miles of subway have been or are nearing completion. The commuter rail system has been expanded by electrifying 38 miles previously operated by steam or diesel, and a four mile downtown distribution subway is being built. When the present construction is completed in 1975, Hamburg will have 56 miles of subway and 55 miles of electrified suburban railways.

Frankfurt is probably Germany's leading commercial center. Although the population is only 700,000, there are 200,000 jobs in the central business area. Its rapid transit is recent, dating back to only October 1968. The initial line is 5.6 miles long, of which 2.5 miles are in subway and 3.1 miles on surface rights-of-way. It provides a link between downtown and a new community in the northwestern part of the city. In addition to the single rapid transit line operated with rapid transit cars, three suburban surface car lines also run in the new subway. These lines are operated with modern articulated cars which have been rebuilt to permit high level loading in the subway. About 74,000 riders use the new subway on an average weekday.

As was mentioned earlier, Frankfurt has a large central area employment. Many of these jobs are held by commuters living in outlying areas. Thus in addition to building subways, a new suburban electric rail network to be known as the S-Bahn, similar to the one in Hamburg, is now being built. This network will serve communities between 9 and 25 miles from the center. Travel times will be reduced by as much as one-third, and the new rolling stock will travel at speeds up to 75 miles per hour. A 3.8 mile downtown distribution tunnel is under construction for this system, part of which will be shared with the city subway on separate tracks. At the two major downtown stations, a cross platform transfer will be possible between the two systems.

Cologne recently opened a one-mile section of subway in the downtown area which is used by four surface car lines. New three-section articulated cars have been purchased for the subway-surface routes. These cars have a capacity of over 200 passengers, and are operated by one man. Extensions are now under construction, which will be opened in stages in the early 1970's.

Rotterdam has become the world's busiest seaport, replacing New York in total gross tonnage handled. As part of an overall plan to facilitate port development, all vehicular, rail and transit movements across the Maas River, the principal waterway in Rotterdam, will eventually be placed in tunnels, replacing the existing bridges. The construction of the subway was the first major step toward goal.

The Rotterdam subway must surely represent one of the great engineering feats in rapid transit construction. The city is under sea level, and hence conventional cut-and-cover was out of the question. As soon as the ground is excavated to a depth of one and one-half feet, the water table is reached. Hence, it was decided to convert two of the city's major streets into temporary canals. Prefabricated sections of tunnel were built in a shipyard, floated down the "canal," and sunk into position. The street was then restored. Rotterdam is fortunate to have wide streets, as this principle could not have worked on a narrow street without extensive

demolition of property. A tunnel was built under the Maas River using the same sunken tube method. After crossing the river, the line is built on a modern concrete aerial structure, similar to the BART structures. The present four mile line began in March, 1968, and riding has exceeded all expectations. An extension from the outer terminal on aerial structure is under construction, which will more than double the length of the present line. Part of this will be opened next year.

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

Mr. ALLOTT. I am happy to yield to the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I wish to congratulate the Senator for his work in helping those of us who live in urban transportation corridors of population density around the country and for his efforts to help make life a little more agreeable for people in these areas.

I think the Senator from Colorado is correct in saying that new means of transportation are going to come, but in the meantime we must not forget the old means of transportation. While the Senator stresses the importance of the interurban systems or transportation systems within cities, we should not forget what we have developed around the country and what we can do now. In our megalopolises the steel wheels of railroads can exercise the same role as the subways in our major cities.

The difficulty with the concept the Senator has been pushing in his work is that while we may get those systems running in the years ahead, we can too easily forget what must be done in the meantime. If we can do what has been done in Europe and in Japan to give clean, light, and punctual transportation, it would mean a great savings to many people in this country.

Mr. ALLOTT. I thank the distinguished Senator from Rhode Island. He is entirely correct. We do not need speeds of 200 miles an hour to serve a mass transportation system in a city. The speeds I spoke of are adequate with the existing technology we have insofar as existing railroads are concerned and even if existing equipment were operated in a way and manner that they were clean and had schedules which could assure people of their utilization.

We talk about the corridor systems such as the Boston to Richmond corridor and we talk about higher speeds. This is a separate problem, at least the speed to be used and which will be needed in the future. However, to deal with the greater problem, we do not need that speed.

Mr. PELL. It is a different dimension of the same problem because the Boston to Richmond corridor or the Boston to Washington corridor is one city. High speeds would be necessary, just as they should be integrated in local systems. The thought occurs to me that it is really two dimensions of the same problem.

Mr. ALLOTT. It is two dimensions of the same problem. Speaking of the second phase of it, I am speaking of the period I think is coming in America when the airways are simply going to be too crowded to accommodate the necessary transportation in distances of 200 to 300 miles; but by the same token we have no

rail service. It is being rapidly diminished.

I hope that in the future the high speed rapid test center and things of that sort will lead to the opening of the eyes of some of the rail people to the needs of this country as they have developed now and will be. We are 5 to 10 years behind.

