TO SAVE THE NATION IS THE FIRST LAW—THIEU

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. RARICK. Mr. Speaker, at a time when we are about to be once again deafened by the loud cry of "priorities" from the left, it might do us all good to read thoughtfully a Saigon story filed by Scripps-Howard Writer Don Tate.

President Thieu is usually a target of the friends of Hanoi, who point out repeatedly that he is a "minority" President, and that treason is dealt with as treason in Vietnam. Overlooked in such picking is the President of the United States and the mayor of New York City, also in Mr. Thieu's 40-percent category. Ignored is the fact that Vietnam is not America, and that the war is there, not here.

I include the Tate article with my remarks:

[From the Washington Daily News, Jan. 28, 1970]

MATTER OF PRIORITIES—THIEU SAYS DEMOCRACY REQUIRES SURVIVAL

(By Don Tate)

SAIGON, January 28.—South Vietnam's fledgling democracy, often criticized as being too oppressive, has been defended by President Nguyen Van Thieu on grounds that, in a war of survival, "to save the country is the supreme law . . . the most important task."

Citing reasons for his government's tough policies, Mr. Thieu told some of those who have felt most oppressed, members of the Vietnamese Newspaper Editors Association: "If we don't save the country, all other things do not matter. Only when we survive can we consider other problems. . . ."

He urged the editors, some of whom have had their papers shut and reopened with revolving-door regularity, to "write with justice" and to remember that "on the international scene the Communists have actively taken advantage of the freedom of the press in the free world to distort the facts and to create confusion in public opinion in many countries, including our allied countries."

WINNING IS PRIORITY

Mr. Thieu, often taken to task by Western critics for slowness to assure the freedoms associated with Western democracies, maintained that, in creating a democracy in the midst of war, democracy must come second: winning the war comes first.

"In this critical stage of the fight to defend the existence of our country," he said, "we cannot let the Communists take advantage of the freedoms in our institutions to create disturbances, to cause confusion and jeopardize our security."

Mr. Thieu, who sometimes brands his political opponents as "dogs, traitors and fools" as well as jailing them, said: "I cannot help being disturbed when I see that there are people living within our nationalist ranks who, willingly or not, have put forward lines of thought beneficial to the Communists."

"There are a number of people who seem to forget we are in wartime," Mr. Thieu added, comparing himself to a ship's pilot in a storm watching these people "drill holes in your boat and letting the water run in."

Replying to critics who have charged that his government does not represent a majority of the South Vietnamese people, Mr. Thieu said:

"There are naive people who asked why Mr. Thieu got elected with only 37 per cent of the total votes and concluded thus that the government . . . needs to broaden its base to have a more representative character.

"They . . . have forgotten that in the presidential election of 1967 there were up to 11 tickets it is difficult for one ticket to have the majority of votes on the first ballot. . . ."

URGES RUNOFF VOTE

He called for a new election law stipulating that if there is no majority on the first ballot, a second, runoff ballot between the two tickets with the most votes should be held. This would assure election of the preferred candidate and prevent a Communist minority from seizing advantage of a split in votes to take control of the government, Mr. Thieu said.

As for broadening the base of his government by bringing more political party leaders into his cabinet, Mr. Thieu said, in effect, that Vietnam's welter of political parties have for a long time been unrepresentative of the people, poorly organized and unable to agree on anything. His implication was that for now, at least, he would stick to his own power base—the million-man army, the 200,000 civil servants, the million-plus Catholics, the "yes man" cabinet.

As for the future of democracy in South Vietnam, Mr. Thieu expressed confidence. But he added:

"Democracy in wartime differs from democracy in peacetime. Old-line democracy . . . differs from newborn democracy . . . The spirit of Oriental democracy is not the same as the spirit of Occidental democracy.

"The Democratic life in Vietnam has progressed noticeably in so far as learning from the West and even learning that which the West fears, namely the state of disorder, and excessive and irresponsible freedom."

SENATE—*Tuesday, February 3, 1970*

The Senate met at 12 o'clock meridian and was called to order by the Vice President.

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

Let us pray, in recognition of International Clergy Week.

Almighty God, who in every age has called men to serve Thee in the ministry of word and sacrament, for the ordering of souls in righteousness, and the teaching of Thy truth, we give Thee thanks for the memories which gather about this day. We thank Thee especially for Thy servants on the transport *Dorchester* who, amid the perils of war and on the frigid waters of the north, in saving others, gave themselves. As we remember American youth joined heart and hand in wartime prayer, so may the people of this land be united for the making of a better world.

Guide by Thy spirit the leaders of all religions who by word and life represent Thee. Give to all pastors, priests, prophets, and chaplains the fullness of Thy grace. Especially be with those who minister in the Armed Forces, that putting on "the whole armor of God and having their feet shod with the preparation of the gospel of peace" they may lead us toward that kingdom whose builder and maker is God. Nourish the people of this land in pure religion and lofty patriotism for the healing of the nations and the establishment of peace on earth.

In the name of the Prince of Peace we pray. Amen.

MESSAGES FROM THE PRESIDENT

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

AERONAUTICS AND SPACE REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT (H.R. DOC. 91-219)

The VICE PRESIDENT 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 Aeronautical and Space Sciences:

To the Congress of the United States:

The year 1969 was truly a turning point in the story of space exploration—the most significant of any year in that still brief history. I am pleased to transmit to the Congress this report on the space and aeronautics activities of our government in the past twelve months. As I do so, I again salute the thousands of men and women whose devotion and skill over many years have made our recent successes possible.

This report tells the remarkable and now familiar story of man's first and second landings on the Moon. It recounts, too, the exciting Mariner voyage which took the first close-up photographs of the planet Mars. But it also discusses the space triumphs of 1969 which were less well-publicized, successes which also have great significance. It tells, for example, of progress made in our communications satellite, weather satellite and earth resources satellite programs. It discusses the scientific and military implications of all our recent advances. It details the progress we have made toward achieving greater international participation in our space adventures. And it reports, too, on our advances in aeronautical technology.

In 1969 we achieved the most prominent of our goals in space—one which had long been a focus for our energies. As we enter a new decade, we must now set new goals which make sense for the Seventies. The space budget that I am submitting to Congress reflects my view of a balanced space program, one which will build on the progress we have already made.

Our space and aeronautics program has benefited this Nation in many ways. It has contributed to our national security, to our educational, transportation, and commercial strength, to our scientific and medical knowledge, to our international position and to our sense of the dignity and the capacity of man. And the story is only beginning. We have made long strides into the future during the past year; now we must build on those accomplishments in the coming years and decades.

RICHARD NIXON.

THE WHITE HOUSE, *February 3, 1970.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Vice President laid before the Senate a message from the President of the United States submitting the nomination of Robert H. Cannon, Jr., of California, to be an Assistant Secretary of Transportation, which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9882. An act to convey reserved phosphate interests of the United States in certain nonphosphate lands in Highlands County, Fla.; and

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes.

HOUSE BILLS REFERRED

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

H.R. 9882. An act to convey reserved phosphate interests of the United States in certain nonphosphate lands in Highlands County, Fla.; and

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes; to the Committee on Interior and Insular Affairs.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, Februray 2, 1970, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

INTERVIEW OF SENATOR MANSFIELD ON ABC'S "ISSUES AND ANSWERS" TELEVISION PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the transcript of a television interview which I had on ABC's "Issues and Answers" on Sunday, February 1, 1970.

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

ISSUES AND ANSWERS, FEBRUARY 1, 1970

Guest: Hon. MIKE MANSFIELD, Democrat, of Montana, Senate Majority Leader.

Interviewed by: John Scali, ABC State Department Correspondent; Bob Clark, ABC Capitol Hill Correspondent.

Mr. SCALI. Senator Mansfield, welcome to "Issues and Answers."

Senator MANSFIELD. Thank you.

Mr. SCALI. Yesterday you denounced the Nixon Administration's plans to expand the antiballistic missile defense system and said that another great debate is in the offing. Won't this wind up as a rehash of the debate that you and other opponents lost after 29 days of argument and counter-argument last year?

Senator MANSFIELD. Let me say "denounce" is a pretty harsh word. We haven't seen the details yet. What I want to see is a bill of particulars and I want to see also whether or not the questions which were in our minds last year have been answered to our satisfaction.

I would point out that as far as the two sites in Montana and North Dakota are concerned, they are under way. They were agreed to on the basis of a 50–50 vote in the Senate and an overwhelming vote in the House, so they will go ahead. It is the expansion beyond that which disturbs me, plus the fact that the questions which were raised last year will be raised again this year.

For example, it is our information that the radar system is highly vulnerable and if it is hit the whole ABM system dependent on the radar will be knocked out. We are not as yet anywhere near certain that the computer system is reliable and accurate and we have some questions about the shell of the Spartan which indicates on the basis of what the scientists tell us that it would be a little slow, unless it has been corrected in meeting an incoming missile.

May I say that as far as the ABM is concerned that no one in the Senate that I know of is against it if it is needed, reliable and accurate. If we are going to go into this area, then I think we better face all the facts, recognize it is going to cost tens of billions of dollars. On the basis of what little I know about the new proposals which will be made, it seems to me to be a combination of the Safeguard and Sentinel systems and the Sentinel system was supposedly discarded last year.

Mr. SCALI. Senator, you said the expanded ABM system might cost as much as $50 billion.

Senator MANSFIELD. That is correct.

Mr. SCALI. A figure which I think is far higher than any administration spokesman has put on it. Where do you get that figure and how do you support it?

Senator MANSFIELD. Well, I would point out that it was estimated that the Sentinel system itself would cost somewhere in that vicinity, if not more, and if we are getting a combination, it appears to me that with the cost increase which must be added to it that it would come at least to that figure if you put in the whole system because, remember, it takes in Northwest Washington state, southern New England, Texas, the Southeastern part of the United States, Michigan, two sites in California, Washington, D.C. and perhaps eventually sites in Alaska and Hawaii. Those last two have not been mentioned, however.

May I say also that the present estimates for the hard point missile systems in Montana and North Dakota have already far exceeded the original estimates.

Mr. CLARK. Well, Senator, do you think if the President had told Congress last year that the ABM system was needed for defense of American cities rather than for the very limited protective system that was submitted to Congress for our own antimissile sites, that he would have won that big Senate battle which, of course, he won by only one vote?

Senator MANSFIELD. Well, he didn't win it by one vote really because it was a stand-off and an amendment having to do with any particular to a bill fails because of—

Mr. CLARK. The margin was essentially one vote.

Senator MANSFIELD. The margin was essentially one vote.

I don't know. I would imagine that the results would have been the same whether it was a Sentinel system or a Safeguard system.

Mr. CLARK. There were two or three Senators at least—Senator Scott was one who had indicated some reservations about the system but then swung the other direction when the President proposed only the very limited system. You don't think some people who voted with the President last year might not be now pulled back the other way?

Senator MANSFIELD. That I couldn't say because this matter was in effect just sprung on us. I had only read speculative reports that there would be an expansion of the present system. Those reports were denied and then the President, of course, made it official in his press conference the other night.

Mr. CLARK. Do you see anything that has happened in the past year in the conduct of Red China that would justify the shift in the Administration's position to point that anti-missile system now at China rather than just protecting our own missile sites?

Senator MANSFIELD. I have no access to such information, though I am quite certain the President undoubtedly has. There certainly can't be any question but that the Chinese are going ahead with their missile system. How good it is, how effective it is, whether it is an IRBM or an ICBM, I do not know at the present time—well, I do know they at least have the IRBM's, but whether they have developed an ICBM capacity, I am not in a position to state. But I do recall that the President last year, in giving one of his reasons for turning down the Sentinel System, said that he couldn't buy the idea that this system was being set up for use against a possible Chinese threat.

Mr. SCALI. Senator, I gather from what you say that the President's revised plans come as somewhat of a surprise to you. You talk with him and meet with him frequently. Were you consulted in advance at all? Did you discuss this?

Senator MANSFIELD. No, and I wouldn't expect to be, but in all fairness I must say the President indicated that he had talked it over with the National Security Council before he made his announcement. He also said that Mr. Laird would make an announcement within 30 days. I would anticipate that he would call down the joint leadership and other appropriate Members of the Congress to discuss with them what his plans are, just as he did last year.

Mr. SCALI. Senator, as an expert on Asia, you appraised President Nixon's doctrine which would force the Asians to rely more on their own manpower while we hold a nuclear umbrella over their heads for safety, aren't the opponents of this new plan making it impossible to carry out that doctrine by making the United States vulnerable to a sudden attack by Red China.

Senator MANSFIELD. No, I don't think so because I don't think we are vulnerable at this time to a sudden attack by Communist China and I believe the President made it very clear in his press conference that this was somewhere in the future, in the seventies.

Mr. SCALI. Well, in the future, aren't you in effect denying the President the kind of safety that is needed to protect our own missiles while we hold a nuclear umbrella over the heads of our allies?

Senator MANSFIELD. No, I wouldn't say so because as I have indicated, nobody is against the ABM if it is reliable, if it is accurate. Everybody in the Senate so far as I know is in favor of continued research and development, but I would hate to see a system put in which, if necessary to be used, couldn't be effective.

Mr. CLARK. Senator, if we can explore just a bit more the President's plans to expand this anti-missile system to protect the country against the possibility of a surprise attack by Red China, does this get to the heart of the new Nixon doctrine for Asia? In other words, you, in supporting this doctrine, if as we pull American troops out of Asia we have to extend a nuclear umbrella or maintain a nuclear umbrella over our Asian allies, is it necessary to go to an anti-missile system in this country, no matter what the cost? Is this part of the price of the Nixon doctrine?

Senator MANSFIELD. Oh, if it is necessary, the cost is of no significance. If it has to be done, it will be done, and it should be done. But if it is going to be done, it ought to be done on an accurate and reliable basis. The money shouldn't be wasted. There shouldn't be an overcost in the program. There is in the present ABM program and as I have been informed, and I think quite accurately by the GAO, there is at the present time a 20.8 billion dollar over-cost on weaponry contracts which have been let by the Department of Defense.

Now, I must say that practically all, if not all of these contracts had been let under a previous Administration and I think that Mr. Laird is doing a pretty good job in trying to correct some of these deficiencies.

Mr. SCALI. Senator, you mentioned the reliability several times. Is there any reason for you to believe that this system is less reliable now than it was when you voted on it last year?

Senator MANSFIELD. That is one of the questions we have to ask. We want to find out what has been done in the meantime to make the computers more reliable, to make the radar screens less vulnerable, and to see what has been done about the Spartan missiles as far as their speed capacity is concerned.

Mr. SCALI. Do you think that disclosure of these plans at this time will in any way jeopardize the beginning of the dialogue with Red China which the Nixon Administration has set up after so much effort?

Senator MANSFIELD. That is one of the things which worries me because we have the SALT talks going on which seek to bring about a diminution in the amount of armaments, missiles and other weapons of destruction which we are both developing, and we both have enough to obliterate the world ten times over. We are probably on the verge of a mad momentum. I don't know what is going to happen if we keep on this way because if we keep on building weapons, someday you are going to use them and someday the people of the world are going to suffer.

Mr. CLARK. Senator, we have heard a great deal of talk from the Democrats in recent months about reordering national priorities. Now what happens to national priorities and how much we set aside to spend for pollution or health or education, if you get into an extremely costly program of anti-missile defense which you say is all right with you as long as the President in effect can prove that it is needed.

Senator MANSFIELD. Then priorities go out the window. What I want to see is a balance between our security needs and our domestic needs, and balance is the key word. It won't do us any good to have the best security system in the world if we have uneasiness, discontent, in some instances rebellion, at home. What we have to do is to have a good security system and we have to face up to the problems of pollution, the needs of the cities, the needs of our people here at home. Both of them must go together.

Mr. SCALI. Do you think the President is attaching too high a priority to defense, then, Senator?

Senator MANSFIELD. I think so, but I must admit that he has more information available to him than I have but we have been going helter skelter in the spending of defense funds and only in the past year or so has the Congress and especially the Senate been raising questions and trying to draw back on some of those over-costs, some of these ill-conceived contracts and some of these weapons which have proved useless but on which billions of dollars have been spent.

Mr. CLARK. There is, Senator, a mounting impression in Washington that Democrats are allowing the President to preempt the field in the critical areas of priorities, in thinking of pollution and health and welfare programs, even draft reform where the President moved in at the last minute in the last Congress.

Are Democrats being out-manuevered by a President who is a wilier politician than they expected in the White House?

Senator MANSFIELD. No, I don't think so, and after all it is the welfare of the nation, the welfare of the people which must always come first. It isn't a matter of being politically astute or trying to take political advantage. It is a matter of doing what you can for the country as a whole and if it affects you personally and you lose, that is immaterial. The country must come first always.

Mr. CLARK. Scotty Reston, writing this last week in the New York Times, referred to you as a saint and he said a cooperative saint.

Senator MANSFIELD. He doesn't know me very well.

Mr. CLARK. But his point seemed to be that you were sometimes a little too gentle with the administration. Do you find your saintliness a handicap in the sort of rough partisan politics that some Democrats——

Senator MANSFIELD. Well, let me say I must disclaim the appellation of the saint. I am not a saint. I am just an ordinary human being trying to do the best he can and not succeeding very well, but trying.

I don't care much—I am not a political animal, really. I don't believe in going for the jugular. I believe in cooperating and accommodating and then let the chips fall where they may.

The thing that always counts with me is the welfare of my state and my country. If you don't have that, if you don't look at it in that way, you are being pretty selfish, pretty narrow-minded and not in a position to achieve much in the way of results.

Mr. SCALI. Senator, you called the President's State of the Union Address the other day hopeful and impressive—

Senator MANSFIELD. But general.

Mr. SCALI. A spokesman for the Democratic National Committee Policy Council labeled it fuzzy, misleading and partly inaccurate.

Now, who are the voters supposed to believe? Where is the unified voice for the Democrats?

Senator MANSFIELD. Oh, the Democrats have never had a unified voice. If you expect that of us, you are expecting the impossible. But we survive and as far as whom the people should believe, that is up to them.

Mr. CLARK. Vice President Agnew said today on another program that the Democrats don't seem to be a cohesive force in this election year.

Senator MANSFIELD. Neither do the Republicans, so it works both ways.

Mr. CLARK. You wouldn't be concerned about the lack of a coordinated, cohesive drive behind the Democrats to show the voters where the party stands in this rather crucial election?

Senator MANSFIELD. Oh, no. I think our divisiveness is our strength.

Mr. SCALI. Senator, a federal judge has just given the nation a ten-day reprieve from a coast to coast railway crisis. Does Congress plan to act now to avert another crisis in just ten days from today?

Senator MANSFIELD. Not at this moment, but any proposals the President wishes to send to us, we will be glad to receive and consider.

Mr. SCALI. Do you believe the President should do more than he has done to avert a new crisis?

Senator MANSFIELD. Well, that is up to him. He seems to be loath to become involved in these labor disputes, which I think is a mistake. He deplores jawboning, but what have you got to lose by trying to talk these people into an agreement? And I think if this thing goes into effect, as it well might—it almost did yesterday—that the President will have to involve himself some way, and should.

Mr CLARK. You feel then that a little jawboning by the President might be helpful in this critical period of——

Senator MANSFIELD. I think so. It wouldn't hurt.

Mr. SCALI. There is still considerable vocal opposition to Judge Carswell's nomination among some Senate Democrats. Have you decided whether you will vote to approve him and do you think Mr. Nixon will win this time?

Senator MANSFIELD. No, I haven't decided because I think any nominee of any President is entitled to have the courtesy of having the hearings read and those hearings are continuing. I will read the hearings with great interest, then I will make up my mind.

Mr. CLARK. Senator, you said after the Senate's rejection last year of Judge Haynsworth that from now on all judicial nominations and other important nominations should be subjected to very intensive scrutiny by the Senate.

Senator MANSFIELD. That is correct.

Mr. CLARK. Do you think that process has been completed by the Senate in this case, in the case of Judge Carswell?

Senator MANSFIELD. Oh, no, because the hearings are still going on, and I would assume they will not be completed for at least a week more, maybe longer, and then we will have to give due consideration to the findings of the commmittee when the nomination is reported out.

Mr. SCALI. Senator Mansfield, the Senate Foreign Relations Committee is due to begin a new round of public hearings this week on Vietnam even though the Nixon Administration has expressed doubt that they can serve a useful purpose.

What useful purpose do you think they can serve at this time?

Senator MANSFIELD. Well, first, let me say that the hearings are not necessarily on Vietnam. There are a number of resolutions which have been introduced by Senators in the first session of the 91st Congress. They have been held over. The Foreign Relations Committee has held back because of courtesy to the President, and the position in which he finds himself, but these Senators who have introduced resolutions are entitled to be heard and they will be heard.

Mr. CLARK. I believe, Senator Mansfield, the only one of the resolutions before the committee that you have signed is one generally supporting the President's Vietnam policy. Are you going to support any of the other resolutions that they will be examining——

Senator MANSFIELD. Oh, yes, I am a cosponsor of the Mathias resolution which calls for a reassessment and a reevaluation of the Tonkin Gulf, the Formosa resolution, the Mid-East resolution and any other extraordinary powers which have been given to the President since the end of the Korean War.

Mr. CLARK. Right. I meant the other specific plans for Vietnam withdrawal, and there are a number of those that are going to be examined.

Senator MANSFIELD. No, I think the President is doing the best he can in the light of the circumstances which confront him. I wish he could move faster. I am sure he wishes the same, but at least he is getting us out. That is the main word, out, and we aren't going in and up, as was the case——

Mr. CLARK. And you are happy with the present——

Senator MANSFIELD. Not happy, but it is a step in the right direction. I wish it could be faster.

Mr. SCALI. What do you think of the suggestion that the President announce a firm timetable for withdrawal and use this as a possible way to break through the deadlocked talks in Paris?

Senator MANSFIELD. Not at this moment. I don't believe that would be worthwhile because you have to allow the President a certain amount of flexibility and freedom.

Mr. CLARK. Senator, if we can talk politics for just a moment, would you agree that the Democrats have failed thus far to build up any single stand-out candidate who can take on Mr. Nixon in 1972?

Senator MANSFIELD. Oh, no, I think as of now Mr. Muskie is the leading contender and he is a man of great integrity, dignity and knowledge.

Mr. CLARK. How wide do you feel that lead is?

Senator MANSFIELD. I would say as of the moment the President would be in the lead, but you asked about a candidate and I think we have one.

Mr. CLARK. I meant how wide do you think Senator Muskie's lead would be over other Democratic candidates?

Senator MANSFIELD. At the moment quite wide.

Mr. SCALI. Senator, Ambassador Sargent Shriver has been in Maryland in the past few days checking on prospects that he would run for Governor of Maryland. Would you like to see him run for Governor of Maryland?

Senator MANSFIELD. I never interfere in state politics.

Mr. SCALI. Do you see Sargent Shriver as a potential national leader?

Senator MANSFIELD. In time, yes.

Mr. CLARK. If we can get by for just a moment to that wide lead of Senator Muskie, what does this do to people like Hubert Humphrey who is making motions like he might be interested in having another go?

Senator MANSFIELD. Hubert may come back but you have to remember he has lost his platform and the University of Minnesota and MacAlester College just isn't big enough to give him the national publicity which he should receive.

Ed Muskie has the platform. He is using it judiciously. He isn't pushing himself too far. When Hubert comes back to the Senate, as I assume he will, then, of course, he will have that platform. The picture then might change.

Mr. CLARK. You haven't mentioned any names other than Senator Muskie. Are there any others that you think are in the running?

Senator MANSFIELD. Oh, yes. There is Senator McGovern, who has indicated an interest. There is Senator Harris, who has indicated likewise, and there will be others from time to time. There always are.

Mr. SCALI. Doesn't President Nixon look unbeatable right now?

Senator MANSFIELD. Well, he looks like he is in the lead.

Mr. CLARK. Senator, if we can move back into the foreign policy area for a while, the French Government has announced the sale of 110 or so Mirage fighters to the Libyan Government and the State Department has expressed concern on this. Are you at all upset?

Senator MANSFIELD. No, I think we have to just roll along with these things as they happen and do the best we can to try and maintain some degree of equilibrium in the Middle East to do what we can to bring the Israelis and the Arabs together, if that is possible, but in the meantime to work together with the other powers to see if we can't find some ways and means of preventing a holocaust in that area.

Mr. SCALI. Some of your colleagues believe that Mr. Nixon's effort to establish a more even-handed policy in the Middle East winds up helping the Arabs more than the Israelis. Do I take it that you disagree with that?

Senator MANSFIELD. I would think that the President is trying to work his way right through the middle of the difficulty which exists in that area, to move with an even hand. He has indicated that he intends to give some additional help to Israel based, I believe, on the visit of Golda Meier some weeks ago, plus previous commitments made by the previous administration. But it is a difficult area and I can understand the position in which the President finds himself. He is trying to find a way out. I would hope it would be possible for the Arabs and the Israelis to get together, so that the Israeli know-how could be used to help the Middle East and this matter could be done away with as far as the continuing uneasiness is concerned. Together the Arabs and Israelis could do great things; apart, there is nothing but trouble.

Mr. CLARK. In the eyes of the Israelis, Senator Mansfield, an even handed policy is an effort by the big powers to impose a solution for peace in the Middle East.

Senator MANSFIELD. No; I don't think we can impose a peace. All we can do is use our good offices and hope that out of that will come some sort of a settlement which will be as satisfactory as possible to both. You can't achieve a settlement, a complete settlement which will be satisfactory to one or the other.

Mr. CLARK. Some Democrats, including former Vice President Humphrey, have been very critical of the Administration's plans for the Middle East. Again, with this same line that it is taking an anti-Israeli turn, you disagree, I take it, with Mr. Humphrey?

Senator MANSFIELD. I don't think that is the Administration's viewpoint at all. If anything, I would say it is quite sympathetic towards Israel and as a matter of fact Israel is getting definite military assistance from this country in the form of planes and the like.

Mr. SCALI. Senator Mansfield, were you disturbed at all that Under Secretary of State Richardson has shot down your suggestion that we begin to withdraw some of the 310,000 American troops that we still have in Europe?

Senator MANSFIELD. Not at all. As a matter of fact, I welcomed what he had to say in Chicago. It marks the beginning of a dialogue. There are two sides to the question. I would point out that in reality as far as a "Sense of the Senate" resolution is concerned, we already have the votes because there are 51 cosponsors of the resolution which seeks to bring about a substantial withdrawal of U.S. troops from Europe, who number at the present time, counting dependents something of the order of 600,000, and who comprise a balance of payments drain, a gold drain which extends into the billions of dollars.

Mr. SCALI. Mr. Richardson pointed out that studies have indicated that flying American troops to Western Europe in time of emergency instead of keeping them there would not be very efficient, that by the time the men were flown there, too much time might have elapsed and they might not be very effective.

Senator MANSFIELD. He has a point there, but he is thinking in terms of conventional warfare. In my opinion if a showdown ever comes in Europe, it won't be settled by means of conventional Armies, it will be settled on a nuclear basis.

Mr. CLARK. We don't want to end this program on too ponderous a note, Senator Mansfield, but we do want to solicit your feelings on the question that perhaps provoked more comment than any other in the Capitol this past week. What do you think about those new formal uniforms for the White House police?

Senator MANSFIELD. Not much.

Mr. CLARK. Do you think that the Senate might follow suit and have a Congressional Guard of Honor?

Senator MANSFIELD. Heaven forbid.

Mr. CLARK. Do you see this, even in a light way, as a little tactical mistake by the White House?

Senator MANSFIELD. Oh, well, these things happen.

Mr. CLARK. You are not disturbed enough about it to propose that some new uniform be designed?

Senator MANSFIELD. Oh, no, not at all. I think there have been too many changes of uniforms in the White House already under this Administration.

Mr. CLARK. Senator, I am sorry, our time is running out. We have covered a lot of territory today and it has been a great pleasure having you with us on ISSUES AND ANSWERS.

Senator MANSFIELD. Thank you very much.

PUBLIC HEALTH PROTECTION WITH RESPECT TO CIGARETTE SMOKING—APPOINTMENT OF CONFEREES

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6543.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MAGNUSON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MAGNUSON, Mr. PASTORE, Mr. MOSS, Mr. COTTON and Mr. PEARSON conferees on the part of the Senate.

STATE OF WASHINGTON'S SENATE RESOLUTION REGARDING AIR POLLUTION CAUSED BY AUTOMOBILE ENGINES

Mr. MAGNUSON. Mr. President, the Legislature of the State of Washington has just passed a senate resolution, regarding the increase of toxic automobile exhaust from internal combustion engines producing increasing pollution of the air we breathe, which I ask unanimous consent to have printed in the RECORD together with the letter of January 29, 1970, written to me by Sydney R. Snyder, secretary of the senate of the State of Washington.

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

WASHINGTON STATE SENATE,
Olympia, Wash., January 29, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: I have the honor to transmit herewith a certified copy of Senate Resolution No. 1970 Ex. 12 which was adopted by the Washington State Senate on January 27, 1970.

Respectfully yours,

SIDNEY R. SNYDER,
Secretary of the Senate.

SENATE RESOLUTION OF THE STATE OF WASHINGTON

(By Senator Nat W. Washington)

Whereas, The increase of toxic automobile exhaust from internal combustion engines producing increased pollution of the air we breathe is a source of growing concern to the citizens of the state of Washington; and

Whereas, In the metropolitan areas of our state, seventy percent of the air pollution is caused directly by the emission of the exhaust from internal combustion engines; and

Whereas, The dangers to the environment of our nation and of the world have been studied and analyzed, and the critical nature of the problems associated the unregulated proliferation of internal combustion engines has been frequently noted in scientific articles and private research studies, as well as legislative and congressional inquiries; and

Whereas, The solution of these problems involves commerce among the states to a degree that no state individually can attack the problems in a comprehensive manner, both because of constitutional restrictions and because of financial limitations to study reasonable and effective alternate modes of propulsion that could supplant internal combustion engines as the principal source of energy for the privately owned automobile; and

Whereas, Congress has made a significant first step toward reducing air pollution from internal combustion engines in passing the Air Quality Act of 1967 and the Clean Air Act of 1969, and Senators Magnuson, Jackson, and Muskie are to be commended for the introduction of S. 3072 during the first session of the 91st Congress; and

Whereas, The United States Congress alone can appropriate sufficient resources to solve this critical problem both by requiring automobile manufacturers to install even more effective anti-pollutive devices on all vehicles, and by encouraging and stimulating research into imaginative methods of producing low cost motors using other methods of propulsion: Now, therefore, be it

Resolved, by the Senate, That the Commerce Committee of both the Senate and the House of Representatives of the Congress continue to foster methods of combating this most serious national problems: be it further

Resolved, That a copy of this resolution be transmitted to President Richard M. Nixon, to Secretary Robert Finch, Secretary of Health, Education and Welfare, to Senator Warren G. Magnuson, Chairman of the Senate Commerce Committee, and to Representative Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee.

SIDNEY R. SNYDER,
Secretary of the Senate.

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1970

Mr. RUSSELL. Mr. President, from the Committee on Appropriations, I report favorably, without amendment, a joint resolution (H.J. Res. 1072) making further continuing appropriations for the fiscal year 1970, and for other purposes, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. RUSSELL. Mr. President, this joint resolution, in effect, would amend further the continuing resolution as signed by the President on November 14, 1969, and became Public Law No. 91-117 by striking out "January 30, 1970," and inserting in lieu thereof "February 28, 1970." This continuing resolution is necessary if funds are to be provided to the Departments of Labor, HEW, and related agencies.

As all Senators know, the bill was passed and was vetoed by the President. I understand that the House Appropriations Committee has been meeting from time to time in an effort to formulate a substitute bill for the measure which Congress enacted and which the President vetoed, and that the committee hopes to present a bill to the House, perhaps by the end of this week.

Of course, the Senate committee will proceed expeditiously with the new bill, if it is passed by the House. But, in the interim, it is absolutely essential that funds be provided for the operation of these departments. The purpose of the resolution is to provide sufficient time to work on the bill and grant the authorizations provided in the previous resolution for the expenditure of funds.

The VICE PRESIDENT. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res 1072) was ordered to a third reading, was read the third time, and passed.

PUBLIC WORKS FUNDS IN BUDGETARY RESERVE UNDER THE HEADING "APPROPRIATIONS, PRIORITIES, AND PUBLIC WORKS"

Mr. ELLENDER. Mr. President, on January 19, 1970, I pointed out that although the Congress had reduced the President's budget request for fiscal year 1970 by $6.3 billion, most of the congressional add-ons would be impounded. At that time, I was unsuccessful in obtaining from the Bureau of the Budget specific information on the funds placed in budgetary reserve. I was furnished the following general policy statement:

The general policy is to hold in budgetary reserve all congressional add-ons for construction, planning, and surveys until all bills are signed and the President has reviewed these add-ons in connection with his 1971 budget submission.

With the submission yesterday of the budget for fiscal year 1971, the amounts of the funds held in budgetary reserve for 1970 are being made available.

I ask unanimous consent to have printed in the RECORD a list of the projects and amounts held in reserve.