Mr. PELL. The odd thing is that 75 percent of our urban population live within the 15 corridors that now exist. We in the Northeast are only one corridor, but there are other corridors with which the Senator is more familiar than I, where these problems will be just as acute in 20 to 30 years from now as they are now.

Mr. ALLOTT. The Senator is correct, and I do not think they will have to wait 20 to 30 years.

I thank the Senator for his contribution.

OVERWHELMING SUPPORT FOR PRESIDENT NIXON'S POLICIES IN SOUTHEAST ASIA

Mr. ALLOTT. Mr. President, every major poll which has been taken indicates overwhelming support for President Nixon's policies in Southeast Asia.

Although many of the large daily papers, major television stations and networks have been critical of the President, I think Senators will be interested in the kind of support Mr. Nixon is continuing to receive from respected and established newspapers and radio stations throughout mid-America.

An excellent example of this support can be found in the editorial broadcast over KREX, one of the few 50,000 watt radio stations in the West, and KREX television, a major television outlet on Colorado's western slope. This editorial delivered by Rex Howell expresses vigorous and determined support for our President and our Nation.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD at this point.

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

OVERWHELMING SUPPORT FOR PRESIDENT NIXON'S POLICIES IN SOUTHEAST ASIA

The President of the United States has used this medium to inform the American people of the steps being taken in Cambodia, which the President believes are essential if America is to remain an undefeated world power.

This same medium is quickly being used by the political detractors of the President in an effort to instill doubts, fear and distrust in what the President has told us. We believe our President, we have faith in his integrity, and we decry the actions of those who seem to put politics above the vital interest of the nation.

President Nixon reached his decision after weeks of careful and prayerful study. His detractors did not bother to study the President's message, but rather went into "instant analysis" which is a word for predetermined adverse judgment, crystallized opinion based upon political emotionalism.

The President is used to harsh and critical judgments, nevertheless this must be a day of great discomfort to him as his critics scream invectives and accuse him of "madness."

Wouldn't this be a good time for those of us who believe and trust our President and

who are concerned more about the future of America than we are in partisan political battles to express ourselves? Is this not the time for we of the great silent majority to break our silence and express our support for President Nixon? If you agree with the President, why don't you compose a simple telegram or letter . . . right now . . . expressing your support?

We forgot partisan politics and all fought the enemy together in World War II and we were an invincible force! Today we face an enemy whose insidious force has reached within our country to create dissension and doubt. This is the enemy's greatest strength today . . . his ability to divide us into a state of constant turmoil and indecisiveness . . . the method which the enemy confidently expects to render us impotent as a nation.

Now is the time to unite . . . Democrats . . . Republicans . . . whatever our minor variations of political philosophy may be . . . the strength of our nation is far more important!

Let's all write or wire the President today giving him our support and let us in our prayers ask that Divine Guidance be with our nation and its leaders.

CARLOS VILLARREAL ARTICLE "TRANSIT ON THE MOVE"

Mr. ALLOTT. Mr. President, over the years I have had a great deal to say about the Urban Mass Transportation Administration and its various programs. Some newspapers have described me as a critic of the program.

To a limited extent I might be so described, as I have been most disturbed by some of the Administration's programs and policies in research development and demonstrations in past years. However, Mr. President, I have always had the highest praise for the capital grant program which is so ably executed by Mr. William B. Hurd, Assistant UMTA Administrator.

Because of my long support for the capital grant program, I was particularly pleased to read an article entitled, "Transit on the Move—The Federal Capital Grant Program," in the April 1970, issue of Modern Railroads.

The article is written by UMTA Administrator Carlos Villarreal. Mr. Villarreal, more than any previous Administrator, has demonstrated his grasp of the true value of the capital grant program in the total urban transportation picture. Mr. Villarreal has set about the difficult task of at least formulating UMTA policy so that research and development and demonstration projects will eventually lead directly to capital grant projects.

In this article Mr. Villarreal explains how the grant program has been, is being, and will be used by UMTA. I believe Mr. Villarreal has taken great steps forward in making UMTA a truly progressive and viable administration. I commend his remarks to the Senate because this article is an excellent example of how Mr. Villarreal and Transportation Secretary Volpe are helping to remake and reshape America's transportation policies for the better.

Mr. President, I ask unanimous consent that the article by Mr. Villarreal be printed in the RECORD at this point.

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

TRANSIT ON THE MOVE

(By Carlos Villarreal)

The beginning of a new decade traditionally heralds new goals for the years ahead. So this is a good time to look at public transportation.

Improved public transportation, long sought by the weary, abused commuter, has become a national goal for the Seventies. At long last, better rapid transit, better commuter railroad service, and better bus systems are on the way.

We need to proceed with restoration of the environment, control of pollution, rebuilding of our cities and development of new towns. Such traditional objectives as the advancement of science and education and the further application of our considerable technology toward achievement of the good life will continue to receive attention. But all agree we have neglected the user of public transit, and that, during the Seventies, we are going to do significant things about it. What is that we are going to do?

President Nixon has focused national policy and attention on the environment and the imperative to improve the quality of life in America. Public transportation has a high priority in the Seventies. Because the President sees and understands its special impact on our cities, because Secretary of Transportation John A. Volpe believes that the mobility of those who live and work in our urban areas is the first priority of his Department, Congress is being asked to commit resources commensurate with this national priority. There is every indication it will.

There is no longer any doubt about the need for transit improvements. The question for the Seventies is: How do we achieve this national goal?

Secretary Volpe had a reputation for getting things done while he was Governor of Massachusetts, and he is getting things done in transit. My Administration—the Urban Mass Transportation Administration—is responsible for assisting state and local governments in the development and improvement of bus, subway, rapid transit, and commuter systems, so as to bring them into balance with our extensive and continuing investments in our highway and street system, which has in many cases been wholly oriented toward the convenience of the individual automobilist. Our cities, and the people who live and work in them are fortunate that President Nixon and Secretary Volpe are providing such strong national leadership to this program.

The cost will be high. We asked the Institute of Public Transportation to estimate the national requirements for urban transit equipment and facilities over the coming decade. The answer: from \$28 to \$34 billion.

President Nixon's Public Transportation Assistance Bill, now before Congress, provides for a \$10 billion, twelve-year Federal commitment to urban transportation. In his Public Transportation message to Congress, President Nixon said, "Public transportation has suffered from years of neglect in America. In the last 30 years urban transportation systems have experienced a cycle of increasing costs, decreasing funds for replacements, cutbacks in service, and decrease in passengers."

MASS TRANSIT HAS HIGH PRIORITY

Secretary Volpe considers the Public Transportation Assistance Bill a top priority, if not the foremost interest, of his office. He refers to the legislation, and to the need for adequate public transportation, in almost every address he makes.

Last autumn in Los Angeles, the Secretary told the annual meeting of the American Society of Mechanical Engineers, "The . . . Bill could do more to restore and revitalize urban America than any other piece of legislation in the last 20 years."

Three months later, he told the annual meeting of the Central Richmond (Virginia) Association: "(Passage of the Bill) will mean

that for the first time we shall be able to apply to public transit the same advanced technology and imaginative thinking that we used in the space program."

The Secretary also plans to apply the urban transportation program toward solving other of our nation's ills. In January, he told the Subcommittee on Energy, Natural Resources and Environment of the Senate Commerce Committee, "I intend to use our Urban Mass Transportation Program as a major element in the fight against pollution."

After nearly two generations of debate, wrangling, and endless discussion of many schemes, it is now obvious that America needs cars and highways and public transportation. Not one. Not the other. Both.

The cost of public transportation is, however, beyond the means of local government, just as the cost of major urban and inter-urban highways is beyond local tax resources. President Nixon said, "Local governments, faced with demands for many pressing public services and with an inadequate financial base, have been unable to provide sufficient assistance."

Nor is transit just a big city problem. The President recognizes this clearly. "This is not a problem peculiar to our largest cities alone. Indeed, many of our small and medium-sized communities have seen their bus transportation systems simply close down. When the Nation realized the importance and need for improved highways in the last decade, the Congress responded with the Highway Act of 1956. The result has been a magnificent federally-aided highway system. But highways are only one element in a national transportation policy. About a quarter of our population lacks access to a car. For these people—especially the poor, the aged, the very young, and the handicapped—adequate public transportation is the only answer."

The answer lies in providing convenient, comfortable, safe, reliable alternatives to the private automobile: new rapid transit lines where they are needed; improvements in our long-neglected commuter railroads; better equipment for our bus lines; shelters from cold, and snow, and rain—or the mid-day sun; exclusive bus-ways to avoid local traffic jams; integrated multimodal terminals and stations.

These facilities can be provided with the help of UMTA's capital grant program. We are able to finance two-thirds of the capital costs of providing the equipment and facilities needed to meet the coming public transportation needs.

The Senate recently passed President Nixon's Public Transportation Assistance Bill. Hearings will be held by the House Banking and Currency Committee this Spring. We hope to have new legislation by the end of this session of the Congress. The Bill now being considered by the Congress authorizes UMTA to incur obligations totaling \$3.1 billion during the next five years to assist state and local governmental units to build and equip new public transportation systems, to extend and rehabilitate old systems, to provide greater mobility in our cities. The requirements that local funds also be available, for one-third of project costs, will result in a total of \$4.6 billion becoming available for new and improved transit services in the first half of the new decade.

The Senate Banking and Currency Committee has documented the needs of our urban rail systems for capital investment during the Seventies. The Committee report on the hearings says, "Unless the Federal Government is prepared to foreclose any support for the capital costs of fixed-rail systems, an estimate of about \$15 billion in total capital requirements for urban public transportation systems over the next decade would seem to be reasonable for policy-making purposes. The condition of the industry points clearly to its inability to meet these needs either from the opening revenues or from new capital raised by the sale of stocks

or bonds. Experienced gained from the ongoing Federal aid program supports the conclusion that the gap between 'gross project costs' and 'net project costs,' or that portion of new capital costs that can be supported from the farebox, is small and rapidly diminishing."