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

DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

FISCAL YEAR 1970 CONSTRUCTION, GENERAL, BUDGET RESERVE

Summary	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
Lower Mississippi Valley division	$11,827,000	$3,978,000
Missouri River division	9,145,000	6,710,000
New England division	2,700,000	2,070,000
North Atlantic division	5,990,000	5,305,000
North Central division	1,960,000	7,002,000
North Pacific division	10,885,000	5,682,000
Ohio River division	9,617,000	15,830,000
Pacific Ocean division	1,250,000	340,000
South Atlantic division	10,960,000	17,762,000
South Pacific division	10,177,000	2,964,000
Southwestern division	10,025,000	14,184,000
Subtotal	84,536,000	81,827,000
Recreation (not distributed to any project)	23,000	
Aquatic plant control	500,000	
Total	85,059,000	81,827,000

LOWER MISSISSIPPI VALLEY DIVISION

Project	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
Blakely Mountain Reservoir, Ark. (recreation)		$46,000
DeGray Reservoir, Ark		15,000
Narrows Reservoir, Ark. (recreation)		10,000
Ouachita and Black Rivers below Camden, Ark. and La	$560,000	706,000
Red River levees and bank stabilization below Denison Dam, Ark., Tex., and La	400,000	
East St. Louis and vicinity, Illinois (1965 act)	29,000	
Kaskaskia River (navigation), Illinois (1962 act)	1,623,000	415,000

LOWER MISSISSIPPI VALLEY DIVISION—Continued

Project	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
Lock and dam 26, Alton, Ill. (Mississippi River)	$350,000	
Mississippi River between the Ohio and Missouri Rivers (regulating works), Illinois	500,000	
Rend Lake Reservoir, Ill		$615,000
Shelbyville Reservoir, Ill	150,000	353,000
Atchafalaya River, Bayous Chene, Boeuf, and Black Parishes, La (1968 act)	50,000	
Bayou Bodcau and tributaries, Louisiana (1965 act)	100,000	
Bayou LaFourche and LaFourche Jump Waterway, La	150,000	
Lake Pontchartrain and vicinity, Louisiana (1965 act)	2,500,000	290,000
Mermentau River, La. (1965 act) (Port Arthur Bridge)	500,000	
Michoud Canal, La. (1968 act)	35,000	
Morgan City and vicinity, La. (1965 act)	25,000	
New Orleans to Venice, La. (1962 act)	900,000	200,000
Overton-Red River Waterway, La. (lower 31 miles only)	400,000	
Red River Waterway (Red River emergency bank protection only), Louisiana, Arkansas, Oklahoma, and Texas	1,900,000	
Arkabutla Reservoir, Miss. (recreation)		25,000
Enid Reservoir, Miss. (recreation)		50,000
Grenada Reservoir, Miss. (recreation)		50,000
Sardis Reservoir, Miss. (recreation)		65,000
Clarence Cannon (Joanna) Dam and Reservoir, Mo	175,000	788,000
St. Louis (flood protection), Mo	100,000	350,000
Union Reservoir, Mo	300,000	
Cooper Reservoir and channels, Texas	1,080,000	
Total	11,827,000	3,978,000

MISSOURI RIVER DIVISION

Project	Congressional adds	Contract deferral
Chatfield Reservoir, Colo. (1950 act)	$2,500,000	$65,000
Big Sioux River at Sioux City, Iowa and S. Dak	70,000	
Davids Creek Reservoir, Iowa (1968 act)	100,000	
Missouri River Levee System, Iowa, Mo., Kans., and Nebr	300,000	178,000
Missouri River, Sioux City to Mouth, Iowa, Kans., Mo., and Nebr	750,000	941,000
Rathbun Reservoir, Iowa	400,000	273,000
Kansas City, Kans. (1962 modification)	75,000	64,000
Lawrence, Kans	200,000	96,000
Melvern Reservoir, Kans		168,000
Perry Reservoir, Kans	200,000	20,000
Topeka, Kans		170,000
Brookfield Reservoir, Mo	100,000	
Chariton River, Mo. (1944 act)	100,000	
Kaysinger Bluff Reservoir, Mo	3,000,000	720,000
Little Blue River Reservoir, Mo. (land acquisition only)	150,000	
Pomme de Terre Reservoir, Mo. (recreation)		75,000
Stockton Reservoir, Mo		247,000
Great Falls, Mont. (1965 act)	400,000	728,000
Loup River, Columbus, Nebr. (sec. 205)		250,000
Papillion Creek and Tributaries, Nebr	225,000	
Platte River and Lost Creek, Schuyler, Nebr. (sec. 205)		175,000
Garrison Dam-Lake Sakakawea, N. Dak. (recreation)	75,000	
Garrison Dam-Lake Sakakawea (Snake Creek embankement repair), N. Dak. (rehabilitation)		365,000
Linton, N. Dak. (sec. 205)		275,000
Missouri River, Garrison Dam to Oahe Reservoir, N. Dak		97,000
Big Bend Dam—Lake Sharpe, S. Dak	200,000	306,000
Cottonwood Springs Reservoir, S. Dak		212,000
Oahe Reservoir, S. Dak. and N. Dak	300,000	1,285,000
Total	9,145,000	6,710,000

NEW ENGLAND DIVISION

Project	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
Derby, Conn	$600,000	
East Branch Reservoir, Conn. (recreation)		$45,000
Hop Brook Reservoir, Conn		$50,000
Mad River Reservoir, Conn. (recreation)		35,000
New London Hurricane Barrier, Conn		10,000
Niantic Bay, Conn. (sec. 107)		25,000
Cape Cod Canal, Mass. (recreation)		100,000
East Brimfield Reservoir, Mass. (recreation)		30,000
Fall River Harbor, Mass. (1968 act)	$50,000	
Oak Bluffs, Mass. (sec. 103)		124,000
Plymouth Harbor, Mass. (rehabilitation)		660,000
Provincetown Harbor, Mass	150,000	150,000
Red Brook Harbor, Bourne, Mass. (sec. 107)		95,000
Weymouth-Fore and Town Rivers, Mass. (1965 act)	900,000	440,000
Surry Mountain Reservoir, N.H. (recreation)		30,000
Cliff Walk, Newport, R.I		70,000
Portsmouth Harbor, R.I. (sec. 107)		121,000
Providence River and Harbor, R.I. (1965 act)	1,000,000	
North Springfield Reservoir, Vt. (recreation)		50,000
Townshend Reservoir, Vt. (recreation)		35,000
Total	2,700,000	2,070,000

NORTH ATLANTIC DIVISION

Project	Congressional adds	Contract deferral
Inland waterway—Delaware River to Chesapeake Bay (C. & D. Canal), part II, Del. and Md	$500,000	$813,000
Bloomington Reservoir, Md. and W. Va	100,000	245,000
Goose Creek, Md. (sec 107)		35,000
Elizabeth River, N.J		260,000
Newark Bay, Hackensack and Passaic Rivers, N.J. (1966 act)	1,500,000	640,000
Raritan Bay and Sandy Hook Bay, N.J. (1962 act)		341,000
South Orange, Rahway River, N.J. (1965 act)	125,000	
Fire Island Inlet to Jones Inlet, N.Y. (1962 act)	500,000	
Fire Island Inlet to Montauk Point, N.Y. (1960 act)	190,000	
New York Harbor (anchorages), N.Y. (1965 act)	1,200,000	
Nichols, N.Y		399,000
North Ellenville, N.Y		165,000
Whitney Point Reservoir, N.Y. (recreation)		54,000
Yonkers, N.Y. (1965 act)	25,000	
Beltzville Reservoir, Pa		173,000
Foster Joseph Sayers Dam (Blanchard Reservoir), Pa		248,000
Raystown Reservoir, Pa	200,000	
Susquehanna River, Pa. (sec. 107)		20,000
Bennington, Vt		230,000
Gathright Dam and Reservoir, Va	400,000	1,575,000
Hampton Roads, Va. (1965 act)	1,200,000	35,000
James River (35 foot channel), Va. (1962 act) (restudy)	50,000	
Norfolk, Va		72,000
Total	5,990,000	5,305,000

NORTH CENTRAL DIVISION

Project	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
Calumet Harbor and River, Ill., and Ind. (1960 act)		$470 000
Hunt Drainage District and Lima Lake Drainage District, Ill		50,000
Illinois Waterway, Calumet-Sag Modification, (part I), Ill. and Ind		543,000
Milan, Ill	$30,000	
Moline Small Boat Harbor, Ill. (small authorized)		130,000
Mouth of Sangamon River, Ill. (small authorized)		92,000
Ames Reservoir, Iowa (land acquisition only) (1965 act)	400,000	
Des Moines River at Des Moines, Iowa		150,000
Dubuque, Iowa	450,000	50,000
Guttenberg, Iowa	100,000	
Iowa River, Flint Creek, Levee District No. 16, Iowa	50,000	75,000
Red Rock Dam and Lake Red Rock, Iowa		482,000
Saylorville Reservoir, Iowa		335,000
Waterloo, Iowa (1965 act)	$200,000	
Les Cheneaux Island Channel, Mich (sec. 107)		$75,000
Lexington Harbor, Mich. (1965 act)	45,000	
New Buffalo Harbor, Mich		807,000
Point Lookout Harbor, Au Gres River, Mich		60,000
River Rouge, Mich (1962 act)		2,580,000
St. Joseph Harbor, Mich. (rehabilitation)		375,000
South Haven Harbor, Mich. (rehabilitation)		265,000
Big Stone Lake—Whetstone River, Minn. and S.Dak., (land acquisition only) (1965 act)	200,000	
Mankato and North Mankato, Minn		40,000
Reservoirs, Headwaters of Mississippi, Gull Lake Reservoir, Minn. (recreation)		40,000
Reservoirs, Headwaters of Mississippi, Pine River Reservoir, Minn., (recreation)		75,000
Roseau River, Minn. (1965 act)	50,000	
Hamlin Beach Harbor, N.Y	40,000	
Irondequoit Bay, N.Y. (1958 act)	100,000	
Minot, N.Dak	75,000	
Cleveland Harbor, Ohio (1958 act)		151,000
Fremont, Ohio	200,000	
Huron Harbor, Ohio (restudy) (1962 act)	20,000	
Eau Galle, Wis		157,000
Total	1,960,000	7,002,000

NORTH PACIFIC DIVISION

Project	Congressional adds	Contract deferral
King Cove Harbor, Alaska	$60,000	
Dworshak Reservoir (Bruces Eddy), Idaho	1,650,000	
Lyman Creek, Idaho (sec. 205)		$150,00
Portneuf River, Lava Hot Springs, Idaho (sec. 205)		81,000
Ririe Reservoir, Idaho	100,000	314,000
Libby Reservoir, Mont	2,300,000	1,055,000
Blue River Reservoir, Oreg		50,000
Bonneville lock and dam (modification for peaking), Oregon and Washington	50,000	
Columbia and Lower Willamette River, 35–40-foot projects, Oregon and Washington (1962 act)		310,000
Cottage Grove Reservoir, Oreg. (recreation)		10,000
John Day lock and dam, Oregon and Washington		20,000
John Day River, Oreg		123,000
Lookout Point Reservoir, Oreg. (recreation)		4,000
Lost Creek Reservoir, Oreg	1,900,000	125,000
Lower Columbia River bank protection, Oregon and Washington	175,000	
McNary lock and dam, Oregon and Washington (recreation)		60,000
The Dalles lock and dam, Oregon and Washington (recreation)		33,000
The Dalles lock and dam (additional power units), Oregon and Washington	1,000,000	
Willamette River Basin bank protection, Oregon	125,000	19,000
Yaquina Bay and Harbor, Oreg. (1958 act)	225,000	155,000
Cowlitz County Consolidated Drainage Improvement District No. 2, Washington		251,000
Ice Harbor lock and dam, Washington (recreation)		49,000
Little Goose lock and dam, Washington		1,000
Lower Granite lock and dam, Washington	2,000,000	2,776,000
Lower Monumental lock and dam, Washington		60,000
Tucannon River, Camp Wooten, Wash. (sec. 205)		36,000
Vancouver Lake Area, Wash	50,000	
Wynoochee Reservoir, Wash	1,250,000	
Total	10,885,000	5,682,000

OHIO RIVER DIVISION

Project	Congressional adds	Contract deferral
England Pond Levee, Ill		$95,000
Lincoln Reservoir, Ill. (land acquisition only)	$500,000	
Louisville Dam and Reservoir, Ill	75,000	
Rochester and McClearys Bluff Levee, Ill		75,000

OHIO RIVER DIVISION—Continued

Project	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
Saline River and tributaries, Ill. (1958 and 1962 acts)	$150,000	$570,000
Smithland locks and dam, Ill. and Ky	250,000	100,000
Brookville Reservoir, Ind		610,000
Evansville, Ind	500,000	
Huntington Reservoir, Ind		168,000
Island levee, Ind		140,000
Lafayette Reservoir, Ind. (land acquisition only) (1965 act)	400,000	
Levee unit No. 5, Wabash River, Ind		213,000
Markland lock and dam, Ind., Ohio, and Ky. (recreation)		215,000
Mason J. Niblack levee pump facilities, Ind. (1968 act)	40,000	
Mississinewa Reservoir, Ind		16,000
Newburgh locks and dam, Ind. and Ky	1,100,000	375,000
Uniontown locks and dam, Ind. and Ky		600,000
West Terre Haute, Ind	65,000	105,000
Appalachian Hospital, South Williamson, Ky. (sec. 205)		400,000
Barkley Reservoir, Ky. and Tenn		541,000
Carr Fork Reservoir, Ky	1,250,000	
Cave Run Reservoir, Ky		500,000
Cumberland, Ky		417,000
Falmouth Reservoir, Ky	50,000	
Grayson Reservoir, Ky		700,000
Louisville, Ky		86,000
Martin, Ky	150,000	
Martins Fork Reservoir, Ky. (land acquisition only) (1965 act)	300,000	
McAlpine locks and dam, Ky. and Ind		77,000
Mill Creek, Ky. (sec. 205)		340,000
Nolin Reservoir, Ky. (recreation)		130,000
Rock Castle Creek, Inez, Ky. (sec. 205)		500,000
Triplett Creek, Morehead, Ky. (sec. 205)		550,000
Wolf Creek Reservoir, Ky. (recreation)		30,000
Salamanca, N.Y		501,000
Alum Creek Reservoir, Ohio	100,000	100,000
Belleville locks and dam, Ohio and W. Va		20,000
Caesar Creek Reservoir, Ohio	450,000	395,000
Clarence J. Brown Dam and reservoir (Buck Creek Reservoir), Ohio		100,000
Deer Creek Reservoir, Ohio		780,000
East Fork Reservoir, Ohio		335,000
Ironton, Ohio (1968 act)	62,000	
Newark, Ohio	75,000	
North Branch Reservoir (Kokosing River), Ohio	500,000	250,000
Paint Creek Reservoir, Ohio		240,000
Willow Island locks and dam, Ohio and W. Va	1,500,000	
Youngstown (Crab Creek), Ohio		508,000
Dubois, Pa	100,000	
Kinzua Dam and Allegheny Reservoir, Pa., and N.Y		25,000
Ten Mile Creek, Marianna, Pa. (sec. 205)		375,000
Tionesta Reservoir, Pa. (recreation)		155,000
Woodcock Creek Reservoir, Pa		163,000
Youghiogheny River Reservoir, Pa. and Md. (recreation)		70,000
Center Hill Reservoir, Tenn. (recreation)	350,000	407,000
Cheatham lock and dam, Tenn		40,000
Cordell Hull lock and dam, Tenn		50,000
Dale Hollow Reservoir, Tenn. and Ky. (recreation)		25,000
J. Percy Priest Reservoir, Tenn		1,228,000
Old Hickory lock and dam, Tenn. (recreation)		465,000
Beech Fork Lake, W. Va		200,000
Burnsville Lake, W. Va. (land acquisition only)	150,000	
East Lynn Lake, W. Va		465,000
R. D. Bailey Lake, W. Va		835,000
Rowlesburg Lake, W. Va. (land acquisition only)	900,000	
Stonewall Jackson Lake, W. Va. (land acquisition only)	600,000	
Summersville Lake, W. Va		380,000
Sutton Lake, W. Va. (recreation)		165,000
Total	9,617,000	15,830,000

PACIFIC OCEAN DIVISION

Project	Congressional adds	Contract deferral
Kawaihae Harbor Hawaii (1965 act)	$750,000	
Kewalo Harbor Hawaii (sec. 107)		$130,000
Kihei Beach Hawaii (sec. 103)		210,000
Waikiki Beach Oahu Hawaii	500,000	
Total	1,250,000	340,000

SOUTH ATLANTIC DIVISION

Project	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferra
Alabama River Channel improvement, Alabama		$98,000
Claiborne lock and dam, Alabama	$600,000	129,000
Demopolis lock and dam, Alabama (recreation)		1,000
Jackson lock and dam, Alabama (recreation)		2,000
Jones Bluff lock and dam, Alabama	1,000,000	100,000
John Hollis Bankhead lock and dam (lock replacement), Alabama (rehabilitation)		832,000
Apalachicola River Channel improvement, Florida		175,000
Canaveral Harbor, Fla. (1962 act)	150,000	75,000
Central and Southern Florida	500,000	2,677,000
Cross Florida barge canal, Florida	1,500,000	3,297,000
Four River Basins, Fla. (1962 act)	500,000	1,088,000
Gulf Intracoastal Waterway (St. Marks to Tampa Bay) (ecological study only), Fla	20,000	
Hogtown Creek, Gainesville, Fla. (sec. 205)		280,000
Jacksonville Harbor, Fla. (1965 act)	500,000	745,000
Miami Harbor, Fla. (1968 act)	140,000	
Okeechobee Waterway, Fla. (recreation)		75,000
Okeechobee Waterway, Ft Myers, Fla. (sec. 107)		100,000
Allatoona Reservoir, Ga. (recreation)		5,000
Buford Dam, Lake Sidney, Lanier, Ga. (recreation)		3,000
Carters Dam, Ga	400,000	262,000
Clark Hill Reservoir, Ga. and S.C. (recreation)		100,000
Savannah Harbor (40-ft. project), Georgia (1965 act)	350,000	1,415,000
Savannah Harbor (sediment basin), Georgia (1965 act)	600,000	657,000
Spewrell Bluff Dam, Ga. (1963 act) (land acquisition only)	750,000	
Walter F. George lock and dam, Georgia and Alabama (recreation)	50,000	
West Point Reservoir, Ga. and Ala		2,261,000
Biloxi Harbor, Miss. (1966 act)		690,000
Tallahala Reservoir, Miss	200,000	
Tombigbee River and tributaries, Mississippi and Alabama	350,000	197,000
Broad Creek, N.C. (sec. 205)		150,000
Falls Reservoir, N.C. (land acquisition only)	500,000	
Hominy Creek, N.C. (sec. 205)		107,000
Joyce Creek, N.C. (sec. 205)		140,000
New Hope Reservoir, N.C	2,200,000	800,000
Randleman Reservoir, N.C. (1968 act)	100,000	
Reddies River Reservoir, N.C	150,000	
Rockfish Creek, N.C. (sec. 205)		188,000
Silver Lake Harbor, N.C. (sec. 107)		30,000
Sugar and Briar Creek, Charlotte, N.C. (sec. 205)		540,000
Wilmington Harbor (32-ft. project), N.C. (1949 act)	200,000	
Charleston Harbor, Cooper River, S.C	200,000	
Lick Run, Roanoke River, Va. (sec. 205)		543,000
Total	10,960,000	17,762,000

SOUTH PACIFIC DIVISION

Project	Congressional adds	Contract deferral
Santa Rosa Wash (TatMomolikot Dam), Ariz	$50,000	$70,000
Winslow and vicinity, Arizona	450,000	130,000
Gila River and tributaries downstream from Painted Rock, Ariz	1,715,000	
Buchanan Reservoir, Calif	350,000	
Cucamonga Creek, Calif (1968 act)	400,000	
Dana Point Harbor, Calif		87,000
Dry Creek (Warm Springs) reservoir and channel improvement, California (1962 act)	1,000,000	148,000
Hidden Reservoir, Calif (1962 act)	240,000	
Klamath River, Calif (1966 act)	347,000	277,000
Los Angeles County Drainage Area, Calif		70,000
Martis Creek Reservoir, Nev. and Calif		150,000
Mojave River Reservoir, Calif. (1960 act)	400,000	12,000
Napa River Calif. (1965 act)	50,000	
New Bullards Bar Reservoir, Calif. (reimbursement)	1,345,000	
New Hogan Reservoir, Calif. (recreation)		200,000

SOUTH PACIFIC DIVISIONfl—Continued

Project	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
New Melones Reservoir, Calif	$1,770,000	$430,000
Pine Flat Reservoir (Kings River Channel), Calif		20,000
Port Hueneme Harbor, Calif. (1968 act)	50,000	
Russian River Basin (Coyote Valley Dam and Russian River Channel), Calif		35,000
Sacramento River and major and minor tributaries, California		90,000
Sacramento River bank protection, California	500,000	290,000
San Diego Harbor, Calif (1968 act)	100,000	
San Francisco Bay to Stockton, Calif. (John F. Baldwin and Stockton Ship Channel)	250,000	50,000
Santa Cruz Harbor, Calif. (1958 act)	260,000	
Santa Paula Creek, Calif. (1948 act)	250,000	
Success Reservoir, Calif. (recreation)		145,000
Surfside, Sunset and Newport Beach, Calif. (reimbursement)		510,000
Tahquitz Creek, Calif. (1965 act)	250,000	
Walnut Creek, Calif. (1960 act)		170,000
Gunnison River, Colo. (sec. 208)		80,000
Little Dell Reservoir, Utah (1968 act)	400,000	
Total	10,177,000	2,964,000

SOUTHWESTERN DIVISION

Project	Congressional adds	Contract deferral
Arkansas River and tributaries, bank stabilization and channel rectification, Arkansas and Oklahoma		$1,005,000
Arkansas River and tributaries, navigation locks and dams, Arkansas and Oklahoma	$1,500,000	1,424,000
Beaver Reservoir, Ark. (Hickory Creek) (recreation)		165,000
Bell Foley Reservoir, Ark	150,000	
Bull Shoals Reservoir, Ark. and Mo. (recreation)		985,000
Clearwater Reservoir, Mo. (recreation)	25,000	13,000
Dardanelle lock and dam, Arkansas		670,000
DeQueen Reservoir, Ark		5,000
Dierks Reservoir, Ark		90,000
Gillham Reservoir, Ark	500,000	28,000
Greers Ferry Reservoir, Ark. (recreation)		87,000
Ozark lock and dam, Arkansas		8,000
Spring Creek, Ark. (section 205)		40,000
Table Rock Reservoir, Mo. and Ark. (recreation)	25,000	52,000
Trinidad Reservoir, Colo	250,000	190,000
Cedar Point Reservoir, Kans	75,000	
Cow Creek, Hutchinson, Kans	100,000	40,000
El Dorado Reservoir, Kans. (1965 act) (land acquisition)	700,000	
Albuquerque diversion channel, N. Mex	500,000	1,823,000
Cochiti Reservoir, N. Mex	1,150,000	
Galisteo Reservoir, N. Mex		50,000
Broken Bow Reservoir, Okla		10,000
Copan Reservoir, Okla (land acquisition only)	600,000	
Crutcho Creek, Okla (1965 act)	200,000	40,000
Hugo Reservoir, Okla		89,000
Kaw Reservoir, Okla	450,000	51,000
Lukfata Reservoir, Okla	525,000	
Oologah Reservoir (second phase), Okla		67,000
Optima Reservoir, Okla		95,000
Pine Creek Reservoir, Okla		87,000
Waurika Reservoir, Okla		80,000
Webbers Falls lock and dam, Okla		79,000
Aubrey Reservoir, Tex	150,000	
Bardwell Reservoir, Tex. (recreation)		16,000
Belton Reservoir (raise water level), Tex	100,000	30,000
Buffalo Bayou and tributaries, Texas		81,000
Cedar Bayou, Tex. (restudy)	15,000	
Corpus Christi ship channel (45-ft. channel), Texas	35,000	
Double Bayou, Tex. (section 107)		227,000
El Paso, Tex	50,000	226,000
Freeport and vicinity, Texas		680,000
Highland Bayou, Tex	200,000	
Houston ship channel (Greens Bayou), Texas		147,000
Lake Kemp Reservoir, Tex		25,000
Lavon Reservoir and channel improvement, Texas (1962 act)	1,250,000	370,000
Lewisville (Garza Little Elm) Reservoir, Tex. (recreation)		5,000
Mouth of Colorado River, Tex	75,000	
Pat Mayse Reservoir, Tex. (wildlife refuge)		62,000
Port Arthur and vicinity, Texas		2,664,000

SOUTHWESTERN DIVISION—Continued

Project	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
Sabine Neches Waterway, 40-ft. project and channel to Echo, Tex. (1962 act)	$300,000	$670,000
Sam Rayburn Reservoir, Tex. (recreation)		14,000
San Antonio channel improvement, Texas	300,000	430,000
San Gabriel River, tributary to Brazos River, Tex. (land acquisition only)	150,000	
Taylors Bayou, Tex. (1965 act)	250,000	
Texas City hurricane protection, Texas		969,000
Trinity River project (advance participation in high level bridges), Texas	100,000	270,000
Wallisville Reservoir, Trinity River, Tex		25,000
Whitney Reservoir (raise water level), Texas	300,000	
Total	10,025,000	14,184,000

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

	Fiscal year 1970 budget reserve for— Congressional adds	Contract deferral
General Investigations:		
Bayou de Chien, Ky	$10,000	
Hatchie River, Tenn. and Miss.	12,000	
Old and Atchafalaya Rivers, La.	50,000	
Wolf and Loosahatchie Rivers, Tenn	10,000	
Subtotal, general investigations	82,000	
Construction:		
Atchafalaya basin	1,000,000	$760,000
Cache River, Ark	50,000	
Channel improvement	1,000,000	205,000
Mississippi River levees	950,000	221,000
St. Francis basin	1,000,000	60,000
Tenas basin, Red River backwater		123,000
West Tennessee tributaries		115,000
Yazoo basin	100,000	640,000
Subtotal, construction	4,100,000	2,124,000
Maintenance:		
Maintenance	2,210,000	
Subtotal, maintenance	2,210,000	
Total	6,392,000	2,124,000

Summary of fiscal year 1970 budget reserve for congressional adds and increases

Division:	*Amount in reserve*
Lower Mississippi Valley Division	$56,000
Missouri River Division	35,000
New England Division	5,000
North Atlantic Division	50,000
North Central Division	39,000
North Pacific Division	63,000
Ohio River Division	45,000
Pacific Ocean Division	0
South Pacific Division	345,000
Southwestern Division	165,000
Total	951,000

Source: Department of the Army, Corps of Engineers, surveys.

SURVEYS—FISCAL YEAR 1970 BUDGET RESERVE FOR CONGRESSIONAL ADDS AND INCREASES

LOWER MISSISSIPPI VALLEY DIVISION

Study	District	Code 901	Amount in reserve
Louisiana coastal area, La.	New Orleans	120	$40,000
Mermentau, Vermillion and Calcasieu River and Bayou, La.	do	120	6,000
Metropolitan St. Louis area, La.	St. Louis	120	10,000
Total			56,000

SURVEYS—FISCAL YEAR 1970 BUDGET RESERVE FOR CONGRESSIONAL ADDS AND INCREASES—Continued

MISSOURI RIVER DIVISION

Study	District	Code 901	Amount in reserve
James River, S. Dak. and N. Dak.	Omaha	120	$15,000
Cannonball River, N. Dak	do	120	10,000
Wood River Prairie Creek, Nebr.	do	120	10,000
Total			35,000

NEW ENGLAND DIVISION

Study	Code 901	Amount in Reserve
Buttermilk Bay, Taylor's Point, Mass	110	$5,000
Total		5,000

NORTH ATLANTIC DIVISION

Study	District	Code 901–	Amount in reserve
Norfolk Harbor and Channels, Va.	Norfolk	110	$15,000
Norfolk Harbor, Craney Island, Va.	do	110	35,000
Total			50,000

NORTH CENTRAL DIVISION

Study	District	Code 901	Amount in reserve
Cuyahoga River, Cuyahoga Falls, Ohio.	Buffalo	120	$10,000
Kickapoo River, Ill	Chicago	120	4,000
Red River of the North, Minn. and N. Dak.	St. Paul	120	25,000
Total			39,000

NORTH PACIFIC DIVISION

Study	District	Code 901	Amount in reserve
Cook Inlet Shoals, Alaska	Alaska	110	$20,000
Seattle Harbor, Duwamish Waterway, Wash.	Seattle	101	10,000
Snohomish River and tributaries, Wash.	do	110	10,000
Puyallup River, Wash	do	120	10,000
Ediz Hook, Wash	do	130	13,000
Total			63,000

OHIO RIVER DIVISION

Study	District	Code 901	Amount in reserve
Tradewater River, Ky	Louisville	120	$30,000
West Fork of Drakes Creek, Portland, Tenn.	Nashville-Louisville.	120	15,000
Total			45,000

PACIFIC OCEAN DIVISION

None.

SOUTH ATLANTIC DIVISION

Study	District	Code 901	Amount in reserve
Charleston Harbor, S.C.	Charleston	110	$30,000
St. Johns River, Fla., Sanford to Titusville.	Jacksonville	110	20,000
St. Lucie Inlet, Fla	do	110	25,000
Alapaha River and tributaries, Ga.	do	120	20,000
Mobile Harbor, Ala	Mobile	110	18,000
Santa Rosa Peninsula and Island, Fla.	do	110	20,000
Neuse River Basin, N.C.	Wilmington	120	15,000
Total			148,000

SOUTH PACIFIC DIVISION

Study	District	Code 901	Amount in reserve
Los Angeles—Long Beach Harbor (including San Pedro Bay model study), Calif.	Los Angeles	$110	$250,000
Virgin River, Nev	do	120	15,000
Santa Barbara County Streams, Calif.	do	120	60,000
Red Bank and Fancher Creeks, Calif.	Sacramento	120	20,000
Total			345,000

SOUTHWESTERN DIVISION

Study	District	Code 901	Amount in reserve
Pecos River above Santa Rosa, N. Mex.	Albuquerque	120	$10,000
Fourche Bayou, vicinity of Little Rock, Ark.	Little Rock	110	75,000
Arkansas River, vicinity of North Little Rock, Ark.	do	120	40,000
Texas water supply and and pollution study, Tex. (pollution study portion).	Galveston	141	40,000
Total			165,000

Department of the Interior, Bureau of Reclamation, fiscal year 1970 budgetary reserve, February 2, 1970

CONSTRUCTION AND REHABILITATION

Advance planning: Palmetto Bend Project	$200,000
Central Valley project:	
Sacramento River division	78,000
San Luis unit	6,837,000
Auburn-Folsom south unit	2,634,000
Other facilities	850,000
Chief Joseph Dam project, Manson unit	62,500
Colorado River front work and levee system	438,000
Columbia Basin project (irrigation facilities)	1,501,000
Fryingpan-Arkansas project	3,648,000
Pacific Northwest-Pacific Southwest intertie	165,000
Pecos River Basin water salvage project	210,000
Southern Nevada water supply project	1,500,000
Washoe project	36,000
Missouri River Basin project:	
Garrison diversion unit	784,000
Glen Elder unit	58,000
Transmission division	175,000
Yellowtail unit	15,000
Drainage and minor construction:	
Ainsworth unit	7,000
Bostwick division	2,000
Lower Marias unit	8,000
Owl Creek unit	10,000
Drainage and minor construction:	
Boulder Canyon project	50,000
Delivery of water to Mexico	165,000
Gila project	276,000
Kendrick project	259,000
Recreation facilities at existing reservoirs	23,000
Rehabilitation and betterment:	
All-American Canal system: Coachella division	196,000
Klamath project, Shasta view irrigation	10,000
Total, construction and rehabilitation	20,197,500

UPPER COLORADO RIVER BASIN FUND

Advance planning:	
Dallas Creek participating project	$130,000
Dolores participating project	110,000
Colorado River storage project:	
Transmission division	100,000
Central Utah participating project: Bonneville unit	2,010,000
San Juan-Chama participating project	85,000
Drainage and minor construction, Colorado River storage project:	
Glen Canyon unit (construction revenues)	37,000
Navajo unit	85,000
Total, Upper Colorado River Basin fund	2,557,000

UPPER COLORADO RIVER BASIN FUND—Continued

Recreation and fish and wildlife: National Park Service	$828,000
Total, recreation and fish and wildlife	828,000
Lower Colorado River Basin development fund: Central Arizona project (advance planning	200,000
Total, Lower Colorado River Basin development fund	200,000
LOAN PROGRAM	
Buttonwillow improvement district	200,000
Valley Center municipal water district	200,000
Hidalgo and Willacy Counties water control and improvement district No. 1	400,000
Total, loan program	800,000
General investigations: Wilburton project	30,000
Total, general investigations	30,000
Continuing fund for emergency expenses, Fort Peck project	$[1] 500,000
Operation, maintenance and replacement of project works, North Platte project	[2] 66,917
Grand total, all appropriations	$25,179,417

[1] Balance of funds at close of fiscal year as established by law.

[2] Permanent Appropriation, having no obligation program in F.Y. 1970.

EXTRACT FROM PRESS RELEASE OF THE TENNESSEE VALLEY AUTHORITY

The 1971 appropriations budget again includes no construction starts on major new projects. Because of overall Federal budget limitations, $2,050,000 appropriated by Congress for fiscal year 1970 (the current year) for modest starts on three water resource projects is to be carried over instead to fiscal 1972. These projects are the Upper French Broad multipurpose water control system in western North Carolina, the two-dam Duck River project in middle Tennessee, and the Yellow Creek public port project in northeast Mississippi.

Mr. ELLENDER. Mr. President, you will recall that on September 4, 1969, the President announced a 75-percent cutback in the award of construction contracts. The list of amounts for the Corps of Engineers shows the amount of the congressional add-ons held in reserve as well as the amounts placed in reserve as a result of the deferral of contracts pursuant to the order of September 4, 1969.

For the Bureau of Reclamation the amount shown by projects is a combined figure for the congressional add-ons and deferral of contracts under the order of September 4, 1969.

For the Tennessee Valley Authority, it will be noted that the funds are to be held in reserve for fiscal years 1970 and 1971.

In general, the funds placed in reserve for the Corps of Engineers and the Bureau of Reclamation are expected to be available in fiscal year 1971 to supplement the funds requested in the budget being submitted by the President today.