The Congress has accepted this challenge. Senate passage of the Public Transportation Assistance Bill, by a vote of 84 ayes to 4 nays, shows bipartisan support for public transportation—from cities of all sizes across the nation.

HOW UMTA PROVIDES FUNDS

UMTA capital grants are made to state or local public agencies for up to two-thirds of that part of the urban transportation project which cannot reasonably be financed from the farebox. This portion of the cost of a project is what the Urban Mass Transportation Act of 1964 calls "net project cost."

The capital grant program started with the passage of the Urban Mass Transportation Act of 1964. Only demonstration grants were made prior to that time, under authority contained in the Housing Act of 1961. Through December 31, 1969, \$578.4 million of appropriated funds have been committed to 126 capital grant projects.

In the fiscal year ending June 30, 1970, \$132.5 million is available for capital grants; \$176 million will be available in fiscal 1971. If Congress enacts the President's Public Transportation Assistance Bill, \$3.1 billion will be available in the next five years—and a total of \$10 billion by 1982.

Grants under this program make it possible for a community to carry out its long-range plans for improved public transportation. A good example of this is a grant we made in 1964 to the State of New Jersey.

For years, the Central Railroad of New Jersey had operated a ferry link between its Jersey City terminal and Manhattan. The ferries to and from Liberty Street served Jersey Central commuters from the suburbs west of Newark, and New York and Long Branch commuters from the Jersey shore suburbs. The ferry boats were old and slow—on the verge of being condemned under U.S. Coast Guard safety standards—and the service, in any case, was too much of a financial burden for the Jersey Central, despite the State of New Jersey's programs for helping the railroads meet their commuter service deficits.

The State of New Jersey had a plan to meet this dilemma. So in June 1965, one of the first capital grants made under the Urban Mass Transportation Act of 1964 was to help the State of New Jersey implement its "Aldene Plan," named after a junction on the Jersey Central southwest of Newark. The new service went into operation early in 1967.

The Aldene Plan brings Jersey Central and New York and Long Branch trains into Newark's Penn Station, where commuters cross the platform to Port Authority Trans-Hudson (PATH) or Penn Central trains for Manhattan. It eliminates the old ferry service and offers two routes into Manhattan, including a much more convenient ride to mid-town.

The Jersey Central still maintains a shuttle between the new cutoff and Bayonne, but passenger service has been discontinued over the rest of the old route. From Aldene Junction, Jersey Central commuter trains operate over Lehigh Valley trackage to Penn Central junction, a mile south of Newark station.

The New York and Long Branch Railroad's part in the Aldene Plan involved the rerouting of Jersey Central short trains onto Penn Central tracks running northwest from South Amboy to the Penn Central main line at Rahway and then to Newark. Passenger service was discontinued on the New York and Long Branch trackage from South Amboy through Bayonne and into Jersey City.

Rerouting is only part of the story. The State's plan called for the construction of a

layover yard for Jersey Central trains in the Secaucus Meadows; new commuter stations on the Lehigh Valley part of the route; renovation of Jersey Central coaches; an engine repair shop at Raritan to replace obsolete facilities at Jersey City; grade crossing elimination; and other improvements designed to provide better service for northern New Jersey commuters and to reduce the costs of this essential service.

The implementation of this part of Aldene Plan (only one of the steps the State of New Jersey is taking to improve commuter services) increased the demands upon PATH. After all, not much would be accomplished by depositing passengers at Penn Station Newark if they couldn't complete their journey. The plan required a companion grant to PATH for the purchase of 44 new cars and the renovation of 47 others, improvement of across-the-platform facilities at Newark, new signal equipment, higher capacity power facilities, and an upgrading of the trackage from Newark to the Hudson and Manhattan tunnels.

Today, 14,300 commuters (28,600 rides) use the new route to Manhattan—1,500 more than used the old route via Jersey City.

And what of Jersey City? The ferries are gone, but another UMTA grant is helping PATH develop the Journal Square Transportation Center. The Center is a bus-automobile-PATH transfer station. It provides a new general office building for PATH and sparks the renewal of Journal Square—the heart of Jersey City.

Public transportation needs capital, lots of it. The Aldene Plan is just one example of how our funds are used to stimulate local investment so as to provide better service for commuters. Local funds and self-financed improvements by carriers and business interests have Federal funds working as seed money to speed the day of a better ride for commuters and the redevelopment of our urban areas.

GETTING TO THE AIRPORTS

Airport access—fast transportation from the city to the airport—is a service we need now in almost every major American city. Everyone knows how much time is lost in getting to the airport to catch a plane in New York, Chicago, Los Angeles, Philadelphia, Atlanta, and many other of the nation's transportation hubs.

UMTA helped the Cleveland metropolitan area join a very exclusive transportation club—airport-to-downtown rapid transit service. A capital grant to the Cleveland Transit System helped build a four-mile extension of the CTS rapid to Hopkins International Airport. Only Tokyo and Brussels have a similar service. The Cleveland airport extension opened in November 1968, and already daily ridership exceeds 4000 persons—more than double the expectations of the transportation planners.

Some interesting statistics have come from this new service. Fifteen percent of airport employees and airline passengers use the airport extension. Although only 10 percent of Cleveland Hopkins air travelers want to go to downtown Cleveland, 30 to 40 percent of these travelers are destined to points in and near Cleveland serviced by the CTS rapid transit system.

The airport extension and its intermediate "park and ride" stations serve the needs of rapidly growing residential and industrial areas along its route. This line is not just for one purpose—it is an integral part of the whole transportation plan for the Cleveland area.

This extension has added 7 percent to the total CTS rail service ridership. The unexpected success of the airport extension in Cleveland necessitated more equipment. So in June 1969, UMTA made an additional capital grant to CTS for the purchase of 10 rail cars and the improvement of the electrification and train control system, including a

new central power control center and the equipping of the entire line with a cab signal control system, designed to speed operations and insure greater safety for those who use the CTS rapid. It cost \$18.6 million to construct the airport connector and provide the additional needed equipment. UMTA paid a full two-thirds, \$12.3 million, of the cost through capital grants.

EXTENSIONS IN CHICAGO

The Chicago Transit Authority recently opened two rapid transit extensions, one in the median of the Dan Ryan Expressway and the other in the median of the Kennedy Expressway. We helped finance the construction of 15 miles of extensions and the purchase of 150 rapid transit cars for the new service.

Utilization of the median strips of expressways for rapid transit lines is a unique application of transit technology. The idea has been studied elsewhere, and we hope it may be applied in other cities.

Secretary Volpe has noted that the initial three applications of expressway median use for rapid transit lines were in Chicago. (The first, down the middle of the Eisenhower Expressway, was opened in the mid-1950's.)

The Dan Ryan and Kennedy rapid transit extensions cost \$58.2 million and \$50.1 million respectively. The Dan Ryan was helped by \$25.5 million in UMTA capital grants, the Kennedy by \$33.5 million in capital grant assistance.

Built with the assistance of another one of our capital grants, the new Ashland rapid transit terminal on Chicago's Englewood line provides a compact rail-bus-automobile connection with both "park and ride" and "kiss and ride" facilities, and special lanes for feeder bus lines and for quick pedestrian movement between transportation modes.

We can improve all forms of transportation by using capital funds to the advantage of more than one mode. A good example of this type of transportation interface is the UMTA capital-demonstration project grant called "Northwest Passage," the first project which combines two kinds of grants.

Northwest Passage will provide weather-protected access between the Chicago and North Western Railway's commuter terminal in downtown Chicago and the CTA's Lake-Clinton Station. And it will help answer an important question in mass transit: Will provision of such a comfort and convenience encourage more persons to use mass transit facilities?

Capital grant funds totalling \$288,666 are being used for the rehabilitation of the Lake-Clinton Station, while demonstration project funds provide an experimental connection between the radial lines of the North Western and the distribution facilities of CTA throughout the City of Chicago.

THE OLDEST AND THE NEWEST

In Boston, we are helping to renovate the oldest subway system in the country, while in San Francisco, we are helping build the newest.

In Boston, many MBTA rapid transit stations have a new look. The stations were dingy, dirty, and badly lighted. Vandals had a field day. Under plans developed by MBTA, with financial assistance from UMTA, old walls and ceilings have been covered with bright, new finishes. Bare light bulbs have been replaced with concealed neon tubing that provides greater visibility and greater security for transit patrons. Change booths have been shifted to provide an unobstructed view down corridors and across platforms; prison-type bars have been eliminated; color-coded route maps and directional signs make it easier to locate the right train. Murals give each station its own individual identity and orient the rapid transit rider during his trip and after he leaves the train.

The new rapid transit look in Boston is the product of an architectural and design

concept which considers rapid transit stations as something more than simply transportation facilities. The work was approved from the standpoint of urban design, suggesting that a city's transit system is not isolated from its structure—that it serves the city's needs, rather than being an end in itself. Forty transit stations will be modernized under this program.

The results in Boston are excellent, but Boston is just the beginning. It is a prototype of what can be done to make an old transit system meet human needs, to make our cities better places for people. Boston, with our help, is constructing 10 miles of new rapid transit lines out into the rapidly-developing South Shore area. We are also helping to pay for the construction of the new 5-mile Haymarket North extension and the Charles River tunnel, which was designed to remove the blighting influence of the Charlestown elevated structure and to improve transit service in the important Reading corridor.

In San Francisco, even though the Bay Area Rapid Transit (BART) system is primarily a locally-financed project authorized before Congress enacted the 1964 Act, the Urban Mass Transportation Administration has committed more than \$100 million to improved public transportation.