For the Water Resources Council, the Congress added $200,000 to initiate the southeast New England water study. These funds have also been impounded. Congress also added the sum of $35,000 to enable the Water Resources Council to initiate its second national assessment with a view to publication in February of 1972. The Senate Committee on Appropriations felt it was important that the initial steps be taken in fiscal year 1970 to insure that this review would be available to permit the National Water Commission to utilize the results in its final report. It is regrettable that not only have these funds been impounded but no provision is made for this assessment in fiscal year 1971. It would appear that either the National Water Commission will now have to undertake its own assessment or its report will be based on obsolete and partial information. I sincerely hope that the Bureau of the Budget will reconsider its decision and release the funds appropriated for fiscal year 1970 for this purpose.

ORDER OF BUSINESS

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

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COMMENDATION OF THE VICE PRESIDENT

Mr. ALLEN. Mr. President, the people of Alabama are heartened and encouraged at the news that the distinguished Vice President, the able President of the Senate, is to be named to head a Commission whose purpose it will be to see that the ability of the school districts to afford a quality education to their pupils is not impaired by their good faith efforts to comply with the Supreme Court's desegregation requirements.

The people of my State have great confidence in and respect for the distinguished Vice President. Our people feel that the Vice President has sympathy for our problems, that he wants to see every boy and girl in Alabama and the South and the Nation receive a quality education. Therefore, our people are encouraged at the prospect of the worthwhile work that can be accomplished by this Commission.

The decree of the Supreme Court of the United States, handed down by eight men in their ivory tower, requiring immediate desegregation of our schools, is completely out of touch with reality and out of touch with our school problems.

Our people are law-abiding citizens; they want to comply with the law of the land. They would like to see the same rule applied in the North as is applied in Alabama and the South. We believe that this Commission, after it has made its study, and after it seeks, we hope, to work with the school districts involved, will come to the realization that freedom of choice of a parent to send his child to the school of his choice is the only practical way to solve the school problems that weigh so heavily on the people of Alabama and the South.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 5 minutes.

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

Mr. ALLEN. Mr. President, we feel that equal protection of the law is given to every citizen where freedom of choice is afforded. I say that our people will comply in good faith with freedom of choice in our schools. We believe that in time we will have freedom of choice in the South, just as there is freedom of choice in the North.

Many of our school systems in Alabama were physically unable to comply with the February 1 deadline handed down by the Supreme Court. They sought in good faith to comply with the deadline but it was physically impossible to do so.

So we hope that constructive action will result from the studies and deliberations of the Commission which the distinguished Vice President is to head, and we look forward to the opportunity of presenting to the Commission evidence of the hardships that the "desegregation now" decree of the Supreme Court is imposing on the people of Alabama. The public school system of Alabama has been almost completely destroyed; and this results from this action of the Supreme Court and by the actions of the Department of Health, Education, and Welfare.

I notice from the press accounts of the composition of the Commission that the distinguished Secretary of Health, Education, and Welfare is to be a member of the Commission. I am delighted, however, that the distinguished Vice President is the Chairman of the Commission. I hope that the Vice President will have—and I feel certain that he will have—a constructive influence on the Secretary of the Department of Health, Education, and Welfare. I feel that the Secretary needs a restraining hand, a sensible hand, a cautious hand, a hand that seeks to see that our people are given quality education for their children.

We are having a "lost semester" in the public school systems of Alabama and the South; and I fear it is going to be not only a lost semester but also a lost year and a lost public school system. The most heartening and refreshing news that the junior Senator from Alabama has heard in this crisis in our school system is news of the appointment of the Commission. We welcome them and we beseech the Commission for the opportunity of presenting evidence before the Commission.

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

Mr. ALLEN. I yield to the distinguished senior Senator from Alabama, my able colleague.

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

Mr. SPARKMAN. Mr. President, I ask

unanimous consent that we may proceed for 3 additional minutes.

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

Mr. SPARKMAN. Mr. President, I appreciate the statements of the junior Senator from Alabama, and I agree with him fully. This is a movement that does offer hope in a situation that is almost impossible. I hope that something can be worked out.

I wish to ask the Senator this question: Does the Senator feel that perhaps a part of the duties of this task force would be consideration of the manifest unfairness of enforcing in southern schools procedures that are not asked for in northern schools?

Mr. ALLEN. I appreciate the question of my able and distinguished colleague. Certainly, I do feel this should be within the scope of the Commission, and I feel certain it will be because I am sure the Commission will find, if it does not actually take judicial notice of the fact, that there are two rules of operation as enforced by the Department of Health, Education, and Welfare, one rule for the North permitting segregation, and one rule for the South demanding desegregation. I feel this Commission will want to see one rule established.

Mr. SPARKMAN. One rule that would be uniform throughout the country.

Mr. ALLEN. Yes, sir.

Mr. SPARKMAN. Does not the Senator believe that if it is legal for the schools of New York to have freedom of choice, for instance, under a statute passed by the New York Legislature, that the same rule should apply in Alabama and every other State throughout the Union?

Mr. ALLEN. Yes; I certainly do.

Mr. SPARKMAN. And the Senator does agree with me this is something that this Commission might well look into?

Mr. ALLEN. I do agree with the point mentioned by the distinguished senior Senator from Alabama. I appreciate the Senator's comments, his support of the Commission, and the scope of its work.

I thank the Senator.

INTERPRETATION OF SENATE RULES AND ITS EFFECT ON UNANIMOUS CONSENT AGREEMENTS

Mr. ALLOTT. Mr. President, I wish to comment very briefly on a precedent that was set in the Senate last year which I think is resulting in a distortion of the Senate rules, and which I believe deserves the attention of both the majority leader and the minority leader. I rise at this time to call their attention to this situation.

I have before me a unanimous-consent agreement entered into yesterday, which reads:

UNANIMOUS CONSENT AGREEMENT

Ordered, That during the further consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, debate on any amendment and amendments thereto shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from New Jersey (Mr. Williams): *Provided,* That in the event the Senator from New Jersey is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Senator from Texas (Mr. Tower) or some Senator designated by him.

The part of it that I object to—and I understand the precedent has been set, but I am sure it can be avoided by a rewording of the unanimous-consent agreement—is the part that reads, "debate on any amendment and amendments thereto shall be limited to 1 hour."

The way the Senate is now operating under the precedent, what that wording means is that if there is an amendment under an hour's rule and a Senator wishes to offer an amendment to that amendment, or a motion to strike, or a substitute amendment, he has no time within which to debate the amendment to the amendment or the substitute to the amendment, since all the time is controlled by the original mover of the amendment.

I am very happy to see that the distinguished majority leader has come on the floor, because yesterday, when the Senator from Colorado found he had no time to really discuss the substitute amendment which he was offering to the Proxmire amendment, except the time which the distinguished Senator from Texas yielded to him, it illustrated that we are in effect foreclosing and precluding amendments to amendments or amendments by way of substitute.

In the future, when unanimous consent agreements are proposed, I hope provision will be made for time upon amendments to amendments or upon substitute amendments.

It so happened that yesterday I had been on the floor for an hour. I went into the cloakroom to try to study a particular aspect of the question for just a few moments. When I came back on the floor, I suddenly found that the unanimous-consent request had been proposed and also found that the amendment by way of a substitute that I had intended to propose was wholly at the disposition of getting time from the bill from either the Senator from New Jersey or the Senator from Texas. I received 10 minutes. I did not think that time was adequate for the necessary discussion of the particular matter.

I would hope that the majority leader and the minority leader would give this question some consideration, because I do not believe that, in proposing unanimous-consent agreements, we should preclude time to Senators who want to offer amendments to amendments or amendments by way of substitutes to amendments.

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

Mr. ALLOTT. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. May I say that the distinguished Senator from Colorado has made a most reasonable request. If during the course of the present consideration of the legislation now before us such a situation arises again, I shall be more than happy to do what I can to see that there is no repetition of what occurred yesterday.

Mr. ALLOTT. Mr. President, I thank the distinguished majority leader, but I want to say that I was in no sense precluded. If I had asked the distinguished Senator from Texas for 15 or 20 minutes, I am sure he would have given them to me. My point really goes to the fact that the way such an agreement is proposed, under the precedent set by the Senate last year, which the Senator well remembers, the mover of the original amendment controls the time and a Senator who wishes to amend that amendment or offer a substitute amendment is precluded from having any time except at the will and disposition of other Senators.

The Parliamentarian has affirmed my interpretation as correct. In fact, he is the one who told me about it.

Mr. MANSFIELD. The Senator is correct. There is no question about the situation as he has described it. It was a little unusual to get this type of consent agreement. I am hopeful that, except in extraordinary circumstances and with the full consent of the Senate, it will not occur again.

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

Mr. ALLOTT. I yield.

Mr. TOWER. I think I probably should bear the lion's share of responsibility for it, because I think I am the one who propounded the wording of the consent agreement. I should have been more alert to protect the interests of my friend from Colorado, whom I would never preclude; but my understanding of "on any amendment or any amendment thereto" was that it meant if a Senator offered an amendment to the amendment he would have 30 minutes. That was the intent of it, at least. I believe that is the way the Senator from New Jersey understood it. Is that correct?

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Colorado may have 5 additional minutes.

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

Mr. WILLIAMS of New Jersey. I do not believe that it appears in the RECORD, but I know that in discussion with the Senator from Texas in the well that was our intention. It appeared so clear that we thought it did not have to be so stated.

Mr. ALLOTT. The Senator has not been remiss in any respect. These words have been used in such requests for a long time in such proposals. We had the unfortunate precedent set last year. I think in the future, when such agreements are proposed, by a slight changing in the wording the situation can be taken care of. However, under the present wording, and the precedent of the Senate as it is now established, the rule which prevailed yesterday will continue to prevail unless it is overturned by the Senate.

I thank the distinguished majority leader, the distinguished Senator from Texas, and the distinguished Senator from New Jersey.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF MAGNESIUM FROM THE NATIONAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of magnesium from the national stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF ZINC FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of zinc from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF MOLYBDENUM FROM THE NATIONAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration transmitting a draft of proposed legislation to authorize the disposal of molybdenum from the national stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF NATURAL CEYLON AMORPHOUS LUMP GRAPHITE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF INDUSTRIAL DIAMOND STONES FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF MERCURY FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of mercury from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF BISMUTH FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF ACID GRADE FLUORSPAR FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF LEAD FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of lead from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

DRAFT OF PROPOSED LEGISLATION FOR MILITARY PROCUREMENT

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected reserve of each Reserve component of the Armed Forces, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF PROGRESS OF THE ARMY RESERVE OFFICERS' TRAINING CORPS FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of progress of the Army Reserve Officers' Training Corps flight instruction program for the calendar year 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, it has determined $70 million will be made available for the Small Business Investment Company Program for fiscal year 1970; to the Committee on Banking and Currency.

PROPOSED APPROPRIATIONS FOR THE COAST GUARD

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION TO AMEND THE PEACE CORPS ACT

A letter from the Acting Director of the Peace Corps, transmitting a draft of proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE NATIONAL WATER COMMISSION

A letter from the Chairman, the National Water Commission, transmitting, pursuant to law, the first interim report, describing its activities from its organization late in 1968 through December 31, 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION AUTHORIZING APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

REPORT OF THE DEPARTMENT OF DEFENSE ON GRADES GS-16, GS-17, AND GS-18

A letter from the Acting Assistant Secretary of Defense for Manpower and Reserve Affairs, transmitting, pursuant to law, a report with respect to positions in grades GS-16, GS-17, and GS-18 for the calendar year 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF CIVIL SERVICE COMMISSION ON GRADES GS-16, GS-17, AND GS-18

A letter from the Civil Service Commission, transmitting, pursuant to law a report of the Commission with respect to positions in grades GS-16, GS-17, and GS-18 for the calendar year 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON STUDY OF AREAS IN VICINITY OF WASHINGTON CHANNEL, DISTRICT OF COLUMBIA, SUITABLE FOR PUBLIC VISITOR PARKING

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on progress made on study being conducted to study areas in the vicinity of the Washington Channel in the District of Columbia suitable for public visitor parking facilities; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, with amendments:

S. 3253. A bill to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969 (Rept. No. 91-652).

(At this point Mr. ALLEN took the chair as Presiding Officer.)

REPORT ENTITLED "OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY"—REPORT OF A COMMITTEE (S. REPT. NO. 91-651)

Mr. ERVIN. Mr. President, the Subcommittee on the NATO Status of Forces Treaty has submitted to the full Committee on Armed Services its annual report covering the operation of article VII of the treaty, together with the other criminal jurisdictional arrangements relating to our Armed Forces abroad. This report, which covers the 1 year between the period December 1, 1967, through November 30, 1968, has been approved by the full committee and I submit this report and ask unanimous consent that it be printed, with illustrations.

The PRESIDING OFFICER. The report will be received; and, without objection, the report will be printed, as requested by the Senator from North Carolina.

BILLS INTRODUCED

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

By Mr. JAVITS:

S. 3369. A bill to authorize the Commissioner of Education to assist institutions of higher education, including junior colleges and certain technical schools, and State higher education agencies in developing improvements in higher education; to the Committee on Labor and Public Welfare.

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

By Mr. BROOKE:

S. 3370. A bill to amend title 10 of the United States Code to require that accurate medical records be kept with respect to each member of the Armed Forces; to the Committee on Armed Services;

S. 3371. A bill for the relief of Aslaug K. Kristoffersen; and

S. 3372. A bill for the relief of Maria Guerra; to the Committee on the Judiciary.

By Mr. HART:

S. 3373. A bill to authorize the release of 12,366 short dry tons of non-stockpile-grade fluorspar from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. ANDERSON (for himself and Mrs. SMITH of Maine) (by request):

S. 3374. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Aeronautical and Space Sciences.

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

By Mr. TYDINGS:

S. 3375. A bill for the relief of Alice E. Ford; to the Committee on the Judiciary.

By Mr. SPONG:

S. 3376. A bill to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va-53) in the city of Portsmouth in exchange for certain lands situated within the proposed Southside neighborhood development project; to the Committee on Armed Services.

By Mr. MAGNUSON (by request):

S. 3377. A bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; to the Committee on Commerce.

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

By Mr. CASE:

S. 3378. A bill to amend title I of the Elementary and Secondary Education Act of 1965 concerning use of payments under such title; to the Committee on Labor and Public Welfare.

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

By Mr. MURPHY:

S. 3379. A bill to authorize the transfer of a vessel to the Los Angeles Unified School District for nontransportation use in the training of qualified applicants as ship repair and shipbuilding personnel; to the Committee on Commerce.

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

By Mr. YOUNG of North Dakota:

S. 3380. A bill for the relief of Lyndon B. Simmons; and

S. 3381. A bill for the relief of Ian J. Amor; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3382. A bill to direct the Secretary of Agriculture to make a conveyance of certain real property in the Agricultural Research Center, Beltsville, Md.; to the Committee on Agriculture and Forestry.

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

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 3383. A bill to authorize the Secretary of the Interior to convey certain lands situated in Arizona to Mrs. Hallie Griffin; to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN:

S. 3384. A bill for the relief of Almeda F. Silva; to the Committee on the Judiciary.

S. 3369—INTRODUCTION OF THE HIGHER EDUCATION PROJECT DEVELOPMENT ACT OF 1970

Mr. JAVITS. Mr. President, I introduce for appropriate reference the Higher Education Project Development Act of 1970. The purpose of this measure is to provide colleges and universities with an opportunity for innovation and to improve their management and academic procedures. This bill would stimulate and assist higher educational institutions in the development of new and improved methods of instruction and institutional management and development of model programs and projects. An advisory council is also established composed of school administrators, faculty, students, trustees and alumni as well as representatives of the general public.

The bill authorizes $30 million for the next fiscal year for grants to colleges and universities, as well as groups of schools, and to State higher education agencies on a matching ratio of 75 percent Federal funds to 25 percent furnished by the recipient, except in cases of hardship where, if the Commissioner so determines, the Federal share may be as much as 100 percent. One-fourth of the appropriated funds are to be used for junior and community colleges.

With college costs and enrollments mounting each year—tuition has doubled in the past decade—and existing resources bending under the strain, it becomes increasingly necessary to utilize new means for educating a greater number of students at reasonable cost while at the same time strengthening the quality of education. No Federal program is now available to help colleges and universities assess new methods, restructure institutionally and improve their management and academic procedures. This bill would meet that need.

Our colleges and universities have been hard put to meet the responsibilities of this era in which a little more than half of all high school graduates seek a higher education—as opposed to some 15 percent a generation ago—in which their costs are climbing faster than the cost of living, and in which the rapid rush of new "ages"—the electronic age, the computer age, the space age, the urban age—demand continuing revision of curriculums and complex and expensive equipment.

Colleges and universities have felt the brunt of criticism—some of it self-criticism—for uneconomic and inefficient institutional and financial management and for failure to keep their academic activities abreast of the times. If college costs continue to rise, we may soon find that only the very rich, who can afford to pay, or the very poor, who receive direct assistance, can get a higher education, thus presenting a higher-education crisis similar to the housing crisis in which it is the middle-income family that is being squeezed out. The bill seeks to find the means to reverse this trend.

The congressional commitment to foster innovation in elementary and secondary education has been evidenced by the enactment of title III of the Elementary and Secondary Education Act of 1965. We should now undertake a similar effort for higher education. The bill endeavors to do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD as a part of my remarks.

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

The bill (S. 3369) to authorize the Commissioner of Education to assist institutions of higher education, including junior colleges and certain technical schools, and State higher education agencies in developing improvements in higher education, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Project Development Act of 1970".

SEC. 2. The Higher Education Act of 1965 is amended by redesignating title XII as title XIII, by redesignating sections 1201 through 1210 and all references thereto as sections 1301 through 1310, respectively, and by inserting after title XI a new title as follows:

"TITLE XII—PROJECT DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 1201. In recognition of the rapidly increasing costs and enrollments in higher education it is the purpose of this title to provide assistance to institutions of higher education and State higher education agencies for the purpose of developing new and improved methods of—

"(1) educating greater numbers of students at reasonable cost and improving the quality of such education, and

"(2) instruction and institutional management.

"GRANTS AND CONTRACTS AUTHORIZED

"SEC. 1202. (a) The Commissioner is authorized to make a grant to or enter into a contract with an institution of higher education or a State agency responsible for the supervision of public institutions of higher education in a State for the purpose of paying not to exceed 75 per centum of the cost of a program to carry out the purpose of this title, except that the Commissioner may pay in excess of such per centum in the case of any such institution or agency not otherwise financially capable of carrying out such a program.

"(b) At least 25 per centum of the funds appropriated for the purpose of this title for any fiscal year shall be used pursuant to this title for grants or contracts with institutions of higher education which do not award a bachelor's or more advanced degree.

"ADVISORY COUNCIL

"SEC. 1203. (a) The Commissioner shall establish an Advisory Council on Higher Education Project Development (hereinafter in this title referred to as the "Council"). The Council shall be composed of fifteen members appointed by the Commissioner without regard to the civil service or classification laws to represent administrators, faculty, students, trustees, and alumni of institutions of higher education and the general public.

"(b) The Commissioner shall consult with the Council in carrying out the provisions of this title and the Council shall make recommendations to the Commissioner with respect to carrying out such provisions.

"(c) Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(d) The Commissioner is authorized to furnish to the Council such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Council may require to carry out its functions.

"DISSEMINATION OF INFORMATION AND REPORTS

"Sec. 1204. (a) The Commissioner shall disseminate to institutions of higher education and other appropriate institutions and agencies information with respect to programs carried out pursuant to this title.

"(b) The Commissioner shall make a report not later than March 31, 1972, and annually thereafter, to the President and the Congress with respect to programs carried out pursuant to this title. Such report shall include a report from the Council with respect to its activities and containing any recommendations it may have for carrying out the purpose of this title.

"AUTHORIZATION

"Sec. 1205. There are authorized to be appropriated not to exceed $30,000,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for each of the three succeeding fiscal years, for carrying out the provisions of this title."

S. 3374—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. ANDERSON. Mr. President, on behalf of myself, and the senior Senator from Maine, by request, I introduce for appropriate reference a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. I ask unanimous consent that the bill be printed in the RECORD together with a letter from the Administrator, National Aeronautics and Space Administration, requesting the proposed legislation and a sectional analysis of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and analysis will be printed in the RECORD.

The bill (S. 3374) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, introduced by Mr. ANDERSON (for himself and Mrs. SMITH of Maine), by request, was received, read twice by its title, referred to the Committee on Aeronautical and Space Sciences, and ordered to be printed in the RECORD, as follows:

S. 3374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $956,500,000;

(2) Space flight operations, $515,200,000;

(3) Advanced missions, $2,500,000;

(4) Physics and astronomy, $116,000,000;

(5) Lunar and planetary exploration, $144,900,000;

(6) Bioscience, $12,900,000;

(7) Space applications, $167,000,000;

(8) Launch vehicle procurement, $124,900,000;

(9) Space vehicle systems, $30,000,000;

(10) Electronics systems, $22,400,000;

(11) Human factor systems, $17,900,000;

(12) Basic research, $17,600,000;

(13) Space power and electric propulsion systems, $30,900,000;

(14) Nuclear rockets, $38,000,000;

(15) Chemical propulsion, $20,300,000;

(16) Aeronautical vehicles, $87,100,000;

(17) Tracking and data acquisition, $298,000,000;

(18) Technology utilization, $4,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Ames Research Center, Moffett Field, California, $1,525,000;

(2) Goddard Space Flight Center, Greenbelt, Maryland, $2,050,000;

(3) Jet Propulsion Laboratory, Pasadena, California, $1,950,000;

(4) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $575,000;

(5) Manned Spacecraft Center, Houston, Texas, $900,000;

(6) Marshall Space Flight Center, Huntsville, Alabama, $525,000;

(7) Nuclear Rocket Development Station, Nevada, $3,500,000;

(8) Various locations, $18,575,000;

(9) Facility planning and design not otherwise provided for, $5,000,000.

(c) For "Research and program management," $692,300,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000 unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (9) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines the deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c) (1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971".

The letter and analysis, presented by Mr. ANDERSON, are as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., February 2, 1970.

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

DEAR MR. PRESIDENT: Herewith submitted is a draft of a bill, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," together with the sectional analysis thereof. It is submitted to the President of the Senate pursuant to Rule VII of the standing rules of the Senate.

Section 4 of the Act of June 15, 1959, 73 Stat. 73, 75 (42 U.S.C. 2460), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is the purpose of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the Budget of the United States Government for the fiscal year ending June 30, 1971. The bill would authorize appropriations to be made to the National Aeronautics and Space Administration in the sum of $3,333,000,000, as follows:

(1) for "Research and development," $2,606,100,000; (2) for "Construction of facilities," $34,600,000; and (3) for "Research and program management," $692,300,000.

With respect to the draft bill herewith submitted, that bill is substantially the same as the National Aeronautics and Space Administration Authorization Act, 1970 (Pub. L. 91-119, 83 Stat. 196), except for the necessary changes in the dollar amounts involved, and the substantive and editorial changes hereinafter discussed.

Only one change has been made to the "Research and development" program line items; the "Sustaining university program" line item has been deleted, since no funds are requested for this program for fiscal year 1971.

The "Construction of facilities" locational line items in section 1(b) differ from those enacted as part of the fiscal year 1970 Authorization Act only in that the locational line items for Electronics Research Center, Langley Research Center and Wallops Station have been omitted, and line items for Ames Research Center, Jet Propulsion Laboratory, Marshall Space Flight Center and Nuclear Rocket Development Station have been added, since no funds are being requested for the locations omitted and funds are being requested for those locations added. Because of these changes the line items under this appropriation have been increased from eight to nine.

Subsection 1(i) of the NASA Authorization Act, 1970 (cancelling NASA authorizations for fiscal years 1967, 1968 and 1969 for which appropriations have not been made) has been omitted from the draft bill since the cancellation is effective and its purpose executed.

The numbers of the paragraphs of subsection 1(b) to which reference is made in sections 2 and 3 have been changed due to the change in the number of locational line items included in subsection 1(b). No substantive changes are intended.

Two provisions of the NASA Authorization Act, 1970 are permanent law and need not be re-enacted in order to continue to be effective, therefore, they have been omitted from the draft bill. These provisions are section 6 (requiring reports to NASA from certain former employees of NASA who are employed by certain aerospace contractors, and from employees in the converse situation) and section 8 (prohibiting the implantation or placement on the surface of the moon or any planet of a flag other than the United States flag when the funds for the space mission are provided entirely by the United States).

Finally, the last section of the draft bill, section 7, has been changed to provide that the bill, upon enactment, may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971," rather than "1970."

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Bureau of the Budget has advised that there is no objection to the presentation of the draft bill to the Congress and that its enactment would be in accordance with the program of the President.

Sincerely yours,

T. O. PAINE,
Administrator.

SECTIONAL ANALYSIS

A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

SECTION 1

Subsections (a), (b), and (c) would authorize to be appropriated to the National Aeronautics and Space Administration funds, in the total amount of $3,333,000,000, as follows: (a) for "Research and development," a total of 18 program line items aggregating the sum of $2,606,100,000; (b) for

"Construction of facilities," a total of 7 locational line items, together with one for various locations and one for facility planning and design, aggregating the sum of $34,600,000; and, (c) for "Research and program management," $692,300,000.

Subsection 1(d) would authorize the use of appropriations for "Research and development" for: (1) items of a capital nature (other than the acquisition of land) required for the performance of research and development contracts; and, (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive therefrom benefit adequate to justify the making of that grant.

In either case no funds may be used for the construction of a facility the estimated cost of which, including collateral equipment, exceeds $250,000 unless the Administrator notifies the Speaker of the House, the President of the Senate and the specified committees of the Congress of the nature, location, and estimated cost of such facility.

Subsection 1(e) would provide that, when so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities and support services may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed $35,000 of "Research and program management" appropriation funds for scientific consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that no funds appropriated pursuant to subsection 1(c) for maintenance, repair, alteration and minor construction may be used to construct any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

Subsection 1(h) would provide that no part of the funds appropriated for "Research and development" may be used for grants to any nonprofit institution of higher learning unless the Administrator determines that recruiting personnel of any of the Armed Forces are not being barred from the premises or property of such institution. Subsection 1(h) would not apply if the Administrator determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense would be required to furnish to the Administrator on the dates prescribed the names of any nonprofit institutions of higher learning which the Secretary of Defense determines are barring such recruiting personnel from premises or property of any such institution.

SECTION 2

Section 2 would authorize the 5 per centum upward variation of any of the sums authorized for the "Construction of facilities" line items (other than facility planning and design) when, in the discretion of the Administrator, this is needed to meet unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subsection 1(b), paragraphs (1) through (8).

SECTION 3

Section 3 would provide that not more than one-half of 1 per centum of the funds appropriated for "Research and development" may be transferred to the "Construction of facilities" appropriation and, when so transferred, together with $10,000,000 of the funds appropriated for "Construction of facilities," shall be available for the construction of facilities and land acquisition at any location if (1) the Administrator determines that such action is necessary because of changes in the space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to the Speaker of the House, the President of the Senate and the specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or each such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

SECTION 4

Section 4 would provide that, notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and,

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House, the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SECTION 5

Section 5 would express the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SECTION 6

Subsection 6(a) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of the Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution, then the institution would be required to deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act. If an institution denies an individual assistance under the authority of the first sentence of subsection 6(a), then any institution which such individual subsequently attends would be similarly required to deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual.

Subsection 6(b) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of the Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution would be required to deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act.

Subsection 6(c)(1) would provide that nothing in the Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

Subsection 6(c)(2) would provide that nothing in section 6 shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

Subsection 6(c)(3) would provide that nothing in section 6 shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SECTION 7

Section 7 would provide that the Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971".

S. 3377—INTRODUCTION OF BILL TO AMEND THE SHIPPING ACT, 1916, AND THE INTERCOASTAL SHIPPING ACT, 1933

Mr. MAGNUSON. Mr. President, by request of the Federal Maritime Commission, I introduce, for appropriate reference, a bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances and for other purposes. I ask unanimous consent that the bill, the letter of transmittal from the Chairman of the Federal Maritime Commission to the President of the Senate and the accompanying statement of purpose and need be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and statement will be printed in the RECORD.

The bill (S. 3377) to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shipping Act, 1916 (46 U.S.C. 801 *et seq.*), is amended as follows:

(a) By deleting that part of the first sentence in the last paragraph of section 15, immediately preceding the proviso, and substituting the following: "Whoever violates any provision of this section or of section 14b shall be subject to a civil penalty of not more than $1,000 for each day such violation continues;"

(b) By deleting the last paragraph of section 16 and substituting the following: "Whoever violates any provision of this section other than paragraphs First and Third hereof shall be subject to a civil penalty of not more than $5,000 for each such violation.

"Whoever violates paragraphs First and Third hereof shall be guilty of a misdemeanor punishable by a fine of not more than $5,000 for each offense."

(c) By deleting section 18(b) (6) and substituting the following:

"(6) Whoever violates any provision of this section shall be subject to a civil penalty of not more than $1,000 for each day such violation continues."

(d) By deleting section 32 and substituting therefor the following:

"SEC. 32 (a) That whoever violates any provision of sections 14 through 21 and section 44 of this Act, except where a different penalty is provided, shall be subject to a civil penalty not to exceed $5,000 for each such violation.

"(b) Whoever violates any provision of any other section of this Act, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by fine not to exceed $5,000."

(e) By adding the following as a new section 45:

"SEC. 45. Civil penalties provided for violations of sections 14 through 21, and 44 of this Act may be assessed by the Federal Maritime Commission."

(f) By renumbering present section 45 to section 46.

SEC. 2. The last sentence of section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), is amended to read as follows: "Whoever violates any provision of this section shall be subject to a civil penalty to be imposed by the Federal Maritime Commission of not more than $1,000 for each day such violation continues."

The letter and statement, presented by Mr. MAGNUSON, are as follows:

FEDERAL MARITIME COMMISSION,
Washington, D.C.

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

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill, together with a statement of purpose and need for the draft bill, to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances.

The need for and purpose of the proposed bill are set forth in the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at the second session of the 91st Congress for the reasons set forth in the accompanying statement.

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

Sincerely,
HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSES AND NEED FOR THE BILL TO AMEND THE SHIPPING ACT, 1961, AND THE INTERCOASTAL SHIPPING ACT, 1933, TO CHANGE CERTAIN CRIMINAL PENALTIES TO CIVIL PENALTIES, AND AUTHORIZE THE COMMISSION TO ASSESS CIVIL PENALTIES

The bill would change the penalties of section 16 (except for paragraphs First and Third) of the Act from criminal penalties to civil penalties, with the money amounts of the penalties to remain unchanged. It also changes the general penalty provision of section 32 of the Act by making all violations of sections under the jurisdiction of the Federal Maritime Commission, for which no penalty is specifically provided, civil instead of criminal. Authority would be vested in the Commission to fix the amount of civil penalties for violations of sections subject to its jurisdiction. Penalties assessed by the Commission would be remitted or mitigated by it under appropriate circumstances pursuant to the Federal Claims Collection Act of 1966, 31 U.S.C. 951–953, and regulations promulgated thereunder. Since the bill would authorize the Commission to assess civil penalties, sections 15 and 18(b) (6) would be amended to eliminate the words "to be recovered by the United States in a civil action."

As the Act now stands, civil penalties are imposed for violations of section 15, which requires the filing for approval of agreements restricting competition, and of section 18(b), which requires the filing of tariffs. However, the penalties of section 14, which prohibits deferred rebates and other unfair practices, and section 16, which prohibits false billing and undue preferences, are criminal.

The Commission believes that better administration of the Act will be derived from making certain of the penalties under section 16 and penalties under section 32 civil and empowering the Commission to determine and adjudge such penalties. The Commission determinations under these sections are subject to judicial review in a United States Court of Appeals under the Review Act of 1950 (28 U.S.C. 2341 *et seq.*). This would eliminate the necessity of a *de novo* district court penalty suit as is presently required and would enable the Commission to relate the amount of the penalty directly to the nature and circumstances of the violation. Such a procedure should, in many instances, reduce the total litigation expenses to both the government and private parties while at the same time retaining the safeguards of justice through the reviewability of Commission decisions in U.S. Court of Appeals.

Section 2 of the bill would give the Commission authority to assess the civil penalties presently provided for violations of the Intercoastal Shipping Act, 1933.

S. 3378—INTRODUCTION OF BILL RELATING TO USE OF PAYMENTS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. CASE. Mr. President, I introduce a bill to amend title I of the Elementary and Secondary Education Act, for appropriate reference.

Title I is the Federal program which provides assistance to local school districts to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families.

My bill would require applicants for this assistance to submit plans for reducing or eliminating racial, social, and linguistic isolation in their schools.

Numerous studies, including the Coleman Report on Equality of Educational Opportunity which was done for the Department of Health, Education, and Welfare and a report by the New York State Board of Regents, have shown that isolation, whether racial, social, or linguistic, is a major factor in the educational disadvantage of minority children.

Originally, I had intended to offer the substance of my bill as an amendment to the currently pending legislation to extend the Elementary and Secondary Education Act for another 4 years.

However, because of the importance of this subject and the complexity of the programs involved, I decided it would be better if this whole subject was considered thoroughly in committee hearings.

The complexity of the problems already encompassed by the pending extension of the Elementary and Secondary Education Act is demonstrated by the fact that the committee's excellent report on this bill entails 443 pages.

It is my hope that consideration of the issues raised by my bill will not be forced to compete for the attention of the Senate with the many other important issues contained in the pending bill.

It is my understanding that my colleague, the junior Senator from Rhode Island (Mr. PELL), chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare, may hold hearings on legislative oversight in connection with elementary and secondary education later this year.

I urge that my bill and all other proposals dealing with these or related issues be thoroughly considered at those hearings in an effort to develop legislation to deal with this matter. I recognize that my bill may be only the first step in a comprehensive program that is needed. However, I believe it represents a needed step which can be implemented quickly.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3378) to amend title I of the Elementary and Secondary Education Act of 1965 concerning use of payments under such title, introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 3379—INTRODUCTION OF A BILL RELATING TO PROPOSED TRANSFER OF A MERCHANT VESSEL TO THE LOS ANGELES UNIFIED SCHOOL DISTRICT

Mr. MURPHY. Mr. President, I introduce, for appropriate reference, a bill to authorize the transfer of a merchant vessel to the Los Angeles Unified School District for their use in the training of qualified applicants as ship repair and shipbuilding personnel.