The Berkeley portion of the line was to have included both subway and aerial structures. It is now being built entirely underground as a result of the initiative taken by the City of Berkeley. UMTA is helping the city to finance the redesign of the system to meet more adequately the goals and objectives of the city's development plan. We are also helping buy the new equipment needed by the Municipal Railway of San Francisco and the Alameda-Contra Costa Transit System to provide coordinated services in the Bay Area when BART begins service in 1972. The development of this plan for coordinated service was assisted by a 1965 UMTA demonstration grant.

In addition, our capital grant funds are helping meet the increased construction costs which BART has experienced because of inflation and because of greater concern for the impact of the system upon its environment since the system was authorized and financed more than ten years ago.

The Aldene Plan; the Cleveland Airport; rapid transit extensions and other improvements in Chicago and Boston; a new look for the MBTA; a new system in San Francisco; these are typical of UMTA capital grants helping to implement new concepts in rail commuter and rapid transit service and to improve the systems we have.

FUNDS FOR ROLLING STOCK

In addition, capital grants have been used to keep rolling stock rolling. We have helped the purchase of hundreds of cars for railroads and transit systems. And, because we ask for the best and take part of the risk, the new cars are very definitely new.

UMTA provided \$23 million to help buy 400 specially-designed subway cars for the New York City Transit Authority; \$30 million have been committed to the improvement of the Long Island Rail Road. The State of New Jersey is using a \$6.6 million Federal grant to buy 35 new electrified MU cars for the Penn Central, to replace cars more than 40 years old. And \$28.4 million will be made available to help purchase 144 new coaches for the Penn Central's New York and Connecticut suburban service. The delivery of 123 new bilevel commuter coaches for the Illinois Central's suburban Chicago commuter service will give the IC essentially the same modern equipment as is now used by the North Western, the Milwaukee, and the Burlington. The Chicago South Suburban Mass Transit District has been formed by the communities served by the IC to assist the railroad in improving service, with the help of a \$25 million Federal grant. The pas-

sage of the Public Transportation Assistance Bill will permit us to provide additional help in Chicago and other areas that depend heavily upon railroad commuter services.

Capital grants are at work in 28 states, the District of Columbia, and Puerto Rico. Most have been made to cities to help preserve and improve local bus service. More than 90 grants have been made to acquire private bus lines in imminent danger of abandonment and to assist communities in purchasing new buses and in constructing terminals, passenger shelters, administrative offices, and garages.

Federal funds have been made available to improve maintenance and cleaning facilities and to initiate two-way radio communications systems and exact fare programs, which have added to the safety of transit services and have enabled competent management to improve the quality of service it renders. In Pittsburgh, Memphis, and Dallas, among other cities, capital grants have been used to modernize the city's entire bus system.

The objective of our capital grant program—indeed, of any of our programs—is to provide greater mobility for those who live and work in urban areas. But within this context, our programs do even more: They help improve the environment, and provide greater mobility not only for commuters but for automobile drivers as well.

Our program is one of building. But that is just a means. The end we seek is improved quality of life.

Public transportation is for the user, the community.

Mr. ALLOTT. 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. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR STAR PRINT OF REPORT NO. 91-841

Mr. HART. Mr. President, I ask unanimous consent that the report of the Committee on the Judiciary entitled "Antitrust and Monopoly Activities, 1969," together with the individual views (Report No. 91-841) be reprinted as a star print to correct two inadvertent errors in the report.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2999) to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, with an amendment, in which it requested the concurrence of the Senate.

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

H.R. 670. An act to amend section 19(a) of the District of Columbia Public Assistance Act of 1962; and

H.R. 16476. An act to make it lawful to set up or fly any kite in the District of Columbia.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 670. An act to amend section 19(a) of the District of Columbia Public Assistance Act of 1962; and

H.R. 16476. An act to make it lawful to set up or fly any kite in the District of Columbia.

SOUTHEAST ASIA

Mr. HANSEN. Mr. President, amid the rhetoric and the speeches, the masses of news columns, the editorials leaning one way or the other, it is difficult to find the clear voice of indisputable reason. I do not wonder that the people of this country are confused as to the issues. Nor am I surprised that some of my esteemed colleagues have been caught up in the combat of words and ideas.

But while I suspect few of us are of dissimilar minds as to the basic idea, I fear some of the methods proposed to bring this about are striking wide of the mark. Thus I was pleased to find in two important newspapers of Washington, D.C., published today, editorials which strike at the heart of the current debate.

"Of maximum concern is the safety of the remaining American troops in Southeast Asia and the development of a national foreign policy," says the Washington Evening Star.

"When the Senate comes to these questions, it should lay aside its emotions and decide on the basis of practical judgment and regard for the welfare of our troops," says the Washington Daily News.

Mr. President, I ask unanimous consent that both of these editorials 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 Washington Star, May 12, 1970]

CAMBODIA: PROGRESS REPORT

Never in the history of warfare has an army told the other side precisely how far (within a tenth of a mile) it intends to drive, how many troops are involved, and how long the offensive will last. And despite this, the Cambodian campaign—in terms both of light allied casualties and of quantity of war materiel seized—appears to be going very well indeed.

The estimate of 4,324 enemy deaths in Cambodia since the incursions began April 29 may be open to serious question. But allied claims to have captured 6,757 rifles, 1,232 heavy weapons, 865 tons of ammunition, 1,653 tons of rice, 12 tons of medical supplies and 130 trucks should be relatively easy to verify. None of those arms and ammunition, perhaps enough to equip 50 battalions, will be used to kill Americans; none of the rice, enough to feed 6,000 enemy troops for a year, will be used by the Communists.

Everyone has had a good laugh at Vice President Agnew's captured North Vietnamese laundry. But anyone who regrets the seizure of these North Vietnamese supplies can only be disinterested in the shortening of the war and a reduction in American casualties.

The early onset of the monsoon season, the brevity of the campaign, the smallness (36,000) of the allied force involved, the shortage of trucks and the inadequacy of the road net may make it difficult to remove much of the booty. Which is a pity: Some of it would have made an interesting exhibit

on the Ellipse, where the debate (if such it can be termed) on the merits of the Cambodian campaign took place last weekend. But at least the captured materiel can be destroyed, and thus permanently denied to the enemy.

There may be pressure on the President, because of the apparent success of the incursions, to extend the limits of the duration and depth of the thrusts. But having set such limits, Mr. Nixon certainly should abide by them.

Terrible as it is to say it about any American, one has the feeling that certain of the President's critics would rather see the campaign fail than have their own dire prophecies disproved. That is just how irrational attitudes toward the Southeast Asian question have become.

Insofar as the mass of Americans are concerned, however, a successful Cambodian campaign coupled with further reductions in the number of Americans in Indochina, is what matters. Mr. Nixon's personal political future is of considerably less concern to us than the safety of the remaining American troops in Southeast Asia and the development of a rational foreign policy.

In this instance, however, broad national goals are inextricably linked with the narrower question of partisan politics. If all continues to go well in Cambodia, it could be a lovely autumn for the Republicans.

[From the Washington Daily News]

FOUNDLING IN CONGRESS

Whatever anyone may think of U.S. involvement in Vietnam—

Whatever anyone may think of the way the war has been conducted by former President Johnson's Administration, or by President Nixon's Administration—

One thing is clear: Nobody has any fool proof idea of how to get out of it. Even some in Congress who have been demanding the U.S. pull out, now, seem to have no notion of how to do this gracefully, without absolute surrender, without important and possibly crucial diplomatic or military consequences.

The most vocal of these anti war politicians are just against whatever is being done, whether it was the last administration or this one.

In the House of Representatives, this group has just been defeated on proposals which well could have dangerously crippled our armed forces and quite possibly have cost the lives of many Americans.

On a bill to authorize the armed services to buy \$20.2 billion in military equipment, the House voted down feverish attempts to bar U.S. troops entirely from Cambodia, Laos and Thailand, to cut off all aid funds for Vietnamese forces, and a series of similar amendments. The House also rejected proposals to make deep cuts in appropriations for antisubmarine aircraft, naval vessels and military research.

Legislation with the same aims is scheduled for a vote in the Senate this week.

In the frustration of not having any workable answers for withdrawing from the Vietnam war, the senators are proposing to take it out on the armed forces, by withholding funds needed by the fighting units in Indochina. This could be suicidal.

After years of lavishing money on the military, sometimes even exceeding presidential requests, many in Congress now are slashing out almost hysterically at military appropriations.

There is nothing sacred about military appropriations. The Pentagon is just as accountable to the taxpayers as any branch of the government. Every dollar should be made to stand up and fight. And Congress has an obligation to see that the sums it appropriates are well spent.

But slashes which jeopardize the security of the country cannot be condoned. There is more than Vietnam involved. Our whole defense posture is concerned.

Moreover, the proposals defeated in the House would have tied the hands of the troops in Indochina, reduced their options, critically impaired their ability to take care of themselves and perhaps even disrupted the withdrawal program laid out by President Nixon.

When the Senate comes to these questions, it should lay aside its emotions and political venom, and decide on the basis of practical judgment and regard for the welfare of our troops.

ESCALATION IN INDOCHINA

Mr. HANSEN. Mr. President, earlier in the day I asked if my distinguished colleague and friend from South Dakota (Mr. McGOVERN) might be present in the Chamber at this time, in order that he could hear the remarks I am now about to make. Because of conflicts the distinguished Senator had, he was unable to be here, but he asked that I proceed anyway.

I refer, therefore, in conformity with my conversation with the Senator from South Dakota, to page 14872 of the CONGRESSIONAL RECORD for Monday, May 11. I quote from the words of Senator McGOVERN in the second column, about two-thirds of the way down:

I suggest, Mr. President, that every time a village like that is destroyed in Southeast Asia—and they have been destroyed by the hundreds and perhaps thousands—we lose another step in this great struggle for the hearts and minds of the people of Southeast Asia.

I cannot ever get out of my mind the picture of those bodies floating down the Mekong River 2 or 3 weeks ago. They were not Communist bodies. They were bodies of citizens of Cambodia who were killed by the armed forces of their own country—probably with armament supplied by us. We did not supply it for that purpose. We supplied it because we thought that the government shared the same purposes we do in Southeast Asia.