American society has become increasingly more complex with a need for highly trained persons to do the jobs that were formerly done by a less skilled labor force. We want the citizens in our country to be self-supporting and gainfully employed. In order that we might accomplish this end, we must seek ways in which the unemployed and the underemployed can become proficient in various areas so they can become productive and useful citizens.

The need to train individuals to become productive citizens exists in all facets of our society. Not the least of these is the maritime industry which faces ever increasing demands for trained personnel in both seagoing and nonseagoing personnel.

At the port of Los Angeles, which is the leading port on the Pacific coast and the second largest in the United States, there is a critical need for qualified personnel in the shipbuilding and ship repair fields of the maritime industry.

Programs are now being developed for increased shipbuilding in the port of Los Angeles. These programs call for trained craftsmen who are familiar with the new techniques being employed in the industry.

Because of the need for trained craftsmen, I am introducing a bill which would transfer a vessel to the Los Angeles Unified School District for nontransportation use in the training of qualified applicants as ship repair and shipbuilding personnel.

The ship would provide an effective laboratory as well as knowledge of the new techniques being used in the industry. In providing a ship where instruction and training can take place, we will narrow the gap between the innovations in the shipbuilding and ship repair industries and the knowledge and skill which now exist.

Specifically, the ship would be used to train personnel in shipbuilding and ship repair crafts such as marine pipefitters, boilermakers, ship fitters, and marine electronics technicians. In addition, the ship will be used for developing proficient cargo-handling techniques.

In advocating that you give your favorable consideration to this bill, I must also tell you that the adult education division of the Los Angeles Unified School District has long worked actively and closely with both business and industry. The division has worked with the Management Council for Merit Employment in setting up training programs which meet the needs of the community.

In addition, the school district through its adult division has successfully operated four occupational centers and four skill centers. Individuals who have taken advantage of these two programs and completed the prescribed courses have achieved a notably high degree of success in finding employment.

Plans call for similar programs in this venture. A maritime advisory council to advise in the administration of an education and training program designed to meet the specific needs of the shipbuilding and ship repair crafts is being considered.

As well as providing training in the crafts, plans call for courses in basic adult education and citizenship classes for those individuals needing these qualifications. Competent instructors will be sought by the school district to teach the craft and basic education courses so that successful completion of the work might be applied toward obtaining a high school diploma and certificate.

The Los Angeles Unified School District, through its adult education division, has the know-how and has a record of proven success. The need for qualified individuals in the maritime industries is critical and the time to act is now.

Mr. President, I do hope that early and favorable action will be taken on this bill by the Senate.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3379) to authorize the transfer of a vessel to the Los Angeles Unified School District for nontransportation use in the training of qualified applicants as ship repair and shipbuilding personnel, introduced by Mr. MURPHY, was received, read twice by its title, and refered to the Committee on Commerce.

S. 3382—INTRODUCTION OF A BILL TO MAKE A CONVEYANCE OF CERTAIN REAL PROPERTY IN THE AGRICULTURAL RESEARCH CENTER, BELTSVILLE, MD.

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill directing the Secretary of Agriculture to convey certain real property in the Agricultural Research Center, Beltsville, Md., to the Maryland-National Capital Park and Planning Commission. Such conveyance will permit enlarging the right-of-way for a proposed public golf course in Prince Georges County.

Prince Georges County, Md., is one of the fastest growing counties in the United States. Over 100 families move into the county each month. Its population of 625,000 makes Prince Georges the largest county in the State.

Prince Georges is a county in transition, for as the population increases rapidly, the character of the land changes as well. Prince Georges no longer is a quiet, peaceful, rural tobacco-growing county. It has become a busy, dynamic, suburban area. Homes, schools, roads, and businesses have replaced open fields, farmland, and woods.

A growing county, however, requires substantial recreational facilities. We now realize that man needs the opportunity to relax and enjoy himself, as well as a place in which to work and live. The quality of life today is an important public concern, and recreation is a vital element of this quality.

Our government agency charged with providing such recreational facilities is the Maryland-National Capital Park and Planning Commission. This is a bicounty agency created by the Maryland General Assembly in 1927. It plans, acquires, develops, and operates a regional park system for Prince Georges and Montgomery Counties.

Recently, the park and planning commission acquired 116 acres fronting on Telegraph Road, known as the Hall tract. The land lies within the Agriculture Department's holdings in Beltsville. The commission purchased the land for the purpose of building an 18-hole golf course. Both the Agriculture Department and NASA, which is also a neighbor, concur with the proposal and support the commission's efforts.

Unfortunately, as outlined to me in a letter from Warren W. Kershow, associate director of parks and land acquisition for the parks and planning commission:

> The Hall Tract only has a 15-foot right-of-way from Telegraph Road, and to make this project entirely feasible in terms of bond sales for development and utilization of private concessionaires, etc., we must secure a larger right-of-way.

The bill I am introducing today would provide this right-of-way. It directs the Secretary of Agriculture to convey a parcel of land 65 feet wide and 1,120 feet long to the commission. This would give the commission an 80-foot right-of-way, sufficient for the proper development of the Hall tract. The bill provides that the land shall not be conveyed until payment has been made, the price to be determined by the Secretary. Additionally, should any survey be required to effect the change of ownership, the bill states that the commission shall bear the expense of the survey. By enlarging the right-of-way to the Hall tract, the bill, if enacted, would insure proper public access to a new and highly desirable recreational facility in Prince Georges County.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3382) to direct the Secretary of Agriculture to make a conveyance of certain real property in the Agricultural Research Center, Beltsville, Md., introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSOR OF A BILL

S. 3171

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of S. 3171, to amend the Omnibus Crime and Safe Streets Act of 1968.

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

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 223

Mr. STEVENS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of Senate Resolution 223 which would establish at least one standard metropolitan statistical area in each State.

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

EXPANSION AND IMPROVEMENT OF THE NATION'S AIRPORT AND AIRWAY SYSTEM—AMENDMENTS

AMENDMENTS NOS. 478 AND 479

Mr. STEVENS. Mr. President, H.R. 14465 provides for airport improvement and expansion, but along with betterment of physical facilities must come adjustments in airport operations and service.

At this time I am submitting an amendment, intended to be proposed by me, to H.R. 14465 which retains the exemption from the passenger fare tax for State and local government employees.

In my State of Alaska and, I am sure, in others of large size and dispersed population centers, employees of both State and local governments must travel considerable distances to conduct government business. As I see it, this type of regular and necessary travel should not be subject to the 8-percent tax on air fares as provided for under this bill.

The second amendment which I intend to propose eliminates the charge for customs services outside normal hours for passengers arriving or departing on aircraft at international airports. At the present time, as a requirement of the customs overtime laws, extra compensation is collected from users themselves for whom custom services are performed. The charge is required of the owner or operator of an aircraft and whenever possible is prorated among the passengers themselves. I see no reason why U.S. planes operated by U.S. citizens should be subjected to payment of a service fee because the Federal Government insists that planes undergo inspection before they legally reenter this country.

The PRESIDING OFFICER. The amendments will be received and printed, and appropriately referred.

The amendments (Nos. 478 and 479) were referred to the Committee on Finance.

REPEAL OF LEGISLATION RELATING TO USE OF THE ARMED FORCES IN CERTAIN AREAS OUTSIDE THE UNITED STATES—AMENDMENT

AMENDMENT NO. 480

Mr. CRANSTON submitted an amendment, intended to be proposed by him, to the joint resolution (S.J. Res. 166) to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes, which was referred to the Committee on Foreign Relations and ordered to be printed.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENT

AMENDMENT NO. 481

Mr. STENNIS (for himself, Mr. RUSSELL, Mr. HOLLINGS, Mr. TALMADGE, Mr. EASTLAND, Mr. ERVIN, Mr. HOLLAND, Mr. ELLENDER, Mr. JORDAN of North Carolina, Mr. THURMOND, Mr. ALLEN, Mr. TOWER, Mr. SPARKMAN, Mr. GURNEY, Mr. MCCLELLAN, and Mr. LONG) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which was ordered to lie on the table, to be printed, and to be printed in the RECORD.

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

NOTICE OF HEARING ON NOMINATIONS TO THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. JACKSON. Mr. President, for the information of the Members of the Senate and other interested persons, I announce that the Committee on Interior and Insular Affairs will hold an open hearing on the nominations by President Nixon to the new Council on Environmental Quality established by the National Policy Act of 1969. The nominees are the Honorable Russell E. Train of Washington, D.C., who is presently Under Secretary of the Interior, to be Chairman of the Council; Robert Cahn, a correspondent in the Washington bureau of the Christian Science Monitor; and Gordon J. F. MacDonald, vice chancellor for research and graduate affairs at the University of California.

A previous public announcement of this hearing was released to the press last week.

The hearing will begin at 10 a.m. Thursday, February 5, in the committee room, 3110 New Senate Office Building.

The committee will be pleased to receive the views and comments of any Members of the Senate or other interested persons concerning these nominations.

Mr. President, I ask unanimous consent that the text of the press release from the White House announcing these nominations and containing brief biographical sketches of each nominee be printed in the RECORD at this point.

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

The President today announced his intention to nominate Russell E. Train of Washington, D.C. to be Chairman of the new Council on Environmental Quality. Robert Cahn of Washington, D.C. and Gordon J. F. MacDonald of Santa Barbara, California, are to be nominated as members of the Council.

Train, 49, has been serving as Under Secretary of the Interior since 1969. For four years prior to assuming that post, he was president of the Conservation Foundation, engaged in research, education, and policy development for the whole range of environmental problems in the United States. As a leader in the International Union for the Conservation of Nature and Natural Resources, and a founder of the African Wildlife Leadership Foundation, he has contributed significantly to the increasing worldwide awareness of ecology.

Train is a 1941 graduate of Princeton; he was an army officer during World War II and received a law degree from Columbia in 1948, specializing in tax law. He was an advisor for several congressional committees and the Treasury Department until 1957, when President Eisenhower appointed him to the Tax Court of the United States. Train resigned from the Court in 1965 to become President of the Conservation Foundation.

Train is married to the former Aileen Bowdoin. They have four children.

Robert Cahn, 52, is a correspondent in the Washington bureau of the Christian Science Monitor. A Seattle native, he earned a journalism degree from the University of Washington in 1939. He did Army public relations works during World War II. Later he was a correspondent for the Seattle Star, the Pasadena (Calif.) Star-News, and Life magazine. From 1951–1956 he was an editor of Collier's magazine. After a period of free-lance writing, he became Midwestern Editor of the Saturday Evening Post in 1961. From 1963–1965 he covered the White House for USIA. Since joining the Monitor in 1965, Cahn has distinguished himself in conservation and resource reporting. His Monitor series on the national parks won a 1969 Pulitzer Prize. The Secretary of the Interior, the National Recreation and Park Association, and the Thomas L. Stokes competition have also honored his achievements in educating the public on environment issues.

Cahn is married to the former Patricia Lovelady.

Gordon J. F. MacDonald, 40, is currently Vice Chancellor for Research and Graduate Affairs at the University of California, Santa Barbara. Born in Mexico City and educated in the United States, he received his Ph. D. from Harvard in 1954. MacDonald's credentials in the scientific and technical aspects of environmental studies are massive: He has been closely associated with the National Academy of Sciences—National Research Council since 1960, when he joined their Space Science Board. In 1962 he was elected to the Academy—its youngest member at that time. Currently, he is Chairman-designate of the Academy's Environmental Studies Board and Chairman of its Panel on Weather and Climate Modification. MacDonald is also a member of the Committee on Mineral Science and Technology, the U.S. Committee for the Global Atmospheric Research Program, and the President's Science Advisory Committee.

NOTICE OF HEARINGS BY MINERALS, MATERIALS, AND FUELS SUBCOMMITTEE

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee, I announce that public hearings have been scheduled by the subcommittee on the following matters:

First. For February 23, a resumed hearing on magnetohydrodynamics—MHD. MHD is a potential means of producing electrical energy from low-grade fuels, including coal, with diminished pollution. Industry and academic witnesses were heard on MHD on December 18, and at the hearing on the 23d of February, the subcommittee will hear Government experts.

Second. As previously announced, on the 24th and 25th of February, hearings will be held on four bills growing out of the tragic oil leak from oil and gas operations in the Outer Continental Shelf off Santa Barbara, Calif., last year.

Third. On February 27, the subcommittee is holding hearings on three private bills which would authorize the Secretary of the Interior to reinstate certain specific oil and gas leases providing the facts and equities are found to warrant such reinstatement. These measures are S. 93 and S. 698, by Senators GRAVEL and STEVENS, respectively, and S. 2323, by Senator MCGEE.

Fourth. Then, on March 13 and 14, the subcommittee will hold field hearings in Santa Barbara on the oil spill measures.

Members of Congress or others wishing to participate in any of these hearings should notify the Interior Committee staff.

THE GROWING PAINS OF MEDICAL CARE

Mr. KENNEDY. Mr. President, we are all well aware of the increasingly serious crisis in the Nation's health care system. In recent weeks and months, a number of useful and informative articles have appeared in the press detailing the facts of the crisis and proposing possible new approaches and solutions.

One of the most perceptive discussions was published recently in the New Republic. In a series of three articles entitled "The Growing Pains of Medical Care," Mr. Fred Anderson deals extensively with the issue. In the first article, Mr. Anderson, who is a staff associate of the National Academy of Engineering, describes the Nation's existing health care system and the paradox that allows the best care in the world in some parts of the country to exist alongside some of the worst care in other parts of the country.

In the second article, he discusses the need for a reorganization of the Nation's health delivery system, with particular emphasis on more effective use of group practice, comprehensive preventive care and community medicine, and prepayment of the costs of health care.

In the third article, he discusses the possible methods by which better health care should be financed, and the various alternative ways in which a comprehensive national health insurance program might be phased in. Here, he stresses the point that the financing mechanism should contain special incentives to encourage the reorganization of the health delivery system.

Mr. President, I believe that Mr. Anderson's articles will be of interest to all of us concerned with the quality and equality of health care in the Nation. I ask unanimous consent that they be printed in the RECORD.

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

[From the New Republic, Jan. 17, 1970]

THE GROWING PAINS OF MEDICAL CARE (I): PAYING MORE, GETTING LESS

(By Fred Anderson)

Several months ago President Nixon, Secretary Finch and the Assistant Secretary for Health and Scientific Affairs, Dr. Roger Egeberg, gathered at the White House to tell the nation that it is about to face a complete breakdown in the delivery of health services. Many think the breakdown has already occurred. Long waits for an appointment with a physician, poor service, and astronomical medical bills have gradually become the rule, rather than the exception. The public does not understand how this state of affairs came about, nor why physicians, hospitals and insurers have not done something about it. Particularly irritating is the federal government's failure, though it paid 29.6 percent of the $53.1 billion spent on health in 1969. Long hours in the "waiting room," hurried and impersonal attention, difficulty in obtaining night and weekend care, reduction of services because staff is not available, high drug and treatment costs, loopholes in insurance coverage, and the like, tell only part of the story. The rest is told by statistics which smash any remaining confidence that we lead the world in health care. Fifteen other countries have longer average life expectancies. (Ten-year-old females have a longer life expectancy in twelve other countries, while the American male child of ten years is bested in 31 countries.) Infant mortality is less in 14 other nations. Five countries have better maternal mortality rates. Twelve have better records for ulcers, diabetes, cirrhosis of the liver, hypertension without heart involvement. Twenty have less heart disease.

Whatever life expectancy a white American has, subtract seven years from the life of his nonwhite counterpart. Infant mortality rates are two times as great for nonwhites as for whites. Infant mortality rates for Negro children in Mississippi or a Northern city are comparable to Ecuador's; nationwide, to Costa Rica's. Nonwhite maternal mortality is four times as great as the white rate. (The disparity in maternal death rates has grown from twofold to fourfold since the end of World War II.) In the city slums there is three times as much heart disease, five times as much mental disease, four times as much high blood pressure, and four times as many deaths before age thirty-five than there is nationwide.

The National Advisory Commission on Health Manpower (1967) reviewed 15 representative studies of the quality of health care services in the United States. Here are the findings in three of the studies: (1) a survey of medical laboratories sponsored by the National Center for Communicable Diseases (US Public Health Service) found that 25 percent of reported laboratory results on known samples were erroneous; (2) an evaluation of all major female pelvic surgery performed during a six-month period in a community hospital revealed that 70 percent of the operations which resulted in castration or sterilization were unjustified in the opinion of expert consultants; (3) the medical records of a random sample of 430 patients admitted to 98 different hospitals in New York City during May 1962 were reviewed by expert clinicians. In their opinion only 57 percent of all patients, and only 31 percent of the general medical cases, received "optimal" care.

Organized medicine attributes deterioration in health care to our failure to produce enough physicians for the growing demands for services. That's correct, to a point. Over the decade 1955–1965 "physician-directed services" rose 81 percent and hospital services 65 percent, although the increased output of physicians (22 percent) barely exceeded population growth (17 percent). In fact, the increase in physicians who went into patient care (12 percent) was *less* than population growth. Thus the availability of direct, personal treatment by a physician has diminished at a time when demand for medical care is going up rapidly. Demand has been so great that the expected undersupply of physicians should have occurred years ago. What happened? Physicians learned to delegate many tasks to other medical professionals, a practice which should be encouraged. Between 1955 and 1965, professional nurses increased by 44 percent, nonprofessional nurses 63 percent, x-ray technologists 56 percent, and clinical laboratory personnel 70 percent. Nevertheless, in the opinion of the National Advisory Commission on Health Manpower, the existing organization of medical care will soon require more physicians than the medical schools are capable of producing. "If additional personnel are employed in the present manner and within present patterns and 'systems' of care," said the Commission, "they will not avert, or even perhaps alleviate, the crisis." That seems to say that no number of additional physicians will be sufficient unless medical care is reorganized. But the Commission did not say how reorganization should be carried out.

What is so unsatisfactory about the organization of our present medical care system? It consists by and large of physicians in practice alone, or in small groups, on a fee-for-service basis. The model is the independent business entrepreneur, and a strong sense of nineteenth century individualism still guides professional conduct. (About 60 percent of physicians in direct care of patients are solo practitioners, even though less than two percent of current graduates go into general practice. Of physicians in office practice, about 72 percent still work on a fee-for-service basis.) The "nonsystem" of separate practitioners and few hospitals which grew up in the last century has somehow managed to underpin the vast array of interlocking referrals, specialties, clinics, hospital services and financial arrangements which exists today. That foundation is crumbling.

We cannot allow the further duplication of services, equipment and personnel, not only because of the high cost of redundancy, but because fee-for-service medicine is medically one-sided. It is adequate for episodic care for patients with a specific complaint. But such care, though good, is delivered in sporadic bursts. It is not the personalized, lifelong program of prevention, diagnosis, treatment and rehabilitation that it should be. Patients very rarely receive preventive screening or treatment. How could a fee-for-service bill be written for "diagnosing" and publicizing a dangerous playground? Who would be billed? The city? Parents? Fixing up several broken arms is a medical "service," with a going rate per arm. Getting embroiled with nonmedical "playground" issues is not, even though the expense of an ounce of prevention may be less than that for a pound of cure.

It is not quite fair to lay all the ills of the health care system at the feet of the practitioners who favor the fee-for-service system. The American Medical Association, as chief defender of fee-for-service, is almost a caricature of an Establishment, an easy target. But medicine has two Establishments, both of which contribute to our troubles. The second Establishment, hostile to the first, is based in urban hospitals. It is research and technology oriented, often salaried, and provides the world's best surgery and treatment for complex illnesses. The result is that though this is the best country in the world in which to have a serious illness, it is one of the worst countries in the world in which to have a non-serious illness. That part of medicine which most people encounter most often is mediocre. At the same time, we have outstanding open heart surgery, plastic surgery, surgical organ transplantation, and diagnostic skills. It is this paradox which makes it possible for a patient to read in the waiting room literature of America's latest triumph of medical technology, while failing to receive quick, effective and inexpensive treatment for a sore throat.

The strength of the new hospital-based Establishment is in its domination of the medical schools. Dr. Charles E. Lewis of Harvard's Center for Community Medicine and Medical Care believes that the inertia of medical schools and their affiliated teaching hospitals is the health care delivery system's chief problem. The schools and their hospitals turn out excellent clinicians, scientifically imaginative researchers, who appear more concerned with a patient's interesting electrolytes than with his humdrum good health. A department chairman, selected perhaps, because he discovered subtle mechanisms of kidney function, makes the school's reputation (and much of its money) by his work and by the grants which he gets for research. No one can tell the collection of department chairmen who run a medical school, or their granting agencies, that the funds which they collect should go to teach students how to care for whole patients in the environment in which patients live.

The fee-for-service system has not adapted well to third-party payments, whether from insurance companies or from government. The public finds this awkward welter of insurance plans and complex federal programs confusing and vexing.

Picking one's way through the medical maze requires, in the words of Dr. Sidney Lee of Harvard Medical School, "the flexibility of a worm, the dexterity of a locksmith, and the hairsplitting ability of a Philadelphia lawyer." For instance, new employees at the Lawrence Radiation Laboratories in California are handed a chart which folds out like a roadmap into a description of eight programs and benefits for 21 selected services. In the 168 separate boxes of fine print are detailed the conditions of coverage and exclusions of each of the eight plans. Making sense of health insurance is a problem for all of us, even if we are not given "helpful" charts. With approximately 1800 separate plans in existence to choose from, what are we to do?

Perhaps it would be worth working through the maze *if* private insurance provided complete coverage. It does not. *All* third-party payments, including federal programs and philanthropy as well as private insurance, accounted for only *half* of personal health care expenditures by 1966. The private health insurers make quite a fuss over how extensive their coverages are. They point out that about three-fourths of the population has some kind of hospitalization or surgical coverage and that the number is growing, but the important point is not that the number of persons covered is going up; it is that the insured are not getting much for their money. The insured three-fourths of the population has about one-third of its medical bills paid through insurance. Large categories of medical expenses, such as drugs, dental care, and non-hospital "ambulatory" office visits, are excluded from most policies. These exclusions are critical at a time when consumers spend about 20 percent of their health dollars on drugs, about 10 percent on dental care, and, according to a recent MIT study, another 25 percent to 50 percent for ambulatory care.

Government, principally through Medicare and Medicaid, has ventured into paying some of the medical bills of those least able to pay—the elderly and the poor. Medicare includes two related programs for insuring persons over 65 against the costs of hospitalization, physicians' services and related health care. There is no means test. Part A, Hospital Insurance Benefits, covers practically all persons over age 65. It draws its money from a special hospital insurance trust fund, in the case of social security beneficiaries, and general revenues, in the case of those not currently covered by Social Security. Part B, medical insurance for some (but nothing like all) physicians' fees and related costs, is financed by voluntary individual monthly payments, although the federal government also contributes from general revenues. Medicare functions quite smoothly, though hospitals complain of the paperwork and restrictions, and patients complain that in some hospitals they are discriminated against as Medicare patients. Lastly, and contrary to general belief, Medicare covers only about 35 percent of the total health bill of persons over 65.

Medicaid is more complicated. The primary recipients here are, in the bureaucratic phrase, the indigent "categorically needy": the aged, the blind, the disabled, and families with dependent children. Each participating state must submit a plan, and the categorically needy must be included. States are permitted, but not required, to include persons who are self-supporting but have no reserves to meet medical expenses. These are (again, their phrase) the "medically needy." States may also extend Medicaid to those whose only qualification is poverty. But the federal government will pay only the administrative costs of providing them with medical care. State Medicaid plans must offer five basic services: inpatient hospital care, outpatient hospital care, other lab and x-ray services, nursing home services, and physicians' services. States may elect to provide five additional services for a comprehensive program.

We constantly hear that Medicaid was ill-conceived, that it slipped by Congress while its attention was on Medicare. It certainly was not ill-conceived. Medicaid is a ten-year plan designed to gently badger the states into providing comprehensive medical coverage for all medically and economically deprived persons by 1975. Inflation aside, one reason why Medicaid now gobbles up the dollars is because it is growing, exactly according to the plan set out in the original legislation. After four years of varying degrees of state acceptance, the plan does, however, seem to be a shambles: Medicaid currently serves limited categories of the poor and sick, through benefits of Byzantine complexity, which vary astonishingly from state to state (under Medicaid, New York averages $57 per inhabitant for medical assistance; New Hampshire, $5). The states abuse Medicaid, about a dozen of the states have rejected it altogether, and it is underadministered in Washington.

Skyrocketing costs under Medicaid have led to a well-publicized campaign to economize through administrative reforms. The Administration may actually believe that such tinkering with Medicaid, including November's frantic efforts of yet another Task Force, are the kind of "revolutionary change" which the President said he wanted when he drew attention to the crisis in health care. It would appear so, since the Administration's July report, billed as a major interagency study requiring five months to complete, spent most of its shot on administrative reforms. For instance, the government pins great hopes on the strict limits it recently set on fees of physicians participating in Medicaid. But physicians, angered by this effrontery, are likely to respond either by dropping out of Medicaid entirely, or raising their fees to the new legal maximum, causing costs to escalate further.

This sort of reform is worthless. All large institutional funds such as Medicaid, whether public or private in origin, are uncontrollably inflationary in the present *entrepreneurial fee-for-service system*. There is no effective way to police this vast undertaking. Through their right to determine "reasonable" fees, and behind the screen of the simple physician-patient contract for services, hospitals and practitioners are tempted to take what large third-party funds will allow. Proof is not hard to find. Medical costs were already increasing at twice the rate of increase in the Consumer Price Index when Medicaid and Medicare went into effect. But in that year physicians' fees shot up at almost three times the rate of general prices, while hospital charges, incredibly, increased at five times the rate of general prices! Small wonder that the Senate Finance Committee felt obligated to inquire into possible fraudulent behavior among the 10,000 physicians who in 1968 "earned" $25,000 or more apiece from Medicaid and Medicare.

Federal bureaucratic inefficiency is not particularly to blame, as a recent experience of a private insurer shows. Blue Cross of Kansas, a comparatively simple, modestly financed scheme, recently made $250,000 available to its subscribers for walk-in care at the physician's office. Ten percent of the physicians participating used 50 percent of the fund, and $50,000 was paid out by Blue Cross for simple hypodermic injections alone. Four physicians gave most of the injections, collecting remarkably "reasonable" fees. Patients did not need the injections any more than they did before Blue Cross acted, nor did they request injections. Nevertheless, their physicians prescribed them, and patients, because they were not paying or because they had no idea what an injection should cost, did not object to the artificially high prices charged back to Blue Cross.

It is not going to be easy to change all this, to modernize medical care. With $2.5 million of campaign contributions, the AMA was able in 1968 to control the political forces which shape a health care system costing the public $53.1 billion annually. The AMA pattern is clear: first a survey, a recommendation, a legislative proposal for change, supported by physicians and laymen alike, which speaks up for the public, attempting to head off health care crises like the one we're in. The retaliation of organized medicine is always swift and defensive, reaching an emotional crest on the editorial pages of the *Journal* of the AMA. So it was in 1948 when the recommendations of the President's National Health Assembly provoked a $25 assessment on AMA members for a war chest to fight socialized medicine. So it was in 1951 when the President's Commission on the Health Needs of the Nation was called "another flagrant proposal to play politics with the medical welfare of the American people." So it was, for eight years, with the battle for Medicare which ended in 1965.

[From the New Republic, Jan. 24, 1970]

THE GROWING PAINS OF MEDICAL CARE (II): WE CAN DO IT BETTER, CHEAPER

(By Fred Anderson)

When the President told the nation last July that its health services were about to break down, he based his conclusion on a major, five-month interagency study. Considering the gravity of the news and the President's call for "revolutionary change," it's astonishing that the study hardly mentioned the one way that we might avoid a crisis—reorganization of the nation's entire health care system. Nothing else could rescue a system where physicians' fees are increasing at twice the rate of general prices, hospital costs are increasing at three times the rate of general prices, and scarce physicians provide fewer services, limited to episodic illnesses, for patients; patients that is, who are not overlooked entirely because of race or class.

Reorganization, if effective, must include three components: group practice, comprehensive preventive care, and prepayment.

Group practice is not a new idea. Physicians learned quite some time ago to cut duplication of office expenses by going into business together. Decreasing overhead increases profits. Comprehensive preventive care, on the other hand, is a new idea. It reduces the present overemphasis on episodic, crisis medicine by requiring that physicians provide for prevention of illness, as well as for its cure, on a family and community basis. Prepayment is also a relatively new idea; it helps pass the savings of group practice on to patients. By paying in advance for total care, patients eliminate the itemized doctor's bill which lists a highly inflatable array of fees for each separate service.

These three concepts, when put together, would foster urban and rural group practices, with a variety of health professionals rendering comprehensive medical services, including family and community-centered preventive care, for a prepaid annual fee per group or person. Hospitals would be integrated with the group practices in a regional plan and would be expected to provide types of specialized or intensive care now unavailable to most people.

Solo practitioners, who may number as many as 175,000, have their own fully equipped offices and pay for them by passing the costs on to their patients. But when it is properly set up, a group practice cuts overhead by finding an optimal size for sharing underused resources, such as receptionists, record maintenance, instruments and buildings. Group practice has other benefits. It relieves the medical graduate of the burden of establishing an office and building up a practice. It facilitates collaborative treatment among physicians who know each other well. It makes possible regular hours, time off for vacation, "sabbaticals" for continuing and updating the physician's medical education, and other benefits of a collegial practice. These advantages probably account for the 26,000 physicians who by 1965 had chosen to go into groups, although very few of the 5450 practices had prepayment plans and almost none passed savings along to consumers.

The second component of reorganization, preventive medicine, poses a philosophical challenge to current medical thought about health care. Today, we must wait until we are ill (preferably *very* ill) before modern medicine can bring its sophisticated techniques into play. Hospitals, medical researchers, and, to a surprising extent, private practitioners prefer it this way: illness is impersonal, isolatable, scientific. People, thought of in terms of what's needed to *prevent* illness, are not nearly as tractable. Experimentation now taking place in the urban ghetto in a special kind of group practice may reverse this unfortunate trend.

Not only are these experimental urban neighborhood practices efficient (Dr. Harold Wise, Director of the Office of Economic Opportunity's South Bronx project, says that in his clinic 25 physicians do what normally would require 60); they are a new approach to health services as well. The urban clinics are staffed with a variety of professionals, including the usual complement of pediatricians, internists, and other specialists. But community health nurses, social workers, nutritionists and psychologists are added, in order to give preventive—as well as episodic—care to families. The neighborhood practitioners are critical of the fragmented care which hospitals provide in outpatient departments or emergency wards at night, or in clinics organized around organ systems and diseases—ear, nose and throat clinics, cancer clinics, burn clinics, chest clinics, medical clinics. The patient is critial, too. He sees this array as frustrating, senseless. Need we be told that diseased organs are found in people, people in families, and families in communities, and that overemphasizing the pathology of tissues may underemphasize simple good health? Good health may require intervention in the social, as well as medical, aspects of a patient's problem. As small as the clinics' impact is, they seem to be gaining: several medical schools have started pilot projects; OEO has 40 clinics in operation; Senator Percy and 22 colleagues have introduced legislation for a $295 million program similar to OEO's; and young health professionals, many through the Student Health Organization, intend to make the clinics work.

Oddly, the communities have not always accepted community medicine with uncloyed gratitude, from which an important fact can be learned. Community leaders want control of the health programs and a larger say in what services they will deliver. Thus, Harvard University, which claims the first university-sponsored prepaid group practice plan, has had to contend with community suspicion that Harvard will provide services only so long as the community is content to do no more than provide plenty of illnesses. Tufts University, also in Boston, found that the community's Columbia Point Health Association had ideas about community health which went well beyond the "programmed" level. These "people difficulties" show that medicine is not nearly in close enough touch with its consumers, even in the inner city where medicine has tried very hard. It leads one to wonder what middle-class patients might learn and say if they, too, had a voice in health care. Preventive family medicine, through dietetics, early screening, and broader consultation, could have a great effect on middle-class maladies: ulcers, diabetes, obesity, dental caries, cirrhosis of the liver, hypertension, heart disease, cancer, neurosis. It does not take a physician to realize that each of these can be prevented or detected quite early, and that families and communities contribute to cause and cure.

The last component in reorganization, prepayment, shifts attention once again to economy. Having agreed to a set lump sum to cover comprehensive care, physicians increase their income through internal savings below their predetermined annual income, not by gradually raising fees, here and there, for the uncountable number of separate services now available. Physicians in a prepayment plan must also give their time to patients whose health needs are greatest. This is a healthy contrast to the present situation, where all too often money determines what patients get. If Warbucks chooses to pay the prevailing rate, he can buy two hours of a Menninger's time for little Annie's sniffles. A prepayment group practice, in theory, must be more economical and apportion its talent and time on a health-oriented basis if it is to make money.

The Group Health Association of America estimates that almost eight million people are served, in part or in whole, by group health prepayment practices. About 25 of these are community plans, the largest of which are the Kaiser Foundation Health Plan (Western states), the Health Insurance Plan of Greater New York, the Community Health Association of Detroit, the Group Health Association of Washington, D.C., and the Group Health Cooperative of Puget Sound. Together, they care for up to four million people. The Longshoremen, the Hotel Union (New York), the Teamsters, the Mineworkers and other labor groups support a variety of plans with checkered coverages for another 3.5 to 4 million people. The collective experience of these plans has revealed some interesting facts: our outmoded system typically requires four hospital beds for every 1000 of population served; in the plans, half as many beds are enough, because office visits and outpatient care are more intelligently used, and because there is no built-in incentive to overutilize hospitals in order for the patient "to get his money back" from insurance plans (which usually provide generous benefits for hospitalization but almost nothing for outpatient care). The plans also keep drug costs down. For example, drugs for subscribers to the Seattle plan cost 50 percent less than the national average. The plans, then, are making dramatic savings in just those areas of health finance which are the most expensive, and usually they do it with substantial improvement in the quality of care rendered.

The Kaiser Foundation Health Plan, which now serves almost two million subscribers, has been particularly successful. Kaiser has saved its California subscribers 20 to 30 percent of the costs which Californians must meet if they are not in Kaiser's program. Further, under the terms of Medicare, Medicaid, and private insurance plans, many services are not reimbursable unless delivered in hospitals, causing a tremendous overuse of hospitals and consequently lower uninsured expenditures for early detection and preventive care. By reversing the incentive Kaiser has cut hospitalization 30 percent and costs even more, and without higher outpatient costs.

But group practices *alone* will not get us better medicine at lower cost. Especially when organized by physicians themselves, they rarely pass savings on to patients. Community and labor plans like the ones above are exceptional, in spite of their successes in some parts of the country. Nor will adding the prepayment device to group practice cut into medical consumers' huge bills unless a way can be found to keep down the initial lump sum payments. The purchasers of medical care need to be able to find effective representation for themselves and to challenge abuses when there is an increase in annual prepayments. What is needed in fact, is countervailing "patient power."

Although prepayment cannot do the whole job, it does lay a foundation for effective patient representation. National norms for what a medical consumer should pay for comprehensive care are already evolving, since a prepaid group practice is a manageable unit for quality review. (The plans mentioned have begun to develop a figure, leaving age differences aside, of around $130 a person a year.) With the evolution of standard costs for comprehensive services for individuals in various age groups, one is able to inquire why any particular group practice cannot hold its rates down to the norm. And given patients, services and profits, it is possible to develop a set of facts with which a group, an insurer, a consumer's representative or a government agency can criticize the quality of care rendered. For instance, the cost of *my* minor respiratory disorder is almost impossible to estimate. But the cost of 2000 of them can be estimated, and that information used for more rational health pricing, or, if need be, as a weapon in the consumer's battle for better care and reduced costs. Furthermore, united consumers can afford physicians, and economists, who are hired to protect *their* interests.

As matters now stand, no one really knows how to challenge physicians' fee scales. (There is much talk and some effort directed to "quality control and review" under the federal programs, but review depends upon statistical analysis, and the needed data cannot be produced under the present organization of health care.) To make things easier, relevant statutes can be amended or passed to require annual reports to subscribers, where statutes do not already require this disclosure as part of corporation or partnership law. There is no good reason why the financing of health (the second largest of all our private industries, second only to education), should not be openly reported. Participants can negotiate collectively for coverage and for items of preventive care from which the community or group as such can benefit. Prepayment can make available additional kinds of health benefits which are unmanageable in a fee-for-service system. The large institutional funds may even do it for them. For instance, state Medicaid agencies have already bargained with the Clackamas County, Oregon, Physicians' Association and with 290 physicians in California's San Joaquin Valley to pay fixed per capita premiums for total care for Medicaid recipients. A private insurer, if it had to, could do the same.

The success of groups like Kaiser in cutting consumers' costs by 20 to 30 percent is encouraging. Similar savings nationwide could save $7.5 billion in hospital bills by 1975. But without being overly cynical one may ask why physicians, who are in short supply, would want to respond to the pressures of patients, who are in large supply, even if annual set rates are charged. There is no final guarantee that physicians would not keep the annual rates as high as they possibly can. But if they attempt to do so they will meet informed opposition where virtually none had existed before. They will have to push prices up under the scrutiny of consumers' representatives who know facts formerly unavailable—facts showing how much increase is due to real costs, normal inflation, waste, or higher incomes for physicians.

Either physicians will see the wisdom of economies in the financing of health care and in reorganization or they will risk their prestige to demand even larger incomes and the continuation of wasteful practices which make life easier for the physician and harder for everyone else. Even if blinded sometimes by the preeminence which they enjoy in American society, physicians know that they are wide open to every kind of regulation and control once they lose the prestige that has made them so effective in Congress. Many of them believe that group practice and prepayment, combined as described here, or in another way, are a means of preserving the private practice of medicine.

The medical profession may not go gently into reorganization, however, and for reasons other than its desire to continue to receive large incomes and practice fee-for-service medicine. Early efforts to get group practice accepted showed that the profession can be quite effective in opposition. Organized medicine, working determinedly in the forties, has left 20 states with laws that pose barriers to group practice, voluntary care plans, or consumer control of the business and financial aspects of these activities. Of course they want to increase their earnings, but physicians also say that entrusting more than one physician with a single patient's care destroys the crucial "doctor-patient relationship" of trust and continuity. They believe this even though the experience of large hospitals with team treatment has been excellent, even though neighborhood centers have actually expanded the scope of meaningful doctor-patient relationships, even though continuity of care is mainly important in episodic, not chronic or preventive, care, and even though it has been demonstrated that a succession of new faces and fresh interest is better for some patients.

Accustomed as they are to autonomy, many physicians rankle at the thought of quality review, or peer review of a partner's contribution to the practice. Nor are they comfortable with the social side of preventive, comprehensive care. Prevention is vague, frustrating, not scientific; they prefer detective work on tissues, which is more "satisfying" to them. At the same time, they are unwilling to accept other health professionals as colleagues who can give valuable advice and initiate some care. This is particularly unfortunate since supporting staffs now are doing much of the actual work, with physicians spending more and more time just supervising them. Over the decade 1955–1965 "physician-directed services" rose 81 percent and hospital services 65 percent, although the increased output of physicians (22 percent) barely exceeded population growth (17 percent). Tasks were taken over by nurses and medical auxiliary personnel. Lastly, physicians' frustrations are compounded because their expertise in crisis medicine (surgery, cures for infectious disease, treatment for various trauma) is receding as it becomes more important to provide continuing care for children and the elderly, both of whom make up increasingly larger proportions of the population.

Nevertheless, the medical profession is not by any means close-minded. The three-part reorganization discussed here is palatable, I believe, because it does not run head-on into the charge of medical socialism which other plans face. When led away from politics, where emotions run high, practicing physicians may actually suggest reorganization to improve cooperation and efficiency. Robert Sigmond reported to the National Conference on Health Costs that in a year-long study, he had asked physicians whether, in the event of war or other national emergency, they could reorganize their areas' health facilities so as to free staff and equipment for the emergency without substantial impairment of preexisting care. They said they could, through an efficient regional group practice plan. Many physicians, especially the younger ones, while not sure about family-centered preventive care, are interested in prepaid group practice because of the collegiality, security, regular vacations and regular hours that group practice makes possible. In a sense they have stopped admiring the nineteenth century independent entrepreneur and have started imitating his successors in modern corporations and partnerships.

[From the New Republic, Feb. 2, 1970]

THE GROWING PAINS OF MEDICAL CARE (III): PAYING FOR HEALTH

(By Fred Anderson)

If it were not for the financial squeeze on the Middle American, President Nixon, Secretary Finch and Dr. Egeberg probably would never have gathered at the White House last summer to admit that the nation's health care system is in very bad shape. Politicians are pretty shrewd diagnosticians themselves. They see where the public hurts—in the region of the pocketbook. And so they prescribe "reform." Rep. John Dingell has a plan; so do Sen. Jacob Javits, Governor Rockefeller and the AFL–CIO. Even the AMA suggests a tax credit proposal which is being advanced by Rep. Richard Fulton and Sen. Paul Fannin. For the most part, all these "reforms" are after short-run savings and avoid "revolutionary change," which is what the President said we should have.

The AMA recommends that the cost of purchasing health insurance be a credit against income tax. These benefits would be graduated, so that those with higher incomes get correspondingly less benefit; persons whose incomes are so low that they got little or no benefit from the proposal would have part or all of their insurance premiums paid by federal, state or local government. A tax credit rather than deduction at least tends to give lower income groups as much of a break as the rich. But the AMA plan doesn't reach the cause of the crisis. Wasted resources, inflation, limited episodic care, and exclusion from insurance coverage of high risk patients would continue, except that insurance premiums would quickly surpass physicians' fees as inflationary items. Helping the taxpayer pay for inflation is no substitute for better care at less real cost. Where Medicaid waste occurs in exorbitant hospital bills and physicians' fees, the waste in a tax credit plan would come when private insurers got the breathtaking boon of indirect federal payment of a large share of the nation's insurance premiums. Congress ought to think twice before subsidizing a health insurance industry which imposes ever higher premiums, excludes more and more costs and treatments from coverage, and fails to insure more than about one-third of the poor. I hope my first two articles made clear that reorganizing health care is far more important than merely refinancing it. Yet refinancing is really all that the AMA plans, and most of the various national health insurance plans, would accomplish.

I am for national health insurance. But if enacted today, *with no change in the underlying system*, national health insurance would feed inflation for the same reasons that Medicare, Medicaid and private insurance feed it now. The physician's right to self-determined "reasonable" fees and the present physician-patient contract for services shields hospitals and practitioners from scrutiny and tempts them to take what they can get from large third-party funds, principally the federal programs and the private Blues. We saw this happen in the abrupt tripling of the rate of increase in physicians' fees and the quintupling of the rate of increase in hospital fees in the first year Medicaid and Medicare were in effect.

How then should health care be paid for? Two weeks ago I suggested that in return for a regular, set prepayment, each medical consumer ought to be able to receive comprehensive care, largely from group practices adept at family and community-centered preventive medicine. I also suggested that hospital care, and its financing, be coordinated with the group practices. Suppose for instance, that Congress were to authorize the Social Security Administration to increase payroll taxes on a sliding scale, thus creating a large fund out of which the public's medical expenses could be paid. No one would be exempt from this tax; on the other hand, no citizen could be denied its benefits. Suppose also that in order to pay the public's medical bills, Congress added to this fund from general revenues. This National Health Insurance fund would cover as many medical services as Congress could be convinced to include. Patients would be entitled to receive these services without additional charge, and physicians and health care institutions would receive payment for them from federal National Health Insurance. Gradually, other services would be added, until there is comprehensive health care for all.

The critical step comes when physicians or institutions ask National Health Insurance for reimbursement. They will, of course, be entitled to their fees, whether or not they practice in groups, participate in regional hospitalization plans, economize, accept annual lump-sum payments rather than fees-for-service, or practice preventive medicine. In fact, the only thing that might keep physicians or hospitals from being reimbursed is their refusal to submit information on health care delivery in sufficient detail to permit review by panels of physicians. But if physicians and health care institutions actually did move toward regionalized, prepaid group practice, they would be entitled to extra payments from National Health Insurance. Their less progressive, fee-for-service colleagues would have an incentive to do likewise.

The kind of special financial incentive I have in mind would reward pediatricians, internists and other specialists for forming group practices, with a bias toward preventive medicine. But incentives would do more than that. A key concept in reorganization is the sharing of total health responsibility among a team of health professionals. To foster the development of such teams, National Health Insurance might initially pay the entire salary, or a large fraction of it, for a consulting dietitian, or a community health nurse. Thus group practice, preventive medicine and shared responsibility would be made financially attractive to physicians, reducing their changeover costs substantially.

A variety of diseases can be headed off before they do their damage (e.g., glaucoma, high blood pressure, cancer, tuberculosis). Californians in the Kaiser Plan have been delighted that it offers screening (smears, x-rays, etc.) for as low as $1 per test. Prevention is cheaper than cure, and Kaiser is a *prepaid plan*. National Health Insurance, by offering to buy the necessary screening equipment and pay part of the operating costs, would be offering a further incentive to physicians to set up Multiphasic Health Screening (MHS) throughout the nation. The federal government has already supported MHS on an experimental basis in New Orleans, Milwaukee, Brooklyn and Providence.

The success of National Health Insurance, then, depends on a comprehensive plan which handles the medical care system with the right sticks and carrots. Such a plan is being drawn up by the Committee for National Health Insurance, which exists largely through the efforts of Walter Reuther and the UAW. Its membership includes Senators Yarborough, Cooper and Kennedy, Dr. Michael DeBakey, Whitney Young, Dean Robert Ebert of Harvard Medical School, Arthur J. Goldberg, Dr. Charles Mayo II, and Mayor Carl Stokes. A capable Technical Committee, headed by Dr. I. S. Falk, who has retired from teaching at Yale Medical School, is working on details which will be made public in mid-March. There are still some difficult questions. Will ceilings be set on the physicians' fees and insurance premiums charged during the transition period? (There seems to be no other way to curb inflation until the plan has a chance to take hold.) Should fee-for-service medicine be strongly discouraged right from the start? How long should the reorganizational changeover be expected to take?

Almost $20 billion of federal and state funds currently goes to medical education, health facilities construction and medical research. The money is not being wisely spent. Not only have we too few physicians; there is an imbalance in the distribution of physicians among the specialties as well. Take surgery. According to economist Victor Fuchs of New York University, surgeons averaged only 220 operations each in 1966, well below most surgeons' capacity for competent care. National Health Insurance would try to alter the career choices of medical students by supporting medical school training programs in undersupplied specialties (particularly those needed for family-centered health care teams), by funding internships and residencies in those specialties, by supplementing the salaries of young physicians who choose these careers, and by helping in critical regions and neighborhoods to build the facilities needed for group practice.

I mentioned earlier that National Health Insurance would gradually replace out-of-pocket expenditures, private insurance, Medicare and Medicaid. Thus, in its first year, NHI might pay the total costs of basic services (outpatient and inpatient hospital care, physicians' services, etc.), adding new services each year thereafter (laboratory and x-ray, nursing home, etc.), until comprehensive care is reached. I favor this approach. Others, however, think National Health Insurance should pay an escalating percentage of *all* personal medical costs until comprehensive prepaid care is attained. Senator Kennedy disagrees with both these approaches and argues that infants, preschool and school-age children up to age 15 should receive total coverage the first year (1971), since preventive medicine would help them the most, and that the rest of the population should be added in ten-year steps (age 25 in 1972, age 35 in 1973, etc.) until National Health Insurance links up with an expanded Medicare program at age 65.

All these alternatives are reasonable ones; the only unreasonable one calls for immediate assumption of the entire $40–45 billion personal health care bill by National Health Insurance. It's unreasonable because it would perpetuate wasteful practices that might be eliminated through incentive payments and reviews. Also, while it is important that patients be able to make set prepayments to National Health Insurance (so that they can budget ahead for health care), it is more important for physicians to be paid in advance for care. Such a system will take time to build. A rapid takeover of the $40–45 billion health bill now paid for care *after* it is rendered would actually protect the fee-for-service pricing mechanism.

The success of National Health Insurance will depend very much upon how physicians react to it. Many have said they favor it; young physicians are not likely to oppose it as strenuously as their older colleagues. Nevertheless, the recalcitrance of physicians could throw health care into chaos. Nowhere in the world have physicians had the prestige, organizational muscle and resources that they do in the US; and nowhere else has there been a professional group more grimly determined to resist "socialized medicine." It is not just the AMA, which draws on dwindling but fervent support from the 20 percent of physicians in patient care who are general practitioners. Most specialists, salaried hospital doctors and medical school teaching staff are not interested in "national" health plans.

The resistance of some physicians to National Health Insurance is predictable; what is not predictable is how public opinion will form in the coming months. There are good reasons to think that the public is more receptive to National Health Insurance than is generally believed. Over the past few months politicians have flocked to the medical care issue, which gives support to this view. At the same time, organized medicine's image has been tarnished. The public did not think much of the AMA's victory last spring when it kept Dr. John Knowles from becoming Assistant Secretary for Health and Scientific Affairs, even though Dr. Knowles was Secretary Finch's choice (and the President's too, it appeared, for a few hours). The press used the incident as a short seminar on power politics, self-interest, and the shortsightedness of organized medicine. A 1967 Harris poll found that a majority of the American people favored a federal medical care insurance plan modeled on Medicare for the entire population. Indeed, most Americans were receptive to a federal role a decade ago. During the 1960 Presidential elections the Inter-University Consortium for Political Research at the University of Michigan found that 59 percent thought that "government ought to help people get doctors and hospital care at low cost." Early public support for a federal role in medical care also helps explain the 1965 passage of Medicare and Medicaid, despite frantic opposition by the AMA.

The Nixon Administration's opposition to National Health Insurance is based on the argument that it would be uncontrollably inflationary. This puts the Administration in something of a quandary. If inflation is running amok, reform of the kind I have described is necessary. And yet such far-reaching reform will be fought by the AMA with all its political resources, and the multi-billion dollar health insurance industy, threatened with extinction, would not be far behind.

The Administration thinks it has a way out through a proposal the AMA advanced in 1968: more medical services and manpower. True, in classic economic theory and increase in supply slow down inflationary demand. But more MDs and support personnel are wasted in a system which quickly loses marginal gains in its general inefficient operation, in population growth, and in increased demand. The most recent confirmation of this was offered in 1966 by the National Advisory Commission on Health Manpower, which concluded that we should not continue to expend vast sums, simply to get marginally more services of the same kind. We *will* need more physicians and other health professionals, but added numbers will not get the American people the care they need at prices they—all of them—can afford.

The Committee for National Health Insurance will soon publish figures on the money we have lost through inefficiency in our health care system—not from inflation, not from poor financing mechanisms, but from plain waste. Taking insurance alone, medical consumers are being squeezed to death by both private and federal insurers. When costs become too great for insurance companies, they raise premiums, refuse to insure for more and more kinds of illnesses and costs, and turn down high-risk applicants. After a while the federal government begins to pay a share, principally through Medicare and Medicaid. Yet government too can apply the squeeze in our present system. Congress has limited the categories of the medically needy and cut funds; the Administration has cut health budgets and talks of ineffectual administrative reform. Congress could end the squeeze entirely by enacting a compulsory National Health Insurance plan, but one which commits government to add, not subtract, benefits, and which includes carefully worked out incentives for the reorganization of our entire health care system.

LEGISLATIVE STATESMANSHIP AWARD TO SENATOR PROUTY

Mr. SCOTT. Mr. President, one of our colleagues has recently been honored for his outstanding work on behalf of the handicapped. On January 23, 1970, the National Council for Exceptional Children presented its Legislative Statesmanship award to the distinguished Senator from Vermont (Mr. PROUTY) for "his long support and sponsorship of programs to make education a reality for exceptional children throughout this Nation."

The action of the council in giving this award is most commendable for they have honored a man, who although he has done much in the area of legislation for the handicapped, has done little to make those efforts known. Throughout the years that I have known him, I have found this to be typical of "WIN" PROUTY, for he is a man who seeks not the power and prestige of office for its own sake, but who is able to use that office to help others lead happier and more useful lives. His landmark legislation, The Handicapped Childrens' Early Education Assistance Act, is just one example of his dedication and effectiveness.

In accepting his award, Senator PROUTY presented some remarks to the Vermont chapter of CEC assembled at a banquet to honor him. I think his speech was most noteworthy, for he summarized the progress made in this area of legislation to date and then described the major concerns that should guide any future legislation.

I ask unanimous consent that the full text of his remarks be printed in the RECORD.

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

REMARKS OF SENATOR WINSTON PROUTY

Now that we have completed the first session of the 91st Congress and the first session of the Nixon Administration, I think this might be a very appropriate time to discuss the great strides that have been taken in the education of the handicapped up to now, the efforts that are under way today, and what we might look forward to in the future.

I think it is fair to say that in the last decade, Congress has initiated efforts that will assist in meeting the pressing needs of our nation's six million handicapped children. This is not to imply that the Congress has just discovered the handicapped. As early as 1864, the Congress and the Administration under President Lincoln recognized the need to provide financial aid for educating the handicapped with its support of Gallaudet College for the Deaf in Washington, D.C. and in 1879, in providing funds for the American Printing House for the Blind. However, it was not until the 1950's under the Eisenhower Administration that the federal government assumed a major program role in general education as well as special education. In 1954, President Eisenhower signed into law the Cooperative Research Act which authorized research grants to institutions of higher learning and earmarked research related to the education of the mentally retarded.

During the 85th Congress, PL 85-926 (Education of Mentally Retarded Children), the first legislation to provide for training of special education personnel, was enacted. This, I believe, has been one of the most successful programs administered by the U.S. Office of Education. Ten years ago there were less than 30,000 teachers of handicapped children in the country; today there are over 83,000. Public Law 85-926 in the last decade has extended training opportunities to over 44,000 teachers in the United States. In Vermont today there is immediate demand for an additional 500 teachers of handicapped. Last year, 70 Vermont teachers and speech therapists received training under PL 85-926. However, this program needs expansion in Vermont. I know that UVM's new Department of Special Education has submitted a proposal and that St. Joseph the Provider plans to do the same. Hopefully, these proposals will be approved and more of our colleges will become active in this area.

In 1963 Congress, under PL 88-164 (Mental Retardation Facilities and Construction Act) extended authority to the U.S. Office of Education to provide research grants and demonstration projects to explore further the unique learning traits of handicapped children.

In 1965, the 89th Congress provided through the Elementary and Secondary Education Act funds to state and local education agencies to upgrade and extend educational services to children in both public and private facilities. The broad scope of ESEA provides Federal assistance to handicapped and disadvantaged children through use of special instructional materials and innovative resource centers. Subsequently, Congress amended ESEA through PL 89-313 to provide that children in state supported schools for the handicapped would receive assistance under the Elementary and Secondary Education Act.

During the past year, Public Law 89-313, (Amendment to Title I, ESEA) extended education benefits to approximately 785 handicapped Vermont children through the Departments of Education and Mental Health as well as other supporting institutions. For example, the Brandon training school provided a vocational training program for 45 retarded adolescents. The program demonstrated that those youths can, with assistance, become productive members of our society rather than simply consumers of public resources. While we have often talked of this potential, I am delighted to see it put into practice.

Public Law 89-313 also made it possible for handicapped children throughout the state to expand their knowledge of their environment and to experience one week of camp at Lake Fairlee. I think Public Law 89-313 has been a most effective program for it has demonstrated that all children are capable of learning whether the learning environment is in the home, the public school, or in a residential facility. For many of these children this was their first exposure to an educational program and for many it may be the critical difference as to their future ability to lead meaningful and productive lives.

In 1965 when the Congress passed the Elementary and Secondary Education Act it provided under Title I funds to states and local school districts to attack the problems of the educationally disadvantaged child. It was the belief of the Congress that handicapped children were educationally disadvantaged and thus eligible for funds under the act. However, after a year of operation it became evident to us that little was being done for handicapped children under this act and that at the same time there was no voice in the Office of Education to enforce the intent of the Congress. For this reason, in 1966, against opposition from the last administration we created the Bureau of Education for the Handicapped and the National Advisory Committee and established Title VI of the Elementary and Secondary Education Act.

I would like to take just a moment and commend the efforts of the Bureau of Education for the Handicapped and the National Advisory Committee. The National Advisory Committee, under the wise direction of Dr. Sam Kirk and with able support from persons such as John Melcher, has provided to the Congress and the Administration the clear articulation of needs of handicapped children that is so necessary for the development of legislation. This action combined with the leadership of the Bureau under Dr. Jim Gallagher and now Dr. Ed Martin has created one of the most highly respected and successful agencies in the federal government. Although this Bureau is still understaffed, I am hopeful that it will be given increasing opportunity to grow and develop more innovative programs of benefit to the nation.

Title VI-A of the Elementary and Secondary Education Act, as you know, stimulates the initiation, expansion, and improvement of programs for handicapped children. To be eligible for Title VI funds, each state is required to develop a state plan. The priority needs of the states are listed in each state plan and criteria for approval of projects or programs to be funded under Title VI are abase on the priorities.

One of the greatest unmet needs determined by the Vermont Title VI Study Group was the necessity for establishing a means by which children with minimal disabilities might be provided services within the regular school structure in order to prevent the eventual need for special self-contained classes. Optimally, we ought to meet a child's educational needs in as normal a setting as possible. It is to this end that Title VI-A has made possible the creation of such projects as the "counsulting teacher program" under the direction of Dr. Hugh McKenzie. I am pleased that the program not only provides direct services to children but also incorporates the elements of personnel training and research so that eventually, if successful, similar programs can develop throughout Vermont and the Nation.

Since the passage of Title VI the Congress has continued its efforts to aid in the education of handicapped children. Legislation was passed providing for regional resource centers that give special education diagnostic and prescriptive services. The Captioned Films for the Deaf program was expanded to include education media for all disability groups; a teacher recruitment program was created to stimulate the entrance of personnel into the field of special education, and a precedent was established by requiring that of the funds expended under Title III of the Elementary and Secondary Education Act, for innovative services, 15 percent must be spent on programs for handicapped children.

Although there are many who favor block grants to the State so that each area can determine its local needs, it was found that this form of categorical aid is necessary to insure proper coverage of handicapped children. Specifically, we know that about 10 percent of school-aged children are handicapped, and yet they receive less than 5 percent of the sums spent for various special titles. In setting aside 15 percent of the funds, Congress tried to assure coverage of the greater costs of special education for this 10 percent handicapped population. The likelihood is that more such categorical aid will be established unless the States take active measures to meet the needs of all their students fairly. Here in Vermont, I am confident that we will not wait for such Congressional mandates, and I am proud of the efforts being made to help *all* of our students.

During the second session of the 90th Congress, evidence was brought before the Committee on Labor and Public Welfare on which I am pleased to serve indicating the lack of attention that vocational education is giving to the problems of handicapped children. Figures compiled by the U.S. Office of Education showed that in 1966 over 1 million persons were enrolled in vocational education programs throughout the country. Of this numer less than 1 percent were persons with special needs. During the 1965-66 school year, of all known expenditures for vocational education programs only 1 percent of the funds were spent for children with special needs.

Using this evidence as a basis, we amended the Vocational Education Act and required that 10 percent of the state grant funds under vocational education be used for vocational education for the handicapped.

I would like to note that state leadership in Title III and Vocational Education are deserving of praise for the manner in which they were willing to sit down and work out agreements and plans for extending additional services to handicapped children. I hope that such cooperation will continue and grow.

In 1968, I had the pleasure to introduce the Handicapped Childrens Early Education Assistance Act. We have long known in our nation the importance of early years of life in the development of the learning abilities of children. We had seen our government commit large resources to Head Start and other pre-school programs for the disadvantaged. On May 7, 1968, in introducing the bill, I noted that:

"There is no child who deserves a First Chance, a helping hand, more than the child who enters this world with dim vision, with faint hearing, with difficulty in comprehending the nature of our world, or with any of the myriad disabilities which afflict our handicapped children."

In September of 1968 my bill was signed into law. The Act provides for the establishment of model centers throughout the nation to develop educational techniques, programs for training personnel, and systems for informing communities about the problems of handicapped and stimulating more active citizen involvement. To date funds for this program have been limited, but I was pleased that planning funds have been awarded to Brattleboro for the development of such a center. This project for inception reflected the work of many persons and while it is the responsibility of the Brattleboro schools, it already is very much a part of the community and region.

The first session of the 91st Congress, last year, reflected continual Congressional interest. Several significant bills were introduced.

The first, which I sponsored, was to create a National Center on Educational Media and Materials for the Handicapped. The bill was signed into law by President Nixon in August.

A second bill is the Children with Specific Learning Disabilities Act of 1969. In the past few years considerable evidence has been brought before the Congress indicating that there exists a form of handicap that possesses little physical or medical base, but is significant in the sense that the children seem to exhibit a consistent inability to profit from normal learning processes. We have heard numerous terminologies for these children—dyslexic, aphasic, ad infinitum. In trying to comprehend the size of this population, we were presented with wide-ranging estimates of the school population. For these reasons, the Congress found difficulty in coming to grips with this evident and pressing problem. In January of 1968 the *First Annual Report of the National Advisory Committee on Handicapped Children* tackled this problem, and I am deeply indebted to the solutions which they reached which form the basis for the bill. The Advisory Committee provided a definition of children with specific learning disabilities and that definition has basically been incorporated into the proposed legislation. On the basis of this definition, we were more able to focus on the enormity of the problem. The committee expressed great concern that efforts to assist learning disabled children should not be done at the expense of the pressing needs of other handicapped children. For this reason, it was decided at this time not to change the basic programs being provided now for handicapped children but to create for the present a separate authority to provide for research, training, and model programs for the learning disabled child. Action on this measure should be forthcoming shortly.

During the last session of the Congress, I introduced with other Senators a bill to create the Gifted and Talented Children's Educational Assistance Act. While the gifted are not considered by many to be handicapped, there is much reason to do so. These children do have difficulty in the normal class and do need special attention. Also, much of the research in this area has produced results of benefits to all education programs for the handicapped.

While programs for the education of exceptional children have made substantial progress through legislation and the efforts of federal, state, and local leaders in this field, the reality still haunts us that one out of three of the handicapped children of this nation are not receiving appropriate educational service. It is my belief that the time has come for us to look more closely at the total picture and come up with a means by which all handicapped children can get the quality of educational opportunity they deserve. I was very pleased that President Nixon was able to act on my request for White House attention to this matter by appointing Task Forces on the Physically and Mentally Handicapped. I am also very pleased with the interest I find growing at the local level and think that your fine workshop here today is just one such example.

In seeking new directions for action, I think that there are several points which we should examine.

First, regardless of increasing federal interest and participation, states and local communities must continue to increase their efforts to develop services for these children. There is need to develop an effective partnership between levels of government, with each level clearly articulating its responsibilities. Here in Vermont Jean Garvin and Sister Janice Ryan have already done much to achieve an articulation of goals and responsibilities, but not all states are so fortunate to have such dedicated and talented people. At the national level, I am sure you are all aware of the problems of federal funding and the burgeoning number of programs. It is my hope that in this session of Congress we will be able to define more clearly the federal role in education. Such efforts are presently underway in regard to the education of the handicapped. We have recommended to the Senate the recodification of all existing educational programs for the handicapped.

The second area to be considered centers around the fact that education is only one part of a total spectrum of services which the handicapped child and his family need. Through the activities of the federal, state and local government, we have seen developed health, rehabilitation, social and welfare services all directed at meeting the unique needs of the handicapped. However, we still have major gaps between these services and the needs of the individual. I think often of the handicapped citizens in rural areas of the state and how difficult it is for their small communities to provide comprehensive rehabilitation programs. The approach we have traditionally used in solving this problem has been to remove the individual from the community with little respect for the consequences to the child. I hope that we will begin to apply our advanced technologies of communication and transportation and seek alternatives that do not destroy the valued relationships between the child, his family, and community.

Third, comprehensive services require the inter-working of varied professional disciplines. However, the concern has often been expressed to me that handicapped children get caught in the middle of this conflict. It is my hope that we can begin development at the community level, and perhaps the school is the appropriate vehicle, of a system of coordination and communication between disciplines so that the children and their parents can obtain appropriate services when and where they are needed.

Finally, the goal of providing equality of educational opportunity for every handicapped child cannot be achieved by government alone. In our democratic system it is imperative that there exist organizations such as those represented here today that will consistently bring before policy makers at all levels of government the needs of the children they represent.

My nineteen years in the Congress have taught me that all wisdom does not lie in government. We must rely on you, the taxpayer and the recipient of services, to provide us with feedback as to program impact and effectiveness. For without such information, our alternatives for action become limited. The Nixon Administration and the Congress are now asking major questions about all programs at the federal level. We believe that it is senseless for our limited resources to be poured into programs that have little value to the public. I urge all persons concerned about handicapped children to increase their efforts so that the day may come when our society can provide all children the opportunity to learn and become contributing members of our society.

THE FLORIDA EVERGLADES

Mr. MUSKIE. Mr. President, most of the environmental news we hear today is bad news. The accumulated disasters caused by our heedless abuse of the environment threaten the quality of our life and life itself. Too often our alarms are too late to avoid irreparable damage.

Occasionally, however, we manage to act before it is too late. One example of this was the recent decision to abandon a proposed jetport outside Miami which would have threatened the existence of the Everglades. The causes of that decision have been described with great skill by Philip Wylie in an article entitled "Against All Odds, the Birds Have Won," published in the New York Times of Sunday, February 1, 1970.

I hope that Mr. Wylie's article will stimulate effective action, not only against other potential threats to the Everglades, but also for more sensible land and water resource planning and development and population distribution patterns for southern Florida and other areas where the balance of nature is so important to the quality of life.

I ask unanimous consent that Mr. Wylie's article be printed in the RECORD.

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

AGAINST ALL ODDS, THE BIRDS HAVE WON

(By Philip Wylie)

MIAMI.—It seemed the only logical, sensible course of action. Thirty-nine square miles were purchased in central South Florida, $13-million was spent, a landing strip for training flights was constructed. Florida desperately, obviously, needed a new jetport; the site beside Everglades National Park was eminently reasonable—within swift reach of the booming cities on both coasts, once expressways were constructed.

Yet, it is not to be. The startling fact, rumored here for weeks, was confirmed by President Nixon in mid-January: No Federal funds would be granted for a jetport in the Everglades. The port, with its satellite industries and residential developments, would have to be built elsewhere.

And all to save an apparent wasteland—a super-swamp, an endless sea of shallow-water sawgrass—from the pollution of jet sound and jet contrails, from the attendant on-ground sewage and industrial waste. All to save a 1.4-million-acre mega-bog, an infinite nothing where those tourists who are forced to stop for a tire change get out of their cars in wary dread. For the Everglades is known to abound in horrors, in alligators, poisonous snakes, clouds of mosquitoes and huge, biting flies.

Natural assets and wildlife preserves have been rescued before, just before the bulldozers moved in, but what was new here was the magnitude of the work already done, the money spent, the solid expectations suddenly rejected. What was novel was that the Nixon fiat had been made against tremendous commercial investment and popular demand and need—in the face of the jetport, its hotels and supermarkets and other cultural artifacts that would attract the whole world of air travelers and become 50 or 500 times as great a source of profits and taxes as the million or so tourists who now visit the Everglades each year.

What was portentous was the precedent: Had an example been set? Would the conservationists, the champions of ecology, outnumbered by perhaps 100 to 1, slandered for years as "fanatics who care more for birds than for people"—would these enemies of progress gain the upper hand?