I wish to point out, Mr. President, that despite the conclusions that my good friend from South Dakota has reached, the facts are these: The published photographs of the bodies in the river appeared on April 12 and 13 of this year. On the 23d of April, Ron Ziegler announced that South Vietnam was arranging to send a limited number of Czech AK-47 guns to Cambodian forces. A week or so later, the State Department announced that the United States was "making arrangements" to give them M-1 and M-2 rifles.

Thus it is clear we have given no aid to Sihanouk since 1965, our Ambassador and almost all of the diplomatic mission left that year—some having left before, and some not until after.

Thus the bodies could not have been killed with weapons we or our allies gave to Cambodian forces.

As I said earlier, I regret that the distinguished Senator from South Dakota could not be present. What I have said will appear in the RECORD, and I certainly would wish to afford him an opportunity to respond, if he chose to do so. I think it is important that we all under-

stand that it is easy to make assumptions based upon the best judgment we have, and I am sure that is precisely what the distinguished Senator from South Dakota did. In this instance, an assumption he made—and he did, I underscore, use the word "probably," and did not say categorically this was true—does, I think, underscore the fact that what was said does not—despite, I am certain, his firm belief that it was probably true—happen to be the case.

I know that he would be as eager as I am to have the RECORD set straight.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to come before the Senate—which I understand is the case—I move that the Senate adjourn in accordance with the previous order.

The motion was agreed to; and (at 4 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 13, 1970, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 12, 1970:

SUPREME COURT OF THE UNITED STATES

Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

IN THE AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of chapters 35 and 837, title 10, of the United States Code:

To be major general

Brig. Gen. Charles W. Sweeney, xxx-xx-xxxx FV, xxx-xx-xxxx G, Massachusetts Air National Guard.

To be brigadier general

Col. James W. Carter, xxx-xx-xxxx FV, Tennessee Air National Guard.

Col. William H. Pendleton, xxx-xx-xxxx FV, California Air National Guard.

Col. Robert S. Peterson, xxx-xx-xxxx FV, Minnesota Air National Guard.

Col. George H. Taylor, xxx-xx-xxxx FV, Utah Air National Guard.

The following officers for appointment in the Air Force Reserve, to the grade indicated, under the provisions of chapters 35 and 837, title 10, of the United States Code:

To be major general

Brig. Gen. Homer I. Lewis, xxx-xx-xxxx FV, Air Force Reserve.

Brig. Gen. James L. Murray, xxx-xx-xxxx FV, Air Force Reserve.

Brig. Gen. Wendell B. Sell, xxx-xx-xxxx FV, Air Force Reserve.

Brig. Gen. Frank H. Spink, Jr., 496-07-7108FV, Air Force Reserve.

To be brigadier general

Col. Stuart G. Haynsworth, xxx-xx-xxxx FV, Air Force Reserve.

Col. Robert H. Hutchinson, xxx-xx-xxxx FV, Air Force Reserve.

Col. Ralph M. Lain, xxx-xx-xxxx FV, Air Force Reserve.

Col. Vorley M. Rexroad, xxx-xx-xxxx FV, Air Force Reserve.

Col. Benton C. Tolley, Jr., xxx-xx-xxxx FV, Air Force Reserve.

Col. David Waxman, xxx-xx-xxxx FV, Air Force Reserve.

Col. Alfred J. Wood, Jr., xxx-xx-xxxx FV, Air Force Reserve.

The following officer to be placed on the

retired list in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Lewis L. Mundell, xxx-xx-xxxx FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Earle Gilmore Wheeler, xxx-xx-xxxx FR, Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. James William Sutherland, Jr., xxx-xx-xxxx FR, Army of the United States (brigadier general, U.S. Army).

IN THE NAVY

Vice Adm. Elmo R. Zumwalt, Jr., U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy, with the rank of admiral while so serving, pursuant to title 10, United States Code, section 5081.

Rear Adm. Jerome H. King, Jr., U.S. Navy, having been designated 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.

IN THE MARINE CORPS

Maj. Gen. William K. Jones and Maj. Gen. Raymond G. Davis, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The nominations beginning Maclyn Abbott, to be lieutenant colonel, and ending Robert E. Cann, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 16, 1970.

IN THE ARMY

The nominations beginning David A. Clarke, to be captain, and ending Stephen C. Rasmussen, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 27, 1970.

IN THE MARINE CORPS

The nominations of Gary L. Goff, to be 2d lieutenant, and Patrick J. Glynn, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 13, 1970;

The nominations beginning Kenneth Charles Allison, Jr., to be 2d lieutenant, and ending Gregory C. O'Kelly, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 16, 1970;

The nominations beginning James L. Alingham, to be 1st lieutenant, and ending Gene W. Whitten, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 16, 1970; and

The nominations beginning Jeffrey H. Andrews, to be 1st lieutenant, and ending James C. Zimmerman, to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 16, 1970.