The victory, of course, is not total. The existing landing strip will be used for training flights until a new site is found. The ecological effect of such flights is unforeseeable. Yet, for those who have fought the jetport, the President's announcement is a start, and more than a start—the men and women who were fascinated by the incredible birdlife in the Glades, the others interested in conserving game to shoot at; those who hoped simply to preserve swatches of wilderness for the eyes of posterity and those who understood the unique ecology of South Florida's Glades, yet found it difficult to communicate their knowledge to anybody else.

One logical argument the jetport opponents had been able to summon up was easily expressed. The aquifer from which the urban sprawl of coastal cities draws water might have been polluted by the development. These many-trillion-gallon stores of ground water lie only 100 feet below the porous rock of South Florida. Already, that natural storage cistern had been diminished by salt-water incursions to the east and west, caused by activities such as canal digging and drilling.

On the other side, it was pointed out that, even if the ground waters became contaminated, there was an alternate supply to the north. Yet, the threat to a vital water source was not easily talked away.

But all such arguments, and the alarums of bird lovers and hunters alike, might have gone for naught without the fast-growing American opposition to environmental pollution in general. It has made ecology big today. It has been said that every Congressman has become an ecologist overnight, though few could have defined the word a year ago. Now, it has political clout, even though Congressman and layman alike find the conception beyond their perception.

The relationship of life forms to their environment? It can be rattled off the tongue, but it still eludes the mind.

The Everglades are, ecologically, unique on the planet and extremely complex. A map of Florida will show why. The southern third of the peninsula will be marked "Everglades." This vast wetland is, in fact, three kinds of swamp. The northmost begins at Lake Okeechobee, a shallow body of tepid fresh water more than 700 square miles in area. The lake is (or was) the "head" of the Everglades supply of slow-flowing water, aptly called a "river of grass" by author Marjorie Stoneman Douglas.

This first segment of the Glades is the Big Cypress Swamp, though all the big trees save a sample owned by the Audubon Society have been cut and most of the cypress was always stunted and small, though often very old. Next comes the sawgrass region, the swamp that gave its name to the whole, an interminable prairie of brownish "grass" standing in shoal water, as a rule, and broken only by jungle domes called hammocks. The sawgrass is not grass but an abrasive sedge, and a man trying to bull through it would soon be stripped of clothing and then of skin.

The third swamp is a mangrove forest, the largest on earth, where labyrinthine waterways twist and branch and open into secret lakes. Mangrove is literally impassable for any distance, as its tentacle-like roots and stiff, entwined branches stand in slow-moving water that becomes brackish, then salty and, finally, the sea. All three swamps compose the Everglades—and it occupies the whole peninsula from edge to edge, a swamp of more than 5,000 square miles soaked by a river that is the world's slowest, shallowest and, since man has tinkered with it, perhaps the least dependable.

A SLIGHTLY TILTED COOKIE TRAY

Nothing anywhere on earth is even physically similar. Southern Florida is like a very slightly tilted cookie tray with low, coastal edges where dunes and outcrops of oolite, a soft, limey rock full of fossil shells, are elevated enough for building. The cities and satellite towns string down both coasts to the place where the statewide "river" begins to merge with sea water, now the oceanfront of the park. The hammocks that interrupt the sawgrass are caused by such oolite emergences. Some are miles long, others the size of a carrousel, and they support trees of many sorts, including West Indian species and most of what is left of the once-abundant mahoganies.

It is possible, of course, to build in the Glades. Many developments already encroach on them. The vast wasteland could be turned into a megalopolis with modern machinery. Excavating fill for building sites would merely leave large stretches of water canals and lakes, an effect that could rival Venice and be huge enough for 10 million inhabitants, or more. And if the Everglades were to vanish beneath an aquatic supercity, humanity could exist without missing a thing, save for a few lowly creatures.

Why guard such a priceless region from so rich a potential when, especially, the coastal strips are already solid walls of cement and the pressure of local population is desperate? With 20-odd million tourists shoving, too!

Why halt progress, especially when progress has already played havoc with the wet wilderness and may yet destroy it, the national park included? The Army Corps of Engineers has constructed enormous "water conservation" areas to the north, diked mega-ponds that store the rainy season's deluge for urban and agricultural use. These reservoirs were made to prevent flooding, also, and they have, so far, failed to supply the park with sufficient water in dry periods to sustain its flora and fauna.

The impounded water has drowned deer in the thousands. And fresh water needed to sustain the Glades and to maintain ground-water capacity for the million or so people now in South Florida runs off, mostly, to the sea, far north of the useful points.

A RECENT CLOSE CALL

Those "conservation areas" nearly killed the park in a recent drought. Loss of a national park would have been a "first" both for the engineers and for the citizens of the United States. Lucky rains supervened.

The mucklands, south of Okeechobee sustain sugar cane and winter vegetable enterprises. They are another hazard. The first farmers to see the black, friable soil thought it as fertile as the dark earth of the Midwestern prairies. It wasn't. Pure humus, leached of minerals, it requires heavy fertilization, and, as it is kept dry by ditching and canals, its oxidizes—literally burns up and blows away—so the drainage systems must be deepened constantly until bedrock is reached, in a decade or two. As the digging deepens, salt water intrudes from the surrounding sea. Salt water also intrudes wherever canals have been excavated. So South Florida, like Southern California, may eventually have to get its water from upstate.

Water conservation by immense impoundments to the north has also resulted in periods of diminished brackishness in the park and the mangrove expanses. Many fish and various crustacea depend on freshwater dilution for breeding. Drought halts the fresh mix, and breeding suffers. But commercial fisheries can fail, and have failed without great public loss, and some sports fish breed elsewhere.

So there is nothing indispensable about the Everglades. The long struggle to make a good sample of the wonderland a national park was opposed by multitudes on general principles. They could not think of any commercial value for the Glades, but it was land and so should be open to private purchase. There was tannic acid in the maze of creeks and lakes, but not in a commercially recoverable form.

It was not very effective to point out that thousands of ecological niches existed in the vastness, places where plants of a single species grew, and only there, or that many life forms were present but as yet unknown to science and that the wild scene was beyond imaging—the egrets and ibises, ducks of every sort, water turkeys and real turkeys, panthers, foxes of a special breed, herons and gallinules, deer, bear, otters and endless sorts of flowers, orchids, air plants, poisonous trees and snakes.

It was almost useless to assert that this cornucopia of living wonders, if preserved, might someday supply the natural source of new and priceless drugs, for one example of the sane and possible. Such a not-too-far-out suggestion would be derided by drug manufacturers, who would assert that every natural drug from quinine to penicillin had been synthesized, a rebuttal that overlooks the fact that these miracle remedies were first found in nature.

THE REACTION INEVITABLY IS: SO WHAT?

You could lead a supposedly informed citizen into the Audubon Society's Corkscrew Swamp and show him native hibiscus in bloom and stands of cypress bigger around than a dining room table, and you could spend as much time as he would allow pointing out the rare, the gorgeous, the irreplaceable and the possibilities for all men in these, but his reaction would be: So what?

Trees are lumber, and a quagmire is a stinking breeder of pests. Prairies are to plough, rivers are for sewage and waste disposal, lakes are for dumping and transport and boating fun, scenery that lies over ore or petroleum deposits is to be removed or drowned in guck, and all swamps, of course, are for draining. This is land improvement and, unfortunately, even those who oppose it usually do so for superficial reasons—to watch birds, or hunt them.

The Everglades do not make a vital contribution to man's essential environment. The tremendous swamp is only a minor sample of wild environs that must be preserved if man is to continue his existence. The antipollution motif perhaps tilted the scale against that jetport. And even as an antipollution ruling, it is poorly stated.

What man must see, what this Everglades effort visualizes, is the essential human right to an environment free of pollution. Unless man gains that right, his pursuit of life, liberty and happiness will soon be impossible.

Most Americans are now urban dwellers and the great majority of those are ecological ignoramuses. They are wary when they step off paved surfaces, and they have no idea of the names of trees and wildflowers, let alone the animals, in the nearest wood. That state of mind bodes ill for the human future, for it is blank and even hostile toward the world on which man depends—the algae in the sea he calls slime, but which provides his breathable air; the flashing minnows, which mean a creek is viable.

And so man's chances are enhanced by that trifle, a clean breeze. Men want to banish the pollutants they can smell, hear, feel or detect by smarting nostrils. But who realizes that, if all the sense-perceived contaminants were gone, the job would be about 1 per cent complete?

THE LESSON OF THE EVERGLADES

Man's great illusion continues. Nature cannot be conquered or controlled by man, as men believe, because man is not in charge of it and never will be. Who is in charge of wind and rain, of green plants and photosynthesis, of birds, insects, and the seven seas? Nobody. Nature is in charge, exclusively and forever. The Everglades offer a textbook illustration of what mankind has not yet begun to face that is true:

Nobody owns anything, and all anyone has is the use of his presumed possessions.

That is the ecological law. It is true for Communists as for capitalists, for disadvantaged peoples as for the affluent and industrial societies. And it is absolute.

We do not own the Everglades or any part of that strange land, even if we have a deed to it. We are allowed its use. All we do own is what our individual skins contain. To save them we must save whatever chains of life are essential to our own.

The value of the Federal decision against a jetport rests in the symbol of the act. If the symbol is understood, its worth will be immeasurable. For man is soon going to be compelled to forego countless multi-billion dollar opportunities and change his plans for even more, not to gain a specific if obscure end of swamp salvage but for a greater though a scarcely comprehensible reason.

If all the ecologists could pool all they know and add all the data from every science, they would be unable to say what life forms and life systems are essential for man's survival. We know too little about the intricate, living understructure supporting our species to risk losing any wild living form, weed or pest or predator, lest one break in the planetary, life-sustaining system be fatal.

There never was a guarantee by nature that man should survive for any particular time. But there are many points in the natural order of beings where a lost or broken system might result in an inexorable act of nature fatal to man.

There are X numbers of similar niches and wild lands that may have an indispensable function for man. The problem is, we don't know them; it is the major, formidable, overwhelming problem in the whole business. We don't know. We would probably continue to live and thrive, to the extent we are thriving, if we paved over the Everglades. But the emphasis is on "probably."

CAPON BRIDGE, W. VA., RESIDENTS SHOW PIONEER INGENUITY

Mr. BYRD of West Virginia. Mr. President, on Tuesday, January 27, the Winchester Evening Star published a front-page article on how the residents of Capon Bridge, W. Va., built a library without any State or Federal funds.

Most of the students in the Hampshire County town travel about 60 miles a day to and from school, and staying after classes to do research often meant missing the school bus home. Thus, the need for a library in their hometown of Capon Bridge was most urgent.

The article details how Duke Simons, who was president of the local Ruritan Club, got the project underway. It tells how the widow of a local dentist donated the home which now serves as the library; how other residents donated material needed in the renovation; and how almost every resident of Capon Bridge gave a little extra effort to make the dream of a local library become a reality.

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:

E STANDS FOR EFFORT

(By Jack Davis)

CAPON BRIDGE, W. VA.—The 150 or so residents of this Hampshire County hamlet are button-poppin' proud of their library.

And when you say "their" library, that's just what it is.

How they got their library is a lesson in pioneer ingenuity—Capon River style.

The town of Capon Bridge sits astride a shallow, fertile valley a few miles west of the Virginia line on U.S. 50. It is an historic old settlement, where George Washington visited a number of times as he crossed and criss-crossed the area while surveying the wilderness.

On the outskirts of the town is the grave of James Caudy (Washington spelled it Coddy in his records), an Indian fighter of wide repute and the first white settler in these parts.

A fair portion of the population of Capon Bridge consists of pleasant folk who came here to retire. But here you don't retire. You work with your neighbors on what you like to do.

Like creating an honest-to-gosh library. Here's how it started.

High school students living in the eastern half of the county average about 60 miles a day, back and forth, on school buses. If they wanted to do some after-hours research on a school project, their parents had to drive them to Romney, the county hub where the public library is located. Or stay after school, miss the bus, and hitch-hike home.

A little over a year ago, somebody happened to mention this to Duke Simons, who then was president of the Capon Bridge Ruritan Club. His name is William P. Simons, who bought a small farm and an early-1800's house nearby after retiring from the New York City grind in '55, but to everyone here he's Duke.

Duke brought it up before the 20-odd members of the Ruritan Club. They agreed that a library was needed.

The club called a public meeting. Twenty-eight people showed up, which was a pretty fair representation. They were all for it, too.

The only available building vacant in the town was the old Gardner medical office. Hadn't been used for about 25 years, when the late Dr. Gardner pulled teeth there. Before him, his father and his grandfather, both physicians, had used it as their office. It dated back to about 1800, and it showed the wear.

But, still, it was the only building around that was available.

The Ruritan Club didn't have any money. Neither did the town.

Duke Simons went to see Dr. Gardner's widow about using the old medical office. Sure she said, she'd give the building rent-free, but what about the taxes?

Duke and John Coryell, club secretary, appeared before the Hampshire County Court and explained the situation. The court agreed to close its eyes.

The building, a one-story structure about 20 feet by 36 feet, was a mess inside from disuse. Dust, mouse nests, wasp colonys and spider webs over the years had made it a den for Dracula.

By now it was early in 1969, and C. E. McKeown had taken over as Ruritan president. He saw the interior needed a thorough cleaning.

What was the quickest way?

He called the volunteer fire department. Those guys always like to squirt hoses. And they did. They washed the small frame structure down, inside and out, fore and aft, tin roof to bottom rafter.

It took two months for it to dry out thoroughly, but it was clean. Really clean.

While it was drying out, another public meeting was held. This time delegations came, not only from Capon Bridge, but from the entire eastern portion of the county. They liked what they were seeing.

At the meeting, a Literary Board was formed to handle the formalities and whatever funds might be available.

And the Ruritans went back to work on the building.

Owen Phillips, a retired electrician, volunteered to install the wiring.

The Groves Lumber Co., of nearby Augusta, donated seven gallons of paint. Individual Ruritans donated single gallons.

Club members came in evenings and painted.

Two contractors, club members, built the book shelves.

Then came the ladies—mostly, the wives of the men who worked on the building.

They scoured the eastern part of the county, and came up with about 2,000 books. Then the women catalogued them and arranged them properly in order.

But it didn't stop there.

The Capon Bridge Volunteer Fire Co. bought an oil heater. Charley Buchinsky installed it.

The Ruritan Club gave the tables.

Mrs. Hazel Nelson provided four wooden chairs.

Roy Giffin donated 10 folding metal chairs, which Mr. and Mrs. Wendel Omps painted.

Mrs. Gladys Simons pitched in two metal file combines.

William Massey came along with a coat rack.

The Hampshire County Taxpayers Assn. divvied up $50, and Charles Aikin, $10. The ladies of the Home Demonstration Club held an art-craft show and bake sale and made $150, which it turned over to the Library Board.

And last summer, on a fertile stretch of bottom land that was donated, the Ruritan members planted corn, and picked it, and sold it, and came up with a $420 profit. All of which went to the Library Board.

The little building beams. Inside, it's as clean as a pin, and the shelves are about two-thirds full of books ranging from "The X Bar X Boys Lost in the Rockies" to "Stoddard's Lectures."

Outside, it still needs a bit of spit and polish, and the porch shows the wear of time. But come next summer, the Ruritans plan to paint the outside and put on a concrete floor on the porch.

There was obvious pride in Duke Simons' voice when he said:

"This was all real volunteer work. We don't owe a dime on it. Not one cent of state or federal money here. We're mighty proud of it. All of us. Everybody contributed in one way or the other."

His leathery face beamed.

James Caudy, resting in the deep, dark soil just across the stream, would have been proud.

GRAZING FEES ON PUBLIC LANDS

Mr. ANDERSON. Mr. President, it was with a keen sense of disappointment that I learned last week of the announcement by the Secretary of the Interior and the Secretary of Agriculture that fees for grazing in the National Forests in the 11 Western States and on the public domain lands administered by the Department of the Interior will not be increased in 1970 according to the 10-year schedule put into effect last January.

Mr. President, it is well known that income received by our public agencies for the grazing resources located on our Nation's public lands are far short of the revenue received by State and private owners for similar lands. Realizing this, the Government spent over half a million dollars in a study in order to determine just what should be done to correct this situation in the interest of all of the people to whom these lands belong. The study was completed, and, as I stated earlier, the 10-year program for grazing fees was put into effect last January.

In late November, Secretary Hickel, of the Department of the Interior, announced the planned increase for 1970 would not be put into effect. This was a disappointing reversal. However, we were encouraged by the fact that the Department of Agriculture did not seem to be yielding to the special interests who were lobbying desperately to continue the unrealistically low rates charged for these public assets. The Senator from Montana (Mr. METCALF), has forcefully and with great clarity brought the sequence of events to the attention of the Senate in a series of statements that he has placed in the

CONGRESSIONAL RECORD over the past several weeks. It is my present desire to speak out and join him since it is apparently very clear which side the present administration is taking on this issue.

I invite the attention of the Senate and the public to just a few of the pertinent facts concerning this issue as it relates to the Interior lands. This information was gathered from the hearings held by the Senate Committee on Interior and Insular Affairs on this subject last year, and from two recent reports submitted by the Bureau of Land Management and the U.S. Forest Service. First of all, the decision not to increase the fees for 1970 according to the schedule will mean a revenue loss of about $1.8 million. This means that the ranchers who use our public domain lands for grazing purposes will pay $1.8 million less than they would have had to pay if the schedule were followed and the 13 cent increase allocated for 1970 would have gone into effect. This means that the Treasury of the United States will be this much poorer at a time when we are being told that every dollar counts and that the Government must make every effort to have its income equal or exceed its outgo. But, let us examine more closely and see who will benefit by this "foregiveness order." We heard from the moment that the new fee schedule was announced by former Secretary Udall that this was going to be a terrible blow for the small rancher in the West. We were told the new increases would have a devastating effect on the livestock industry. As a matter of fact, when we look at the record we will see that only 5 percent of the national livestock industry production results from the use of our public lands for grazing purposes. Therefore, in any event the fee schedule could not affect national production very significantly. With respect to the impact on the small rancher, 25 percent of the ranchers using BLM land would have no increase in their fees under the schedule until 1974. These are the so-called small farmers and ranchers, and, therefore, they would not be affected by the schedule, or by Secretary Hickel's decision to abandon the scheduled increase for 1970. So, who will be the beneficiaries of this decision?

The fact is that just a little over 3 percent of those using BLM grazing permits will receive about 45 percent or nearly half of the benefits accruing from this reduction for this year. In other words, only a handful of the richest ranchers will benefit from this decision to postpone the original schedule. This smacks of the highest degree of favoritism, and I think the Senate and the public should be aware of the consequences of this recent decision. I also want to commend again the junior Senator from Montana for his courageous stand in this matter.

AMERICA HAS A REAL CONCERN FOR PEACE IN THE MIDDLE EAST

Mr. RANDOLPH. Mr. President, American interest in the Middle East is based on a complex series of political, strategic, economic, and cultural factors. Our genuine interest and these factors are not limited or confined in scope. They extend throughout that part of the world.

The people of our Nation share a concern with those of others that the Middle East will become an area of peaceful countries so that their resources can be directed toward the problems of basic welfare and orderly development. A peaceful participation by the Middle East in the trade, communications, and cultural exchanges in the community of countries should be our ultimate objective. Many people desire to aid in achieving this objective but cannot do so while the atmosphere of hostility continues to exist in the Middle East.

That these objectives will not be achieved unless all countries of that part of the world enjoy political independence and freedom from external domination is evident.

It is my belief that the President stated forthrightly the policy of the United States when he said:

> The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them. The United States does not intend to negotiate the terms of peace. It will not impose the terms of peace. We believe a durable peace agreement is one that is not one-sided and is one that all sides have a vested interest in maintaining.

I commend President Nixon for this forthright and well-reasoned pronouncement. The President's comment is indicative of our belief that there is urgent need for mutually binding agreements between the parties at issue in the Middle East. It is firm reassurance that our Nation does not desire to impose a settlement on Israel and its Arab neighbors. The establishment of a lasting peace will be derived only through specific commitments by both parties and recognition of each other's sovereignty.

However, this does not mean we must withdraw from discussion and consultation to bring Israel and the Arab nations into the negotiating process. I do not believe that American discussions—pursued with the basic interest of the United States in mind—preclude the countries of the Middle East from joining in direct negotiations. Rather, I view our involvement as a catalyst to promote meaningful and constructive negotiations. If our Government were to terminate our participation in discussions of the Middle East issues it would constitute a neglect of its responsibility to the people of America and of the U.S. commitment to world peace.

S. 2203, THE CONSUMER AGRICULTURAL PROTECTION ACT

Mr. DOLE. Mr. President, the Subcommitee on Agricultural Research and General Legislation has begun hearings on the Consumer Agricultural Food Protection Act. A chief purpose of the bill, introduced by the distinguished senior Senator from California (Mr. MURPHY), is to establish certain practices and procedures for collective bargaining between agricultural management and workers.

One of the witnesses who appeared before the subcommittee on Monday was Mr. Reed Larson, executive vice president of the National Right To Work Committee. Mr. Larson expressed concern with portions of the bill relating to workers' rights to have the choice of whether to join any labor organization or refrain from joining. Mr. Larson raised some thought-provoking issues. I ask unanimous consent that his testimony be printed in the RECORD.

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

STATEMENT OF REED LARSON, EXECUTIVE VICE PRESIDENT, NATIONAL RIGHT TO WORK COMMITTEE, FEBRUARY 2, 1970

Mr. Chairman, and Members of the Subcommittee: Thank you for giving me an opportunity to present our views on the proposed legislation now under consideration.

My name is Reed Larson. I am the Executive Vice President of the National Right to Work Committee. The group I represent is a single-purpose citizen's organization dedicated solely to the protection, for every worker, of the free choice to join or not to join a labor union. Our members and supporters represent a cross-section of persons from all walks of life, including farmers, professional people, rank-and-file wage-earners—both union and non-union—businessmen, and others.

The National Right to Work Committee neither advocates nor opposes the extension of collective bargaining privileges to farm workers. The right to organize and bargain collectively has generally been regarded as helpful to working men who are bent on improving their wages and working conditions. Regrettably the widespread practice of compulsory unionism has perverted this right into an instrument of political and economic repression. We believe that passage of S. 2203, as presently drafted, would be a step in the wrong direction—a step toward restricting, rather than enhancing, the opportunities available to farm workers throughout America.

It would set up a new federal policy covering, for the first time, hundreds of thousands of farm workers. While the language of this bill lifts certain phases and policies out of existing law, it is actually an entirely new structure. Because it is pioneering new ground, we believe there is no justification for including those parts of the existing law which have proven to be detrimental to the interests of America's working people.

Section 205 of this bill proposes that agricultural workers shall have the right to form, join or assist labor organization and under certain circumstances, the right to refrain from any or all such union activities. The right to refrain, however, is restricted by an exception which would permit its outright denial "by an agreement requiring membership in a labor organization as an condition of employment . . .".

We are certain that members of the Subcommittee will agree that the language of Section 205 is unmistakably clear insofar as the compulsory union shop is concerned.

Section 206(a) of S. 2203 is designed to prohibit certain unfair labor practices by an agricultural employer. Subsection 3 contains a proviso which explicitly authorizes compulsory unionization of agricultural workers who will not voluntarily join and support labor unions. In short, that proviso declares that nothing in this Act shall preclude the negotiation of agreements which require union membership as a condition of employment.

We fully understand the request of agriculture producers for legislative protection from the merciless economic pressure with which they are threatened by a vicious and irresponsible boycott campaign. This problem deserves priority attention. Our only request is that Congress, while being pressed by concerned employers on one hand and self-serving union organizers on the other, does not forget the one person whose interests should be paramount—the rank-and-file worker.

Knowledgeable persons, including California's Governor Ronald Reagan, have said from the beginning that the primary purpose of the boycott was to impose compulsory unionism on farm workers. The boycott promoters are attempting to black-jack agricultural producers and the Congress into delivering farm workers into captive union membership.

Meeting this ransom demand will contribute nothing to providing orderly collective bargaining procedures for farm workers. It would simply be a case of yielding to blackmail—and using the compulsory dues of farm workers to pay the ransom.

Obviously, much care and study has gone into the drafting of this proposal by persons well-qualified to design a system of labor relations best suited to the unique requirements of farm employers and farm workers. I am well aware of this, having talked with many of those responsible for the shaping of this bill.

Yet, without exception, they admit that the provision authorizing the compulsory union shop serves the interests of neither employer nor employee. It is included for one reason and one reason only—as a sop to union officials, the very persons who mounted the infamous boycott, and to the elected officials who respond to union wishes.

Neither the growers nor the farm workers want compulsory unionism. I have made it a point to become acquainted with the interests of the California farm workers and I can report from first-hand knowledge that many of them strongly oppose the policies and practices of the international unions who are trying to force themselves into the agricultural picture. These workers are fearful that they may be forced, as a condition of employment, to pay dues to unions whose policies they strongly oppose.

The argument that workers cannot be forced into the union unless a majority has voted in favor of union representation is no protection at all. Disregarding the assorted pressures and distortions which can make a farce of representation elections, the fact that 51% of the workers might vote for a union is no justification for forcing the other 49% to pay money to a union for representation they do not want.

As the U.S. Supreme Court has said: "The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no election."

It's bad enough to give union officials an exclusive license to represent workers who think the union is doing them no good without forcing those captive workers to pay for that disservice. Yet that is precisely the situation which would be endorsed by this proposal.

It is no consolation to the individual worker that, if a union to which he objects is given the exclusive right to represent him, he will be compelled to pay money to that union only if his employer and a union agent "negotiate" a compulsory union contract. The employer is in business to make money—and in one way or another the union agent will see to it that it is in the employer's financial interests to sign such an agreement. While this bill attempts to foreclose some of the more obvious devices with which union officials bring economic pressure on employers, those pressures can never be completely stopped so long as it is legal—as it would be under this bill—for a union official and an employer to sign a compulsory union shop contract.

An example of the effect of such an arrangement on the public interest was vividly demonstrated by a well-known union official earlier this month. Speaking before a seminar attended by representatives of labor, management and government in Tampa, Florida, Hank Brown, president of the Texas AFL–CIO, said that unions are now in the driver's seat because of the acute national shortage of skilled building tradesmen. According to the Tampa TRIBUNE, he declared that while in the "economic driver's seat they are going to get every damned dime they can, and the public be damned."

Inclusion of the union shop authorization in this bill is a first big step toward that kind of unionism in agriculture. The construction industry is saddled by legal sanctions of compulsory unionism similar to, but even more oppressive than, this bill proposes for agriculture. As a result of compulsory unionism, officials of organized labor now have a virtual strangle-hold on the labor supply in construction work.

And those compulsory unionism agreements which have entrenched the power of union officials in construction are cynically described as being the result of "free negotiations" between an employer and his employees. Such negotiations are about as free as the negotiations between a pistol-wielding bandit and his victim.

Admittedly, this bill attempts to include various provisions intended to help mitigate the pressures exerted on the employer and his employees, but the fact remains that once the compulsory union shop is given the sanction of federal law no amount of restriction can restore the balance between the bandit and his victim.

The nation's largest and most respected farm organizations, including the American Farm Bureau Federation and the Grange, have long recognized—and expressed in policy statements—the inherent dangers of compulsory membership in any private organization. At its convention last month, the American Farm Bureau Federation stated that policy in these words: "No person should be deprived of his right to work because of membership or lack of membership in any organization. Compulsory unionism contributes to abuse of power by labor union leaders, since members are denied their most effective disciplinary action—the right to stop being members of a union when its policies or the conduct of its leaders no longer meets their approval. To compel any individual to be a member of, or to financially support, an organization which engages in political activities violates the spirit of the Bill of Rights."

I suggest that there is no one among the members of this Subcommittee, or among the groups which have endorsed this bill, who believes it is right to fire a man for refusing to pay money to a union which he believes is doing him more harm than good. Yet that is exactly what will happen if this bill is passed in its present form. As a result, hundreds of thousands of farmworkers will ultimately become compulsory union members and will thereby be forced to help finance the political schemes of union officials. Many, in order to keep their jobs, will be forced to help finance the campaigns of political candidates they oppose. I respectfully request that the bill be amended to eliminate those provisions which would give the authority of federal law to the practice of compulsory unionism for farm workers.

Thank you.

"MAN AND HIS ENVIRONMENT"—ADDRESS BY L. W. LANE, JR.

Mr. MOSS. Mr. President, in November of last year I was invited to participate in a panel before the UNESCO Conference on the subject "Man and His Environment—A View Toward Survival." This was a most enlightening and helpful experience and I was honored to be one of the participants. For a number of years we have been working on this matter of environment.

One of the speakers at the conference was Mr. L. W. Lane, Jr., publisher of Sunset magazine. Not only does Mr. Lane believe in the environmental ethic; he practices it in the magazine which he publishes. Never has Sunset magazine accepted beer or liquor advertising, and it discontinued accepting tobacco advertising about 30 years ago. More recently, it ceased to accept advertising of products which contained DDT, and so on. Of course, turning aside advertising revenues of this sort is a sacrifice to the magazine, but it has not prevented its continued publication and Mr. Lane has remained true to his personal commitments and beliefs.

The speech delivered by Mr. Lane in San Francisco is entitled "A National Need: An Environmental Ethic." I ask unanimous consent that the speech be printed in the RECORD.

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

A NATIONAL NEED: AN ENVIRONMENTAL ETHIC

(By L. W. Lane, Jr., publisher, Sunset magazine)

To achieve a national spirit and create the controls to guarantee a livable environment, we must have nationally, and internationally eventually, an "Environmental Ethic".

Laws and ethics on how people behave toward one another, and as groups, have usually come about from absolute necessity and very often a crisis. Rarely do codes of behavior rise to a level of wide acceptance and enforceable laws out of simple wisdom and great foresight of a few people. The pot only begins to boil when the heat builds up under the masses. With the pressures for attention and dollars in this man-on-the-moon period of our history, a great many of the 202,000,000 people in this nation have to start hurting before the heat gets intense enough to generate a fire. World peace, poverty, civil rights, business demands, raising a family, and paying taxes press down on the mental capacity of our individual and collective minds and make it difficult to think clearly and act wisely on every major issue competing for our attention.

In the primeval animal and plant world, and in the following millions of years before man—and even today in the few natural habitats bypassed by man—existence came from a survival-of-the-fittest in what was primarily a physical environment, and generally settled down to some sort of a "balance-in-nature". Major catastrophies of floods, climatic changes in the time scale of ice ages, and massive upheavals of the earth's crust were about the only drastic threats to the living world for millions of years.

Beginning with certain forest-swinging apes in the old world that started to take to the ground and stand upright, develop a brain and reason, hunt, build fires, and regard their mates as personal property, things began to change in the environmental world. Smoke haze-filled valleys and the beginning of man's presence started to be felt. Also the social environment began to compete with the physical environment—and this tug-of-war is what is helping to bring us to a total environmental crisis today.

Even so, in the almost half-million years between the hairy apeman's first building a fire, and now the hairless Homo sapiens building a spacecraft, most of the severe and conspicuous damage to plants and animals, air and water, and the land itself, has developed to a significant scale in only the last century. In the lifetime of the some-14,000 centenarians now living, most of the scars have been made—many of them permanent on this 3-plus-billion-year-old planet. Taking the estimated history of the world as equivalent to a year of 365 days, and then measuring this span of time on the 12-hour period of your watch, this brief 100-year burst of man's blitzkrieg on environment would represent about .01 second.

Yet in this fraction-of-a-second on the "History-of-the-World time clock," we have eradicated 40 species of birds, mammals, and wildlife in this country alone; polluted the air of most of our major cities; contaminated most of the major rivers and bays; reduced many basic resources within our boundaries to nil; and left a monument of litter, rubbish, psychopaths and alcoholics to prove it. While environmental accomplishments and conservation milestones do exist, there is no doubt that the negative aspects of our total relationship with environment is rapidly losing ground. We are playing a deadly game of environmental brinkmanship.

The problem is that our growing population demanding food and space, technology with its consumption of resources, materialism and its ever-mounting waste, and public unawareness, are like a bell and chain on a sprinter who is facing the toughest race he has had to run.

To have progress and maintain a quality environment, will require mounting the greatest effort of creative ability, unselfish cooperation, money, and sacrifices this country has ever mustered. To be successful at our goal will absolutely demand a campaign to gain the understanding and support of every elected and appointed government official, every businessman, every educator, every scientist, every military man, every churchmen, all of us in the communication field, and literally every citizen. A quality environment must truly be a top priority, non-partisan, and a fully supported national goal for this country. And make no mistake, it is absolutely fundamental to all mankind because, as with world peace and civil rights, we are fast reaching a state of crisis in our total environment, both physical and social. Physical and social environment cannot be separated. Rachel Carson blended the two so well. In the foreward of "The Sense of Wonder" which she was writing at the time of her death in 1964, she wrote, "Those that live with the mysteries of earth, sea, and sky, are never alone or weary of life. Every child should be endowed with a sense of wonder so indestructible that it should last throughout life."

At this very conference is but one bit of a growing mountain of evidence, the complex but basic problem of preserving and controlling our total natural and social environment is rapidly becoming what many feel is the number-one priority facing this nation and the world. From a dark-horse position of only a few years ago, the word "Environment"—with all its facets of conservation, beautification, health, pollution control, education, racial, social, religion, family, and other factors influencing our so-called "quality-of-life"—has become a household word. It is finding its way into school books and thousands of words and pictures over the nation's network of communication media. In a recent issue of our local Palo Alto Times of a month ago, I counted twelve stories with subjects dealing with environment.

From the shores of this great San Francisco Bay, whose native integrity has been seriously reduced and is now further threatened by man and his civilization, John Muir set forth on his trek to Yosemite just over 70 years ago. He devoted the rest of his life to pointing out dangerous trends that then threatened our environment. And yet, while Muir's great concern was for the future, his farsighted concepts fall far short of today's needs and the snowballing crises of tomorrow. Muir, in all his wisdom, could not have foreseen the compounding pressures of today—with a whole Ponderosa and Jeffrey Pine forest in Southern California slowly dying from automobile and industrial smog; all life in a once-clear lake dying of pollution, and his sun-and-cloud-filled blue skies now mustard grey and poisonous.

The forced technology of two world wars; the demands of a relentlessly expanding population, with a corresponding increase in affluency as measured in material things; the massive impact of the automobile and airplane after World War I, have created a demand on open land and natural resources to feed the furnaces of our free-enterprise system. Our wealth has provided foreign aid, and has often bettered the environment of those nations we helped. Our dollars have been used to minimize plagues, pollution, disease, poverty—and have improved the social environment of underdeveloped countries. But in the drain we are placing on our own nature's bounty that makes it possible to be the "best-heeled" nation and able to help others, we are becoming environmental paupers ourselves. The price in consumption and destricution has been great. Many basic resources within our own boundaries are gone forever. The goose that has been laying the golden eggs is short of good air to breathe, has smarting eyes, wants a drink of good water, is sometimes hungry, is thinking of taking the pill and laying fewer eggs because she's beginning to feel the pond is a bit too crowded for swimming, and generally longs for a little peace and quite to enjoy life.

If we do not act immediately by a wide-range dedicated effort, we are building castles on a melting iceberg: it seems firm—but is deteriorating from within. We must develop a national "Environmental Ethic" to inspire and guide us down this very difficult road. We must, as a people and as a nation, again identify our national values and goals in order to recognize, perhaps, the most basic and worldwide problem facing us.

Our country and the free enterprise system which our Constitution and democratic processes have made possible—and generally are encouraged and protected by the law of our land—have evolved from a demand for personal freedom, national security, and economis self-interest. The crisis facing our forefathers was to gain freedom on many fronts—political, economic, and religious—in order to reap the rewards of the good life in the New World. The Constitution was created to set up a democratic workable system to protect those freedoms.

The Preamble of the Constitution was very precise: justice, domestic tranquality, general welfare, common defense, and liberty were the touchstone issues of that day. And while they still are, it is highly possible that close to 200,000,000 more people who live in 37 more states (the State of California alone having six times as many people as the whole new country in 1790) would add "Environmental Quality of Life" to those basic rights and freedoms. In a real way, the others are worth little without it!

Survival and enjoyment of life per se, as it relates to environment, were not in jeopardy in 1776. Environment was certainly not facing a crisis. There was a great abundance of natural resources and a low-consumption rate that gave no threat to the world of nature.

Native plant and animal life seemed almost limitless; there was little to pollute the air and water. When the good land ran out and neighbors got a little too close, all that one needed to do was cross a mountain range to the West and reach another valley, where there was more land, with lots of good water, to settle for the asking.

But to make another reference to the drastic change that has taken place in a little more than 100 years: It was just about that long ago when we reached the end of the migration road for any significant westward population movement. We had crossed all the mountain ranges and valleys when the wagon trains reached the Pacific Ocean. From the time of the Gold Rush on, population has been pushing up against this ocean barrier until today, our State, which faces the peaceful ocean, has the largest population of all—and along with its neighbor states accounts for the greatest growth rate and over 25% of the nation's population growth.

We must evolve, accept, and enforce an "Environmental Ethic" which will provide a national code of standards to make judgment between right and wrong—similar to the Golden Rule and the Ten Commandments—and to give us guide posts for our industrial and group conduct.

The acceptance of this national environmental ethic and the crusade to implement it must eventually involve every citizen of this country. In fact, it will require the cooperation of countries around the world, on both sides of all curtains—whether they be made of iron or bamboo. The problem knows no limits of race, color, creed, faith, income level, political party, or boundary. In a very practical sense, environment is the one great common denominator for all people. It puts us all in the same pot. More than any economic, political, religious, or ethnic catalyst, the natural environmental world embodies the atmosphere that belongs to all of us: The water supply that circulates around the earth's surface; the resources held by collective lands which we all dig, drill, and transport around the world; the animal and plant life, so dependent upon these common possessions; and all the social problems we must solve. No one broad subject should bring us together with more unified purpose than the conservation and creative management of our total environmental world. Many challenges and emergencies bring people together and unite them in common goals that also solidify the spirit and create a "oneness"—whether it be a world series or a hurricane. Environmental goals could well be our most powerful force for world peace in the future.

Because laws and ethics tend to limit freedom, they are resisted. The plea of the early ballad of Western frontier, "Don't fence me in", beats strong in every human breast. Yet we have been forced to face the problem of preventing jungle war in other areas to bring order and enforce proper behavior—the Pure Food and Drug Act, Robinson-Patman Act, Sherman Anti-Trust Act, Taft-Hartley Law, and many more.

In certain cases, the challenge is primarily one of changing attitudes and implementing laws already on the books waiting to be used. This is a substantial and often readily available opportunity in protecting our environment. Many areas of painful but definite progress in civil rights are coming about in this way. Man, for all his brilliance, very often delays, complicates, panics, and plain "fouls up" many readily available opportunities by getting too scientific and overly entangled in procedure and red tape. Generally speaking, existing laws now on the books give planning commissions and all government bodies and individuals dealing with environmental matters, far more authority to take firm action than often is exercised. In my experience, either in participating or witnessing many levels of governmental action in this field, the tough decision is often avoided—not for lack of laws, regulations and ordinances to enforce—but for lack of sufficient information and/or an absence of a strong code of ethics accepted by the people to set standards for making judgments and evaluations. And let's admit it, sometimes the reason is simply, "No guts".

One of man's special traits with his gifted brain is to ask thoughtful questions about what he should or should not do. Aristotle, who put the word ethics into the common language, stressed the ethical significance of the fact that all men seek happiness. This rationale was carried further by defining the greatest happiness as coming from the contemplative use of the mind, according to Aristotle. "Peace of Mind" is an increasing objective in many environmental situations today. *The New York Times* editorial, "An Ugliness of Spirit", sensed the direct relationship between the poor environment and poor spirit.

Our Declaration of Independence developed some theoretical ethics as aims and principles to inspire and give moral purpose to the American Revolution. The Constitution adopted those and applied practical ethics putting the principles to work in a legal document forming the foundation of our democratic system of government.

Perhaps most basic, as we think about the slowly emerging "Environment Ethic" in this country is that an obligation and sacrifice of freedom by the individual is inherent in any ethic. Aldo Leopold wrote in his far-sighted book of 20 years ago, in his chapter on "The Land Ethic": "An ethic, ecologically, is a limitation of freedom of action in the struggle for existence. As an ethic, philosophically, it is a differentiation of social from anti-social conduct".

Until a very few years ago, there were few, if any, better illustrations of expressing "My country 'tis of thee, sweet land of liberty" than in man's attitudes and actions related to environment. He could cut, burn, pollute, bulldoze, dredge, fill, and "foul up" the environment on his plot of ground or subdivision, out of his car or smokestack, or in his well or irrigation district in just about any way he wanted to! Looking at the big picture, the laws of our land (often contrary to our ethics between individuals) have pegged our national values to the growth and profit of our economic system of free enterprise. Land tends to be regarded for zoning and tax purposes to its highest economic value.

In fact, our ethics governing land and other resources, including the water on, and the air above, the land are strongly influenced by economic self interest. Stewart Udall once referred to the U.S. gross national product as our "Holy Grail". It is true that the measures we apply to success, and generally find ways to reward, are measured more by an emphasis on quantity rather than quality—notwithstanding many examples that quality can be good business.

It may be that we are evolving an "Environmental Ethic", or at least decisions and actions that are encouraging signs of a change in thinking toward environment. We seem to be more and more aware of a critical premise that environmental ecological values must rest upon: One individual (or one industry or one local government) is a member of a community of inter-dependent parts and must function cooperatively to determine his destiny. Secretary Hickel spoke to the point recently in an interview, when he said, ". . . an individual opportunity often becomes someone else's problem. You just can't have the freedom to do something, if it is going to hurt too many people".

A city 500 miles down the Mississippi River from another city in a different state, several days apart by stage coach or riverboat when they were founded, are 20th-Century next-door neighbors environmentally—just as much as adjacent communities share their environmental problems of smog, water, traffic, zoning, floods, sewage, and many more. Environmental anarchy by a homeowner, a business, a local government, or a country is becoming more and more intolerable.

Because a growing number of Americans feel this in all walks of life, we find a definite break in the log-jam. The greatest progress is coming in two critical areas to drive home the need of "oneness": air and water. Because the very world-wide cyclical pattern of air and water give less opportunity for legal proprietary rights—and are recognized for their common values to us all—we are finding tough anti-pollution laws being passed and some voluntary efforts that will hopefully correct existing problems and prevent future ones. Some situations unfortunately are perhaps beyond complete correction ecologically. If there is any silver lining in that cloudy situation, it is in the fact that the Lake Eries, Hudson Rivers, Lake Tahoes, and San Francisco Bays have fanned the fire of crisis to generate the heat that starts the pot boiling in public opinion, industry awareness, and governmental enforcement.

Recently, seven major airlines decided to equip all new planes with smokeless engines and convert 3,000 existing engines. This "voluntary" step, it should be noted, came as a result of the airlines being named as defendants in a suit by the New Jersey State Department of Health, charging excessive air pollution of New Jersey's air. The Federal Government is now taking tougher action with regard to all jet engines.

The San Francisco Bay Conservation and Development Commission stayed in the forefront of regional-control authorities with their victory of a Bill being passed in the California State Legislature, and signed by Governor Reagan just a few months ago.

In Alameda County across the Bay, the Board of Supervisors turned down a quarry project—overriding a unanimous recommendation of the Planning Commission for approval. Far more significant as a powerful precedent for the future—and a bearing directly on our evolving "Environmental Ethic" in this county—the Supervisors gave these reasons for their decision:

"The quarry will do permanent and irreparable injury to a major natural mountainous feature of southern and eastern Alameda County visible from a considerable distance.

"The magnitude of the project will be detrimental to the public safety, health, comfort, convenience and general welfare, and likely to produce environmental pollution for 30 years or more.

"It will be objectionable to persons and property due to noise, vibration and dust, and will not be in the public interest".

In Connecticut, 150 young school girls waged a hard campaign from scratch called "PYE"—standing for "Protect Your Environment". The result was a unanimous adoption by the State Legislature of a bill calling for a master plan survey, and an immediate set of protective laws for preserving the coastal and tidal areas by controlling dumping, filling, and pollution.

North of Phoenix, Paolo Soleri is experimenting to solve problems of housing future generations, while maintaining privacy, individuality, and with a minimum impact on the disfiguration of the natural environment. In San Mateo County, immediately to the South, the Regional Planning Committee brought together all local city jurisdictions to agree on open space acquisitions program. A direct result of the educational aspect of the study was the decision to set aside 23,000 acres of San Francisco watershed in perpetuity for open space in a joint power agreement between the County, the City of San Francisco, and the State and Federal governments. The Town Council of the Town of Portola Valley, in the foothills back of Stanford University, adopted a pioneering zoning ordinance based on slope density with strong controls requiring soil, drainage, and other tests to maximize open space and minimize environmental damage. At Stanford University, a group of law students are volunteering their time to provide legal advice for responsible conservation groups.

There is a grassroots awakening, and lots of action going on, but compared to the need to move fast, we are only crawling. If we are going to catch up, we will have to skip the walking stage in our evolution to environmental adulthood, and start running as fast as we can.

One of the most significant trends in our society is the muscle in the emerging affluency of the blue-collar segment of the population. Increasingly he has a boat and/or a camper, perhaps a second home, and finds himself all too often fishing or camping beside a stream or lake that is polluted by the very economy that has given him his good life. He suddenly becomes personally involved and concerned. Like his union vote, his franchise as a citizen in the privacy of the voting booth is powerful.

In our own Company, we have tried to carry a spear in our attempt to practice a code of ethics. If we consider physical health, the welfare of our families, the influence on children in those families from reading SUNSET Magazine—as part of our environmental responsibility—our policies of accepting no hard-liquor or tobacco-products advertising, illustrates a dollars-and-cents reflection of how we are expressing our own code in actual business practice. The many categories of advertising not accepted by our publication comprise some 20% of the dollar-volume spent in our industry. When we supported the creation of the controversial Redwood National Park, we anticipated, and promptly received, large advertising cancellations. As an encouraging measure of progress in the last few years, I honestly feel that these advertising pages would *not* be cancelled today. Hopefully our ethical philosophy will be understood by our recent action to discontinue accepting two-wheel-trailer-vehicle advertising, and our applying even tougher controls on real estate and land development advertising. There is no point kidding yourself—following any ethical course, including environmental, means you don't always pick up all the marbles after the game is over. To think otherwise is economic myopia.

Recently we completed our investigation of DDT and several other hydrocarbons, and their role in home gardening. Our August 1969 issue carried an article, "Blowing the Whistle on DDT". Because it has been our policy to adhere to similar policies or code of ethics, for both editorial and advertising content, we discontinued accepting DDT advertising effective with the same issue. We had heretofore carried more of this advertising category for home gardening use than any U.S. publication, and were somewhat surprised to have the decision featured in *The Wall Street Journal* and find the full announcement read into the *Congressional Record* by both the House and the Senate. The decision, we have learned, has been used in strengthening arguments for tougher controls and legislation on pesticides in several states and just recently in Washington. The mail has been very heavy in support of the position we took. These reactions only help to emphasize that there is a swell of enthusiasm for "get-tough" action.

Certainly one of the most encouraging signs of a major national concern, and attack on the problem, has been the Congressional hearings on the "President's Council on Environmental Quality." Any significant national goal must have the leadership of the President of the United States, and it would appear that this has been definitely in the making for the last general administration, even though progress has been far too slow. The very name of the group reflects the increasing priority on the broad subject—and critical nature of the problem, and a tangible step ahead to profit from the experience and contribution of the predecessor organization. In the new Council's increased concern beyond only recreation and natural beauty, the Federal Government will have the opportunity to look at the big picture dealing with life, death, and even national survival, as well as enjoying our leisure time in an atmosphere and landscape free from pollution, ugliness, noise, and often indiscriminate consumption of our limited natural resources.

In a very real way, there is an urgent need for this whole area of governmental responsibility deserving a full Cabinet recognition. As I read the history of our country and the changing conditions and needs that brought the weight of public demand and governmental actions on creating an increase of *seven* new Cabinet posts today since the original three appointed by President Washington, I predict that this country someday will have a Secretary of Environment, or some equivalent recognition within an existing division of an executive branch of our federal government. We have seen a very good example of this process of work in the need for and creation of the Department of Health, Education, and Welfare in 1953. Realistically, the worldwide recognition and strong leadership from a Secretary and a Department of Environment would be a positive way to achieve many of the same goals that have been proposed for a possible Secretary of Peace.

There is no better place for leadership to be exercised to develop a national "Environmental Ethic" than from the President's Council on Environmental Quality, and its Citizens' Advisory Committee on Environmental Quality, chairmanned by Mr. Laurence Rockefeller. In his statement of June 20 of this year, Russell Train, Undersecretary of the Interior, stated at a hearing of the House Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries: ". . . in structure and responsibility, the new Council will resemble both the National Security Council and the Urban Affairs Council . . . it is clear that the Council will provide a badly needed vehicle for the coordination of all environmental programs at the highest level of government . . . will anticipate new problems even as it focuses on present ones, and foster greater cooperation between the United States and State and local government on matters concerning the environment. . . ."

In his earlier announcement of the Council on May 29, President Nixon quoted a statement made by a former President that read, ". . . The conservation of our natural resources and their proper use constitute the foundamental problem which underlies almost every problem of our national life. . . ." This is all strong language. We must all pray and work together to make these words of 1969, witness far more immediate action than those earlier words of advice have received in the 62 years since Teddy Roosevelt said them in 1907. Time is running out. Noble words and occasional accomplisehments are not enough. We must wage all-out war to win the battle to save and protect the total natural and social environment that sustains life and makes it all worthwhile.

If we wait too long to develop and practice a powerful Environmental Ethic, it might well start off, "Thou shalt not kill—ourselves."

Thank you.

MARIHUANA—ARMY RESEARCH

Mr. DOMINICK. Mr. President, research conducted by the Army on the medical implications of using marihuana may be declassified and released within the next few days.

As a member of the Special Subcommittee on Alcoholism and Narcotics, I began seeking this information 6 months ago after being alerted to its existence by Prof. Jay Boyd Best, of the Department of Physiology and Biophysics at Colorado State University.

Senators will recall that on December 1, 1969, I introduced S. 3190, the Marihuana and Health Reporting Act, a bill requiring annual reports by the Secretary of Health, Education, and Welfare and the Surgeon General on research developments concerning the health consequences of using marihuana. My bill is nearly identical to the statute which required the report on cigarette smoking.

At the time I introduced the Marihuana and Health Reporting Act, I placed in the CONGRESSIONAL RECORD a list of the 67 federally financed marihuana research projects totaling $10.7 million. One of those projects—in Colorado—is directed by Professor Best.

Since an article published in this morning's Washington Post is directly in point with my own inquiry, I think it is important that Senators be aware of the nature of my investigation and its current status.

Frankly, I have been very much disappointed in the lack of candor and the shroud of evasiveness which I have received to date from the Department of the Army.

Professor Best first wrote me on July 8, 1969, stating, among other things:

> The chemical warfare branch of the Department of the Army conducted extensive tests of the effects of the marihuana compounds on normal human volunteers with regard to the possibility of employing such compounds as non-lethal incapacitating chemical agents . . . It seems foolish and extravagant to pretend that such information does not exist and have to duplicate that expenditure and research to obtain the same information for civilian usage.

Professor Best goes into other details on marihuana research and I ask unanimous consent that the text of his letter of July 8, 1969, be printed in the RECORD at the conclusion of my remarks.

I then contacted the Department of the Army requesting that they supply me with information on any research they had conducted concerning marihuana. The response I received from Brigadier General Dawalt, Acting Chief of Research and Development, raises more questions than it answers and I hope every Senator will read it.

I ask unanimous consent that the text of the Dawalt response as well as the text of a letter from Professor Best, dated October 15, 1969, commenting on it be printed in the RECORD at the conclusion of my remarks.

On January 5, 1970, I again asked the Department of the Army to provide me with information on marihuana research. Two weeks later Brigadier General Dawalt sent me an interim reply which states, in effect, that the Army is still looking into it.

This brings me to the article in today's Washington Post concerning the Army's marihuana research. The article was written by Stuart Auerbach and is entitled "Study Discloses Medical Uses of Synthetic Pot." I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The article caught my eye because it describes a speech made by Dr. Van Sim of the Edgewood Arsenal Medical Research Laboratory on behalf of the Army. The subject of his research, apparently done 10 years ago, was marihuana.

A comparison of the points raised in this article and the information provided me to date by the Army is—as they say—very interesting.

As I mentioned, Professor Best understood that the Army had done marihuana research on human volunteers.

However, according to Brigadier General Dawalt:

> That the Army has conducted research on marihuana compounds using human volunteers is a widely held misconception.

Contrast that response to the report on Dr. Van Sim's work as follows:

> The synthetic marihuana-like substance was mixed into a capsule with milk sugar in the Edgewood experiments. Human subjects were given as many as five capsules within five hours.

Whether or not testing was done on people, the Dawalt letter attempts to distinguish the Army's work on the basis that it was not with agents extracted from marihuana but with synthetic analogs.

Such a statement overlooks the landmark breakthrough in marihuana research—the fact that THC, the principal active ingredient in natural marihuana, was not synthetically produced until 1966. There are so many variables affecting potency and reactions in marihuana research that a consistent and precise quality of the natural drug was unavailable even to scientists prior to that time. My point is that marihuana research is greatly advanced, not hampered, by the use of synthetic compounds.

Let us take another factor of comparison. The Army's reply to me states:

> The (marihuana) compounds do not produce hallucinatory effects.

Professor Best puts that comment in perspective in his letter, and Dr. Van Sim, who reportedly took the synthetic compound himself, said:

> Occasional visual hallucinations of brilliantly colored geometrical designs were experienced.

Finally, the Army took the position that research conducted by it was not applicable to research programs being conducted in the civilian capacity by those federally financed projects such as the one being conducted by Professor Best.

Dr. Daniel Efron, identified in the Washington Post article as an NIMH expert in the chemical makeup of mind-bending drugs and editor of the conference at which Dr. Van Sim spoke, is reported to have said that Sim's synthetic and natural marihuana are "practically the same thing" and there would be "little significant" difference in their biological effects.

Mr. President, it has been almost 6 months since I first sought this information from the Army. It has been 1 month since I asked for clarification of the Dawalt letter.

After reading the Washington Post article this morning, I was in touch by telephone with the office of Brigadier General Dawalt. I am advised that a full report to me from Edgewood Arsenal should arrive at his office by February 6, but it may be as long as February 20 before the information will be declassified and released.

I would expect the Army to beat that date. I would like to know, other members of our subcommittee would like to know, and I am sure the medical research people would like to know what medical data the Army does have that relates to civilian medical research on marihuana.

Ironically, but I am sure unintentionally, the Army report—if released—will come a little late for Professor Best. The Federal grant for his research project has only 3 more months to run.

I look forward to a full report from the Army, and certainly intend to advise the Senate when it is received.

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

COLORADO STATE UNIVERSITY,
Fort Collins, Colo., July 8, 1969.

Senator PETER DOMINICK,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMINICK: I would like to ask your assistance in a matter that concerns a problem of the public interest.

I am conducting a research program under a grant from the Drug Abuse Center of the National Institute of Mental Health on the physiology of actions of the marijuana compounds. As I am usre you are aware there has been a great deal of controversy regarding the effects of marijuana and the magnitude of the danger it poses to our society. Information from experimental administration of these compounds to normal human volunteers under defined conditions is necessary to resolve these questions. Unfortunately both the Federal and State Marijuana laws as well as questions of legal liability and adverse publicity have raised enormous obstacles to the conducting of such human studies. Because of this most such studies are conducted either upon animals or upon prisoners or inmates of the federal hospital for drugs addicts at Lexington, Kentucky. Such studies are useful but such prison inmates aren't really representatives of the population at large. This is especially true in regard to the subtle mental differences relevant to marijuana effects. The most pertinent information would be that obtained on healthy normal young adult subjects derived from the population at large since it is these that seem to account for most marijuana usage.

The Chemical Warfare branch of the Department of the Army conducted extensive tests of the effects of the marijuana compounds on normal human volunteers with regard to the possibility of employing such compounds as non-lethal incapacitating chemical agents. The information gleaned from these studies would undoubtedly provide much of the data needed to resolve many of the most urgent questions regarding the effects of marijuana on normal young adults. Unfortunately all of this data is classified and thus unavailable to those such as myself and the multitude of civilian officials of various kinds who are legitimately concerned with the marijuana issue and its appropriate resolution. This data probably represents an investment of hundreds of thousands or millions of dollars by our government in the underwriting of the research to obtain it. It seems foolish and extravagant to pretend that such information does not exist and have to duplicate that expenditure and research to obtain the same information for civilian usage.

In view of the above I would like to explore with you the possibility of obtaining a declassification of the reports on these studies on the effects and toxicity in human subjects of the compounds with marijuana activity so that I and other medical scientists working on this problem can have access to this information.

The reason that I am writing you instead of contracting the Department of Defense directly is that I know from past experience that it would be very difficult for someone of my limited influence to obtain a considered hearing on such a delicate policy question as declassification of an area involving CBW agent research. Since I realize that there are many considerations to be weighed regarding the benefits and advantages to the civilian sector of our country versus possible aid and comfort to the enemy I would be happy to discuss the matter further with you personally either in Colorado or Washington. An advantage of a Washington meeting would be that I could bring some of the officials of the National Institute of Mental Health if that seemed desirable.

In any event I would greatly appreciate any assistance you can give in this matter.

Sincerely yours,

JAY BOYD BEST,
Professor of Physiology and Biophysics.

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF OF RESEARCH AND DEVELOPMENT,
Washington, D.C.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: The Secretary of the Army has asked me to reply to your inquiry addressed to the Department of Defense concerning a request by Professor Jay Boyd Best for release of results obtained in Army research on marijuana compounds.

That the Army has conducted research on marijuana compounds using human volunteers is a widely held misconception. Compounds studied by the Army as possible incapacitating agents were not active pharmacologic principals extracted from marijuana but were synthesized analogues which are different in structure and physiological effect. These analogues, man-made in small quantities for scientific laboratory studies, are not available to the drug abuser, nor would one want to use these compounds if they were available. The compounds do not produce hallucinatory effects, the action sought by addicts. Their effects are physically incapacitating and would be unpleasant to a drug abuser.

Accordingly, the results of Army research in this area are not applicable to research programs on the physiology of action of the marijuana compounds and the danger they pose to our society, such as that being conducted by Professor Best.

I realize the importance of Professor Best's work and regret that the Army is unable to provide related research data. However, attached as Inclosure 1 is a bibliography of military publications concerned with marijuana which may be of use to Professor Best. Professor Best is free to communicate with the authors of these papers if he so chooses.

Sincerely,

KENNETH F. DAWALT,
Brigadier General, GS, Acting Chief of Research and Development.

BIBLIOGRAPHY OF MILITARY PUBLICATIONS CONCERNED WITH MARIJUANA

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Freedman, Harry L. and Rockmore, Myron J. "Marijuana: A Factor in Personality Evaluation and Army Maladjustment," *Journal of Clinical Psychopathology,* VIII, No. 1 (April, 1946), 765-782, and No. 2, (October, 1946), 221-236.

Siler, J. F., et al. "Marijuana Smoking in Panama," *The Military Surgeon,* LXXIII (1933), 269-280.

Talbott, John A. "Pot Reactions," *USARV Medical Bulletin,* USARV Pamphlet Number 40-7 (March 15, 1968), 40-41.

COLORADO STATE UNIVERSITY,
Fort Collins, Colo., October 15, 1969.

Senator PETER H. DOMINICK,
U.S. Senate,
Senate Office Building,
Washington, D.C.

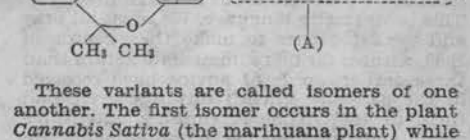
DEAR SENATOR DOMINICK: Thanks very much for letting me know of your progress in regard to obtaining the release of information on the effects of marihuana compounds on human subjects from the Department of the Army.

The xeroxed copy that you sent me of the letter from Brigadier General Kenneth Dawalt is interesting but I think that we would be mistaken to accept it at face value. In the first place I am reasonably certain that, in spite of General Dawalt's assertion to the contrary, it is *not* a misconception that the Army has conducted research on marihuana compounds using human subjects. Whether it is widely believed that they have done so is irrelevant.

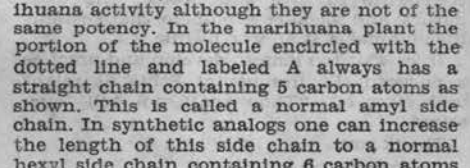
If one knows something of this area of research and examines General Dawalt's letter it appears almost deliberately designed to obscure the issues involved in such a way as to deflect your inquiry.

To show you what I mean let me review an aspect of the problem that may already be familiar to you. The major intoxicant in marihuana is a chemical compound called tetrahydrocannabinol, usually abbreviated THC.

This compound has the structure



It can also have the structure



These variants are called isomers of one another. The first isomer occurs in the plant *Cannabis Sativa* (the marihuana plant) while the second does not. Both isomers have now been artificially synthesized. Both have marihuana activity although they are not of the same potency. In the marihuana plant the portion of the molecule encircled with the dotted line and labeled A always has a straight chain containing 5 carbon atoms as shown. This is called a normal amyl side chain. In synthetic analogs one can increase the length of this side chain to a normal hexyl side chain containing 6 carbon atoms or a normal heptyl containing 7 carbon atoms. Or one can decrease the length of it to a normal butyl containing only 4 carbon atoms. Each of these modifications changes the potency. The normal hexyl and heptyl analogs are more potent that the naturally occurring normal amyl form. The normal butyl analog is less potent. If the side chain is made branched the potency is increased a hundred fold.

Yet, as evidenced from animal studies, all of these compounds have marihuana activity and are generally considered by neuropharmacologists to be marihuana compounds even though, in a strictly legal sense, only the normal amyl type occurs naturally in the plant and, because of this, falls under the marihuana law. But to insist that the 5 carbon member has no relevance to the 4, 6, and 7 carbon analogs just because the 5 carbon analog occurs naturally is nonsense.

The synthesis and activity relationships of these marihuana analogs were worked out to a great extent by Dr. Roger Adams of the University of Illinois during the forties and described in a series of papers published in the Journal of the American Chemical Society. I will lay 100 to one odds that the Department of Defense merely followed the synthetic procedures described by Adams. I might add that a great deal of Adams work on these compounds were subsidized by the Treasury Department. The relevance of the synthetic analogs to the problem of usage of the natural ones is not merely a product of my imagination. Comparison of the differences in activity found with systematic modifications in the molecular structure of a family of related compounds is a standard strategy for elaborating the molecular mechanism of action of drugs. The situation with the marihuana compounds in which only a few members of the drug family are produced naturally is typical of the situation with most drugs. For example, the synthetic hallucinogenic STP is related in its chemical structure to the natural neurohormone, noradrenaline, and to the peyote cactus substance mescaline (which can also be made synthetically). No scientist worth his salt would agree with the silly proposition that such structurally related compounds have no relationship to one another just because some are artificially synthesized and others are natural. Yet this is what General Dawalt would have us believe and would use as a pretext for not releasing the information we are after.

There is yet another aspect of the matter which General Dawalt raises as spurious argument against releasing this information. He asserts that marihuana is a hallucinogen and that this is the reason why users use it. As with most chemical agents there is a marked variation in the effect produced by marihuana or THC with the size of the dosage. At low dosages THC (or marihuana) does not produce hallucinations. At sufficiently high dosages it does. Contrary to Dawalt's notion the vast majority of marihuana smokers seem to find those dose levels which produce hallucinations to be distinctly unpleasant and usually avoid the overdosages which produce them. So that under the conditions of normal usage marihuana is not a bonafide hallucinogen although law enforcement officials use the term to mobilize public opinion against it.

In the gross behavioral changes observable in animals these various marihuana analogs appear to have qualitatively similar effects but differ in potency. One could thus expect that a more potent synthetic analog of THC would produce effects similar to a high dose of THC. Thus one would anticipate that those more potent synthetic analogs which produce incapacitating effects would also produce hallucinations and, *because of this*, be unpleasant to the subject. On the same basis one could anticipate that attenuated dilutions of these more potent preparations would be pleasant to an illicit user. Because of the bulky nature and relatively low potency of crude marihuana organized crime has largely stayed out of the marihuana business up to this point. However, if police actions such as Operation Intercept are successful one can anticipate that the production and traffic in the artificially synthesized and potent preparations will become important because of the greater ease with which they can be smuggled. One can also expect at that point that organized crime will take over the traffic in such agents.

In view of the above one must not only question General Dawalt's factual statements but also feel that his overall view of the applicability of the Army's research results to the civilian problem of marihuana usage is too simple minded to be realistic.

It would therefore seem to me that your efforts toward obtaining the declassification of this military research information is of the greatest importance and should be continued. If I can be of any assistance to you in this task please feel free to call on me.

Sincerely yours,

JAY BOYD BEST, Ph. D.,
Professor of Physiology and Biophysics.

[From the Washington (D.C.) Post, Feb. 3, 1970]

STUDY DISCLOSES MEDICAL USES OF SYNTHETIC POT

(By Stuart Auerbach)

Secret research at an Army chemical warfare laboratory shows that a synthetic form of marijuana may be useful in treating such diseases as high blood pressure and extreme sunstroke.

The never published studies, done 10 years ago at the Army Chemical Corps medical research laboratory at the Edgewood (Md.) Arsenal, were disclosed in proceedings of a National Institute of Mental Health conference of January, 1969, released yesterday.

At that scientific meeting, Dr. Van Sim of the Edgewood Arsenal described his work publicly for the first time. He said that both the synthetic chemical and natural marijuana "are interesting from a medical standpoint . . . There are three areas where they can be of definite use in medicine."

Besides the two medical uses that he studied, Sim cited work in the 1940s by the late Dr. Walter Siegfried Loewe of the University of Utah, who found another marijuana-like synthetic "very effective" when given in small doses in preventing epileptic seizures.

These studies were stopped, Sim said, "unfortunately" because of political pressure and possible problems of addiction.

Another scientist, Dr. Humphrey F. Osmond Jr. of Princeton, N.J., said that marijana had been used to treat tetanus and migraine headaches.

Sims, who said his studies are being cleared by the Defense Department for publication in scientific journals, emphasized that the synthetic chemical he used differs from natural marijuana in its molecular structure—and possibly its biological effect.

But they are all members of a family of chemicals known as tetrahydrocannabinols, the active constituent of marijuana and hashish.

Dr. Daniel H. Efron, an NIMH expert in the chemical makeup of mind-bending drugs and editor of the conference proceedings, said Sim's synthetic and natural marijuana are "practically the same thing" and there would be "little significant" differences in their biological effects.

Sim, describing what happened when he took the synthetic compound, said he could hear the rustling of onionskin paper in another room 70 feet away "despite a rather animated conversation and a great deal of noise.

"Colors were intensified and landscapes especially delightful. Occasional visual hallucinations of brilliantly colored geometrical designs were experienced. Although aware of all surrounding events, I preferred to be left alone . . . Even the most bland and unappetizing food was very delightful."

Sim studied marihuana as part of the Army's quest in the 1950s for incapacitating chemical weapons.

The synthetic marijuana-like substance was mixed into a capsule with milk sugar in the Edgewood experiments. Human subjects were given as many as five capsules in five hours. This dose produced the "high" described by Sim. Scientists noted that the drug lowered blood pressure for as long as 36 hours—an effect that would be helpful in treating patients with high blood pressure.

It also quickly lowered the body temperature of the experimental subjects by as much as three degrees. The ability to lower body temperature quickly is important in treating extreme cases of sunstroke.

Sim said, however, that the Edgewood experiments did not include giving the compound to patients who suffered from either high blood pressure or sunstroke.

"The use potential (of marijuana) has been severely restricted," he said, "by the lack of suitable compounds for study as well as by public opinion and the resulting lack of funds to carry out work."

Until the 12th revision of the United States Pharmacopeia in 1942, marijuana was listed as a chemical with medical usefulness. It was suddenly deleted, said Dr. Osmond of Princeton, "rather in the way that Stalin rewrote history.

"It looks as if legal enactments at that time had made taboo what previously had been considered a valuable medicine," he said.

SUPREME COURT NOMINATION

Mr. MONDALE. Mr. President, I have decided to vote against the confirmation of Judge G. Harold Carswell's nomination to the Supreme Court.

Judge Carswell's repudiation of a 1948 statement expressing his strong belief in white supremacy and segregation is not convincing in light of his judicial record and private activities since that time.

In 1956, while serving as a U.S. attorney, Judge Carswell participated in converting a public golf course into a private, all-white country club. It was obvious at the time that this was a move designed to thwart recent court decisions outlawing segregation in this type of public facility. It is inconceivable that anyone associated with this discriminatory venture—particularly a Federal official—was unaware of the racial motives underlying the club's formation.

Even more disturbing is Judge Carswell's subsequent record on civil rights enforcement as a Federal district judge. For example, while supervising desegregation in three Florida school districts, he ruled that black students had no standing to sue for faculty desegregation, and he approved grade-a-year token desegregation plans. Fortunately, several of this decisions were reversed by the U.S. Court of Appeals for the Fifth Circuit. Yet, as a result of his insensitivity to racial discrimination, several school districts within his jurisdiction maintained completely segregated facilities as late as 1967.

Judge Carswell has also been overruled by the fifth circuit in cases where he refused to order desegregation of theaters and reform schools.

In addition to these decisions, several civil rights attorneys who appeared before Judge Carswell have stated that he was hostile to them and the cause they represented. When he was not ruling against these attorneys, he often delayed many months in issuing decisions clearly called for by the law.

With an administration that is weakening the Voting Rights Act, abandoning its executive powers to enforce school desegregation, and refusing to strengthen the Equal Employment Opportunities Commission, the burden for upholding civil rights falls almost entirely on the courts. I opposed Judge Haynsworth's nomination primarily because of his insensitivity to the importance of courts in redressing the grievances of those who have been denied fundamental rights and opportunities. For the same reason, I shall vote against this nomination.

THE SILENT MAJORITY

Mr. DOLE. Mr. President, President Nixon and many others have spoken recently of the silent majority, those Americans of good faith and stout purpose who seem at times to be overshadowed in the news and current affairs by vocal and highly visible segments of society.

I was pleased to receive last week an indication that the silent majority is not necessarily inarticulate or hesitant to address itself to the agitation and disruption of the noisy few. I am referring specifically to a declaration signed by more than 500 citizens of southeast Kansas who were outraged and disturbed by criticism of the Apollo astronauts' exercise of their freedom of religion through prayer and scripture reading on lunar voyages.

Mr. President, I ask unanimous consent that this declaration and the letter which accompanied it be printed in the RECORD.

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

DECLARATION

As a part of a silent majority, we, the undersigned, desire to stand and be counted on the following issues.

I. We affirm our faith in God and believe our nation and its leaders need His divine guidance for the critical problems at hand. We earnestly believe in the power of prayer to give us that guidance. We therefore respectfully request your consideration of the following:

A. We appreciate and commend the astronauts for the Christian testimony they gave by offering prayer and reading from the Bible; and we claim their right so to do.

B. We request that the privilege of prayer be restored to our public schools.

II. We believe in the United States of America and in our leaders. We cherish our liberty and freedom. We believe that with that freedom comes responsibility, and that no one has a right to use this freedom to the detriment of another. We therefore bitterly oppose exploiting, which would tend to enslave or cripple our youth or any other citizen of our nation, physically, morally, or spiritually. We therefore respectfully request your consideration of the following specific points:

A. We urge, and will support, strong and immediate action against the sale, distribution, or use of harmful drugs.

B. We urge, and will support, strong and immediate action against all forms of obscenity and pornograph in film, literature, and all news media.

These signatures are willingly and individually given, and each or all may be investigated as to validity.

[Not supplied for RECORD]

INDEPENDENCE, KANS.,
January 20, 1970.

Hon. ROBERT DOLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Has the "silent majority" found its voice? In our case we think we have. We are willing to stand up and be counted.

Enclosed is a Declaration of Principles which many citizens in or near Independence, Kansas, have seen fit to call to your attention.

Perhaps in a word of explanation, we should mention that this started recently when Madelyn Murray O'Hare questioned the right of our astronauts to pray and read Scripture as they orbited the earth. As Christians we could not refuse the challenge to speak out and state our beliefs. Therefore, the Silent Majority of Independence was started. Enclosed is a button which we proudly wear. We hope others over the Nation will join us.

The Independence Daily Reporter is covering the story. We hope the Associated Press will pick it up for further dissemination.

We do hope you will see fit to support and promote these ideals for a better America.

Sincerely,

SILENT MAJORITY OF INDEPENDENCE, KANS.
By Mr. and Mrs. LESTER WICKER.

U.S. POLICY IN THE MIDDLE EAST

Mr. McCARTHY. Mr. President, stability and order in the Middle East can be achieved only in the context of a clear and consistent U.S. Middle Eastern policy.

The case for our commitment in the Middle East is one that we can trace clearly back to 1945 when President Truman first asked the British to admit Jewish refugees into Palestine. In 1947 we supported the United Nations General Assembly in the partition of Palestine which led to the establishment of Israel. We did not stop with that general endorsement and support of the United Nations position, but in 1950 agreed to the Tripartite Declaration by which we took responsibiilty in a very special way, promising our continuing support to the State of Israel.

Our commitment is not limited to the somewhat cold and formal rules of law and of documents and papers. It is a moral commitment which is the expression of the will of the people of this country.

The establishment of Israel was not just a formal act but one which reflected a deep sense of moral responsibility on the part of this Nation. In part, in supporting the founding of Israel we were not facing up to the realistic need for the opening of immigration that should have been granted at the end of World War II. But this was only one side of our approach. Along with this, there was reflected in our support a commitment that has always been accepted in this country, but which was, I think, most clearly stated at that point of greatest discouragement about Western civilization in the middle of World War II when Franklin Roosevelt gave his "Four Freedoms" speech.

It was a projection in the middle of this century of what had been said to the world by the men who signed the Declaration of Independence and who drafted our Constitution: That all men should be free to speak what they thought and that they should be free from want insofar as is possible and, finally, that they should be free from fear. This was his great addition to the language of hope and aspiration among men, and it had particular application to the establishment of Israel, for it said that every man and every people would have a country which they could say was their own, would have recourse to a set of laws which they could say were their laws, could appeal to a system of justice which they could say was their system of justice. We have had a continuous reaffirmation of that moral support, not just by our own people but in the concurring opinion of nearly all the peoples of the world.

Down through the years, each time that the integrity of Israel was challenged, our Government speaking through the President responded.

President Eisenhower in 1957 spoke of the freedom of the seas and the right of Israel to have access to all the oceans of the world, and in 1963 President Kennedy reaffirmed our support of Israel. In 1967, President Johnson reviewed and summarized and took to himself all of these earlier commitments and restated them for this Nation to the world.

Although we spoke well, we did not do all that we should have done to meet our obligations in the Middle East. For example, we should have pressed harder for the opening of the Suez Canal to Israel after 1956.

We should have pressed harder for broad acceptance of the right of "innocent passage through international waters." In 1957, Secretary of State Dulles assured the Israeli Ambassador to the United States that we were prepared to exercise that right in the Gulf of Aqaba and to join with other nations in securing its general recognition.

We should have made a greater effort to prevent the tremendous buildup of arms throughout the Middle East—a build up still going on.

We should have taken more responsibility in seeking an international response to the problem of Palestine refugees and in encouraging better relations between Jordan and Israel and among Lebanon, Jordan, and Israel.

Actions are always more difficult than words and the possibility of success in these fields of action was and is limited by historical realties.

This limitation, however, does not apply to the statements as to what our position is.

There was no excuse for the State Department's language in the spring of 1967 that "we are neutral in word, thought, and deed," language which presented a confused and distorted impression of the real interest and commitment of the United States.

There was no excuse for the recent contradictory statements made by the Nixon administration. On December 9, 1969, Secretary Rogers spoke in favor of negotiations according to the Rhodes formula under which the 1949 armistice agreement was negotiated; these were not direct negotiations between the parties concerned. This statement, rightly or wrongly, was widely interpreted as a backing off from our commitment to Israel and was, therefore, a cause for concern. Emphasis upon four-power talks and on talks between the United States and the Soviet Union raised the possibility that the United States might seek to substitute such talks for direct negotiations between the parties themselves.

After the announcement that France intended to sell 100 jet fighters to Libya, President Nixon, on January 25, 1970, assured a conference of American Jewish leaders that the United States was "prepared to supply military equipment necessary to support the efforts of friendly governments, like Israel's, to defend the safety of their people." He also stated:

> The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them. We do not see any substitute for such negotiations if peace and security arrangements acceptable to the parties are to be worked out.

Then, on January 28, 1970, it was reported in the New York Times that the United States "had assured Arab governments that President Nixon's message, did not in any way invalidate the American proposals for a Middle Eastern settlement that had been advanced during the recent Big Four and Big Two talks" and that the Arab governments had also been given assurances "that no decision had yet made by the administration on the month-old Israeli request for further military and economic assistance."

There may be no clear inconsistency in these administration statements, but they create the impression of confusion and of vacillation in United States policy. Confusion as to U.S. intentions was, in my judgment, a factor contributing to the outbreak of war in the Middle East in June of 1967.

Ambiguity in the U.S. position and the U.S. commitment contributes to instability and peril. It would be deplorable if our failure to make clear our commitment to the security of Israel were to encourage more trouble in the Middle East.

U.S. policy in the Middle East should seek the following objectives as necessary conditions for order and stability in the Middle East:

First, negotiations between the Israelis and the Arab nations;

Second, recognition by all nations of the international character of the waters of the Gulf of Aqaba and the Strait of Tiran, and of the right of all nations to the use of the Suez Canal;

Third, greater efforts to solve the Palestine refugee problem;

Fourth, a policy of restraint on the part of all nations contributing to the arms buildup in the region; and

Fifth, border adjustments and controls necessary to assure to Israel the security to which that nation has the right and also to give assurance and stability to those Arab nations that have shown an interest in order in the Middle East. Once the parties primarily concerned have reached a mutually satisfactory settlement, the United States, with other nations and, I would hope, with the assistance of the United Nations, should be prepared to support that settlement.

THE TRADITION OF THE GROUNDHOG PREDICTION

Mr. SCOTT. Mr. President, I recently was voted lifelong membership in the Punxsutawney Groundhog Club of Pennsylvania. This club, which has been in existence for 89 years, has received previous recognition in the RECORD.

On February 2, each year, the groundhog pokes his head out of the ground to make his prediction. If the animal sees his shadow, it means 6 more weeks of winter. But if the day is cloudy and there are no shadows around, the groundhog will stay out and there will be an early spring.

This tradition of the groundhog's prediction receives note every year. I wish to bring the celebration of this tradition to the attention of the Senate.

WHO WATCHES THE WATCHDOGS?

Mr. TYDINGS. Mr. President, in the past year there has been increasing interest and debate over the news media. There are certainly many issues involved—concentration, public challenge, news bias are just a few. It is interesting to note just what media coverage this vital debate about the media receives. An article in the Wall Street Journal discusses this intriguing issue. I ask unanimous consent that it be printed in the RECORD.

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

[From the Wall Street Journal, Jan. 26, 1970]

WHEN TV NETWORKS ARE IN THE NEWS

(By Jerry Landauer)

WASHINGTON.—Shortly before Vice President Agnew's highly publicized attack on television for manipulating the news, a Senate subcommittee took testimony about another issue troubling many lesser politicians: The rising cost of buying TV time to reach the voters during election campaigns.

These skyrocketing costs, most everybody agrees, discourage poor men from running for office and make others mortgage political independence to special interests. Subcommittee Chairman John Pastore of Rhode Island sums up the problem in two sentences: "Television is an indispensable means of political campaigning but its cost is appalling. A candidate may have to spend $2 million on television to win a Senate seat paying $42,500 a year."

Accordingly, Sen. Pastore's panel is considering a bill sponsored by 38 Senators that would require all stations to sell time for as little as 20% of the highest commercial rate to candidates for Congress in the five-week period before Election Day. Broadcasters fume at the theory behind the bill: That the airways are public property that must be made available for such public business as the Government determines.

Significant though it is, a matter of this sort isn't normally covered on the nightly news shows. TV show directors prefer to allocate precious minutes to livelier stuff. At this Senate hearing, though, bigwigs of the great networks were to testify, and cameras were on hand to record the proceedings.

So here was a setting to test the performance of Mr. Agnew's targets—the "closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by Government." How do the networks handle a news event directly affecting them—and in which their executives are participants?

That night on the "Evening News With Walter Cronkite" the Columbia Broadcasting System found time to air the views of just one witness: CBS President Frank Stanton. Mr. Cronkite devoted five sentences to the Senate hearing and all five recited Mr. Stanton's views (among other things he said the bill "goes too far"). No other witness got on the air—not Rosel Hyde, then chairman of the Federal Communications Commission, nor Russel Hemenway of the National Committee for an Effective Congress, which developed the bill Mr. Stanton opposed.

The National Broadcasting Co., similarly gave short shrift to the bill's proponents (and to Mr. Stanton of rival CBS). On NBC's Huntley-Brinkley Report that same night, unidentified "politicians" were quoted as complaining about TV's enormous costs (political parties spent $38 million for air time in 1968, of which the networks receive $8.9 million). But, like its CBS competitor, NBC ignored testimony that all except a handful of broadcasters were charging candidates the highest possible rates.

Instead, NBC had an announcement to make: Hereafter it and the American Broadcasting Cos. would sell time to "candidates" at one-half and one-third the regular rate, respectively. "And," Mr. Brinkley intoned, "NBC said if Congress would change the law to leave out fringe candidates, it would give the time to candidates free."

As stated on the air these proposals seem newsy and magnanimous. But the script neglected to make clear that NBC's offer of cut-rate time merely represents an expansion of 1968 discount practices, or that it will apply next fall only to the five NBC-owned TV outlets (less than 3% of all stations are owned outright by the three networks). Hence listeners might easily have gained the impression that the networks were solving the entire campaign-cost problem all by themselves, and that there was no need even to talk about compulsory rate-cutting.

Similarly, NBC's free-time offer sounded more impressive on the air than it did in the Senate hearing room. For as NBC President Julian Goodman told the Senators, the network intends to give free time not to "candidates" as such but only for appearances by Presidential contenders in 1972.

Perhaps more substantial is another NBC plan, also outlined by Mr. Goodman at the Senate hearing, to give affiliated stations a pool of spot-announcement time for this year's election campaign. The spots could then be sold by the stations to Congressional, state and local candidates, presumably at far less than regular rates; this NBC plan wasn't mentioned on the Huntley-Brinkley show that evening.

It's obvious that time-conscious network TV can't do much more than touch the top of daily news events; it has to be choosy. Newspapers likewise have to be selective about what, and how much, to squeeze into their space, and thus may perform below par when covering news about publishers, giving them either too much attention or not enough (an example of the latter was another Senate subcommittee's hearings on the "Newspaper Preservation Act," the now-pending bill to give jointly published papers immunity from antitrust laws).

More relevant to Spiro Agnew's criticism of television is this question: How did the networks ("Nowhere in our system are there fewer checks on vast power") react to complaints of having dealt unfairly with those who testified in favor of the compulsory rate-cutting bill?

NBC, for one, wants to wiggle off the hook. Responding to Mr. Hemenway of the National Committee for an Effective Congress, NBC lawyers didn't contend that network treatment of the Senate testimony was fair or balanced. Rather, the lawyers argued that their newscast didn't constitute "coverage" of the hearings, hence NBC isn't obliged under the "fairness doctrine" to air opinions favoring the bill.

The newscast "did not present statements either for or against the bill," NBC explained. "The news item merely reported the substantive information relating to complaints of the cost of television campaigning and the decision of two networks to sell time at reduced prices."

ABC's president, Leonard Goldenson, also testified against the bill, but that night's news with Frank Reynolds and Howard K. Smith reported the hearing in three relatively neutral sentences. The formal Hemenway complaint to the FCC doesn't cite ABC.

Though CBS had been even more one-sided in covering the testimony, the Hemenway complaint was handled there not by lawyers trained to look for legal escape but by newsmen striving to be fair.

The result was significantly different. Richard S. Salant, president of CBS News, forthrightly conceded a mistake. "We are agreed that the report was not journalistically complete and that we made an error in news judgment," Mr. Salant concluded. He promises time to backers of the bill when a "news peg" develops or if the network decides to broadcast a discussion about the costs of TV campaigning.

Good idea. Such a program, or an in-depth documentary of the kind the networks frequently do so well, could air some prickly questions about TV's voluntary alternative to compulsory rate-cutting:

Should Representatives or Senators accept favors, in the form of free time or lower rates, from a Government-regulated industry? What about existing law that prohibits corporations (and unions) from contributing money or services to campaigns for Federal office? And even if unintended, wouldn't such favors tend to enhance the power of the "closed fraternity"—men who in Mr. Agnew's view already possess too much?

THE FOREIGN AID PROGRAM

Mr. PERCY. Mr. President, on January 21, 1970, Mr. Irwin R. Hedges, Coordinator of the AID food for peace program, gave a most interesting speech on foreign aid.

In that speech he stated a number of reasons why the current foreign aid program is in deep trouble and what should be done to restructure the program to make it more viable and consistent with U.S. national purposes. President Nixon has stressed the need to reassess the foreign aid program and to restructure it and has appointed a special Task Force for International Development to make recommendations to improve the foreign aid program.

Mr. Hedges makes a number of useful suggestions for new emphasis in foreign aid such as more aid to be directed through multilateral agencies, more aid to benefit the masses of people rather than ruling elites, and more emphasis on technical assistance, agriculture, and family planning.

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

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

THE PROCESS OF DEVELOPMENT—THE FUTURE OF FOREIGN AID

(By Dr. Irwin R. Hedges)

It is a pleasant break from the Washington routine to meet with this distinguished group tonight and exchange with you some thoughts about the future of the foreign aid program. This manner of framing my topic implies a certain degree of optimism on my part. I am firmly of the belief the program does have a future, embattled and beleaguered though it may be, right now.

To say that the foreign aid program is in deep trouble is probably the understatement of the year. The Administration foreign aid request to Congress for this fiscal year was the lowest since foreign aid began. Nevertheless, deep slashes were made from this request in the Authorization Bill approved by the Congress and sent to the President in late December. And we are still without an appropriation even though nearly seven months of the fiscal year have already passed. Hopefully, action on the bill will be completed soon now that Congress has reconvened. The final appropriation may be slightly above the record low for 1969 but it will be far less than the sums appropriated for foreign aid 20 years ago when the program began and when our gross national product was only about one-fourth what it is now.

Why has foreign aid fallen into such disrepute? Examination of the causes may suggest the steps required to improve the program and restore it to favor. Perhaps a major reason for the loss of support for foreign aid is that much of the rationale on which the program is based no longer commands Congressional and public support.

Except for the early days of the Marshall Plan and Point IV much of the appeal for support has been based on using aid to fight the spread of communism and to improve the military posture of friendly countries. The security interests of the United States have often figured as importantly in the justification of aid as the development needs of recipient countries. Efforts to use aid to gain strategic advantages have not always succeeded. Frustration and disappointment were the natural consequences.

The evolution of the post war world has undermined much of this rationale. Communism is no longer considered to be a monolithic force, and nationalism has emerged as a potent force obstructing the spread of doctrinaire communism. There is less enthusiasm for seeking security through military pacts. Some former supporters of foreign aid are now among the skeptics because they have come to believe that U.S. aid leads to military involvement (a view incidentally I personally do not believe is supported by the facts). In any event efforts to purchase political friends or strategic advantages by means of aid have proved disappointing.

The justification for aid has often emphasized the short-run economic self interest of the United States—for example, to finance exports of U.S. industry. This in itself is not necessarily bad, but it can lead to a misunderstanding of the basic purpose of aid and the shaping of aid operations for the benefit of the donor, rather than the recipient. The consequence may be disappointment over what aid accomplishes in the way of promoting development in recipient countries.

In the administration of aid, friction has frequently arisen between the donor and recipient countries from lack of identification of mutual interests and clear indication of the responsibilities of donor and recipient, respectively. With a confused sense of rationale and purpose, it is difficult to identify these things and to articulate them to ourselves and to the recipients. The political friction which results has sometimes led to a feeling on the part of the U.S. public that our aid efforts are not appreciated.

We have also often found that our expectation about the time it would take to get results were not met. We are not a patient people—we do like instant results. We have over-promised what can be accomplished by way of instant development. The public has been encouraged to believe that dramatic short-run results were possible and that our aid would quickly create viable economies. The whole aid program has come under criticism when these unrealistic expectations were not fulfilled. Development is a slow process, and we need to explain the reasons for this to ourselves.

Another manifestation of our confused sense of purpose and rationale can be found in our choice of indicators of progress. Our measurement of progress has been limited to measuring economic growth. Success, or lack of it, has largely been measured in terms of the rate of growth of GNP. But where GNP has grown, we have often been disappointed that educational levels improved only slowly, that income inequalities were not reduced, that unemployment remained the same, or got worse. This fascination with GNP has thus been misleading, and a further cause of disappointment.

Thus, the first step we must take in improving the aid program and restoring it to public favor is to explain how it relates to the mainstream of our national purposes. There are many indications that public support for aid is still strong. In this connection the results of the survey conducted several months ago by Public Opinion Research Center of the University of Michigan comes to mind. What is needed is a well articulated rationale that appeals both to American ideals and to self interest. With such a rationale, we can take the next step which is to restructure the aid program better to serve the development needs of the 70's, consistent with the rationale of our national purpose abroad. President Nixon very wisely established this order of priorities for our work when he appointed the Peterson Task Force for International Development. The White House statement announcing the appointment said: "The President has directed the group to focus on the underlying rationale of the U.S. aid effort and its relationship to overall U.S. foreign policy objectives."

The problem of explaining our rationale is both complicated and simple. It is a very complex task to explain and to relate the purpose of each and every U.S. program that provides economic assistance. The programs do vary among their immediate objectives. But I believe there also is a simple, fundamental moral rationale firmly grounded in our national ideals and our national self-interest.

Aid giving to less fortunate peoples of other nations is indivisible from our national political purpose—the American dream of liberty and individual freedom. As a nation the quest for human freedom has been our guiding principle, shaping our institutions, our laws, and our philosophy. Freedom is an evolving concept—it is more than juridical—it embraces the totality of man's relationship to his fellow man and to his environment. Certainly freedom from want—freedom from hunger—is just as basic to our concept of democracy as freedom in the conventional political sense as expressed in the Bill of Rights of our Constitution. A man is not free if he is chained by starvation. Freedom for the individual also means participation in the decisions that make a society—participation in government, participation in building his own economic life.

The advancement of individual freedom is central to the ethical concepts which guide our society. Any ethical system to have validity must be universal. Just as it does violence to our ethical concepts to distinguish between the poor of one color and the poor of another color in our national society, so it does also to exclude from the area of our concern the poor or starving of another nationality. In the past we have managed to ignore the poor in other lands without our ethical system calling our conscience to account because they were far away and outside our personal experience. Today, this rationalization of unawareness and lack of knowledge is no longer available to us. Communications are too instantaneous. Progress of the human race has been marked by continual widening of the circle in which the individual accepts the responsibility of being his brother's keeper. First it was the family—next the tribe, later the city-state and the nation, and finally we are at the stage where on every hand technology, science and communications so reinforces our inter-dependence that we are forced to take the ultimate step and extend our ethical concepts and moral responsibilities to embrace all humanity. We are, indeed, as one writer put it, now living in a village world.

Our national quest for individual political and economic freedom thus extends to all of humanity. We do believe that the best society is a free society, and that the best economic, social and political decisions are made by free men. It is a simple step from this belief, to see that our self-interest in terms of economics, political security, the quality life, is best served in a world of free men. This, as I see it, is the broad, but simple outline of the rationale on which future aid efforts might be based. It puts aid into the mainstream of our national purpose, guided by our national ideals. Seen this way, aid is a means of pursuing our own self-interest.

This rationale has implications for the future operations and organizational structure of development assistance activities. In elaborating on these implications, I am of course speaking in a purely personal role. Nor is what I have to say particularly original. It is for the most part consistent with numerous recent discussions and official reports on foreign aid made by various individuals and prestigious groups. In addition to the Presidential Task Force under Rudolph Peterson now nearing its conclusions, there have been a number of other recent investigations by private individuals, university groups such as the Task Force of the Land Grant Universities, and business groups such as the Committee for Economic Development. The study of the Pearson Commission was the most exhaustive and the most comprehensive. Its report on world development and aid to the President of the World Bank in the autumn will probably stand as a landmark. Sir Robert Jackson has just handed in his evaluation and recommendations concerning the development aid operations of the entire U.N. family of agencies. Under the Inter-American Development Bank, Paul Prebisch is presently conducting a major examination of the problems and prospects for Latin America. Eugene Black has produced an authoritative book based on his personal experience. And, of course, bureaucrats and professors individually and collectively are conducting their own conversation about what is wrong, and occasionally, about what would be right.

Apart from the Peterson Task Force report, which will not be made until next month, the other studies and reports tend to concentrate on a few basic themes. These themes include:

1. Recognition of the need to end political strife between donors and recipients, and to reduce the appearance of bilateral coercion and control. This leads to the need to create a real sense of partnership between the aid giver and the aid receiver, in which the mutuality of interests are identified, and the responsibilities of each clearly stated and accepted.

2. This first theme in turn leads to a second, namely, increased emphasis on, and support of, multilateral aid agencies. This expansion of the role of multilateral giving, and multilateral administration of aid, would nonetheless allow for continuation of bilateral programs, partly because the multilateral agencies are simply not equipped to handle all of the aid flows, and partly because bilateral programs satisfy certain needs for flexibility and pursuit of national objectives.

3. Recognition that development is a slow process, but that increased aid is needed, and, if given, could bring about a transformation of a majority of the poor countries into self-sustaining growth by the end of this century: that aid, to be effective must be provided on a regular, continuing basis over a long period, and that commitments and aid institutions should be shaped to conform to this need.

4. Recognition that development means more than growth in GNP, and that emphasis has to be put on the full dimensions of development rather than just on the narrow concept of economic growth. This then argues for much greater emphasis on aid that is directly oriented towards people.

5. Insulation of bi-lateral aid operations from the influence of short-run diplomatic, military and other foreign policy considerations of the donor country. Essentially, this means that aid operations and decisions should reflect the needs of the recipient country and not the narrow short-run national interests of the donor.

6. Finally, recognition that aid alone is not enough, and that there must be greater flows of private investment, better access to the rich countries for the trade of the poor, and a larger role for universities and other private institutions in carrying out technical assistance.

I'd like to comment briefly on some of these points. First, developing a partnership relation between the aid donor and the aid recipient. Under the Marshall Plan, the first major foreign aid venture, relations between the United States and the recipient countries of Western Europe were pretty much on a partnership basis. However, as the focus of aid shifted to the developing countries the United States tended to assume a self-appointed role of judge of the development needs of the recipient country. Programming procedures and overseas mission staffing reflected this. This tendency was reinforced by the general shortage of technical and managerial skills in the developing countries, and for the most of them, the fact they were in the early stages of nation building. Regardless of the justification there may have been for such a role in the past, it is politically inappropriate for the 1970's. The developing countries have made significant progress. They are far more sophisticated in managing their affairs, and better able to participate in development efforts as equal partners. Other countries and international agencies now share with the United States the job of development assistance. For example, the United States now ranks eighth among the rich, non-communist developed countries in the proportion of GNP devoted to foreign aid. And for the first time this year the U.S. share of the total has dropped below 50 percent. There is far less need for us unilaterally to make judgments as to what is good for a country. Moreover, if we have learned anything about development, it is that it depends primarily on the national will and efforts of the country itself—it cannot be generated from without. National will will be much greater where there is national responsibility. The U.S. posture increasingly should be that of responding to the requests of developing countries, rather than trying to establish for them development priorities.

With regard to the long-term nature of development little needs to be said. Development assistance must be adjusted for the long haul. The Pearson Commission foresees the need for rich countries to continue development assistance for at least the rest of this century and at levels that will assure a growth rate of 6 percent per year, in order to reach a point by that time where the LDC's as a group can maintain a growth momentum without resort to extraordinary assistance. Adjustment of institutional arrangements and aid funding to reflect the long term nature of aid giving would require major changes in present practices.

More multilateralism is favored for many reasons. It reduces the possibilities of frictions arising out of bilateralism. It helps assure that aid will be divorced from short-range foreign policy objectives of individual donors, and helps overcome fears on the part of recipients that aid will perpetuate by economic means the domination by outside forces which they associate with colonialism. Nevertheless, an element of realism must temper advocacy of multilateralism. Perhaps the strongest case can be made for the use of the international banking institutions for funding self-amortizing projects. This is only one phase of development, however, as will be emphasized later. It is also the least concessional type of aid, generally speaking. There is a whole family of U.N. institutions now engaged in development assistance. Again, while greater support of these institutions in most cases may be merited, there are presently severe limitations on their absorptive capacity.

Sir Robert Jackson, in his exhaustive study of their operations, concluded that they are now supplied with just about the maximum resources they can handle without a major overhaul. He finds the U.N. system sadly inefficient and wanting in the kind of coordination needed to cope with the development problems ahead. He has called for major changes in the operations of the U.N. system to meet this challenga, but this will be far more difficult to bring about than changes in bilateral operations. The Pearson Commission reaches much the same conclusions about U.N. institutions. While favoring more multilateralism, it proposes that the amount of aid extended through these channels gradually be increased from the present 10 percent of the total to 20 percent.

The insulation of aid from day-to-day or limited foreign policy considerations touches some fundamentals of aid policy and operations. Some advocate to achieve this that the aid agency be separated from State and established as an independent agency responsible directly to the President. They see this as the means of preventing or at least minimizing the possibility that development assistance be interrupted by foreign policy friction that may be transitory in nature. Another suggestion of those who would insulate foreign aid from specific short run security objectives is to separate development assistance from military or supporting assistance. This would be done by submitting separate appropriation request to the Congress, and by having the respective programs administered by separate agencies—military assistance or supporting assistance by the State Department or Defense, and development assistance by the aid agency. This policy has both strong proponents and opponents in the Congress.

Steps are already underway to assure a larger role for private industry in development assistance through the creation of a government owned Overseas Private Investment Corporation. The Administration has proposed and the Congress has authorized the creation of such a Corporation. Although autonomous it is to be an integral part of any future aid agency.

DEVELOPMENT AND ECONOMIC GROWTH

One of the most fundamental changes needed in the aid program and one on which there is nearly universal agreement is the need to shift the focus of operations from the narrow objective of economic growth to the broader concept of development. The central concern of development is human resources and improvement in the quality of human life. Economic growth—yes—that is essential to development, but we have learned from experience that a developing country can have a reasonably satisfactory rate of economic growth as measured by the increase in overall national income and still be in deep trouble as far as development is concerned. And if we really think about our basic rationale, our deep sense of the importance of freedom, a concern with liberating individual people to become active participants in their societies is fundamental.

There is a growing recognition, therefore, that economic growth and development are not synonymous. Past foreign assistance efforts have been pretty much aimed at the goal of economic growth. Success has been measured in terms of the overall rate of growth in gross national product (GNP) and there has been minimal concern with problems of income distribution, the breadth of participation in the development process—the maximizing of employment opportunities and the development of democratic institutions. It would, of course, be an over simplification and misleading to assert that there has been no concern regarding these issues. Of course, there has been some and there has been U.S. support for activities—particularly in the fields of health and education—aimed at improving the general welfare.

Nevertheless, economic growth measured in macro-economic terms has been the principal guide post for programming and fund allocations. Thus, the estimated shortfall in foreign exchange earnings required to assure a specified rate of growth in GNP has been used as the principal measure of the foreign aid requirements of a particular country. Sector loans, or program loans—aimed at providing the country with the foreign exchange resources to purchase essential imports as distinguished from loans to finance a specific project say, a steel mill or fertilizer plant have received major emphasis.

Inevitably this has meant U.S. aid has been used to support the status quo. And this in turn has meant to a distressingly large degree that the benefits have accrued to the privileged ruling class, leaving the masses of the people out of the main stream of development. No one responsible for programming U.S. aid intended things to turn out that way. Indeed, it is clearly inconsistent with the justification in support of aid appropriations annually presented to the Congress, with the intent of the Congress, and the intent of the American public in supporting A.I.D. appropriations over the years. It has simply been the consequence of the A.I.D. programming operations and the assumptions on which it has been based.

The Congress has shown an awareness of this conflict in the purposes of aid giving and in the results achieved. This awareness is evident in the deep sense of frustration over the aid program which has been reflected in reduced appropriations for the foreign aid program in its present form. On the other hand, this concern has also been reflected in Congressional initiatives to improve foreign aid operations. Let me cite two examples: The first of these is the addition of Title IX to the Foreign Assistance Act of 1967. That section, you may recall, places emphasis, "on assuring maximum participation in the task of economic development on the part of the *people* (emphasis added) of the developing countries, through the encouragement of democratic private and local government institutions."

More recently this concern is reflected in the provisions of the 1969 Foreign Assistance Act. That Act provides for the creation for Latin America of an Inter-American Social Development Institute. The stated purpose of the Institute is ". . . to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Institute, primarily in cooperation with private, regional, and international organizations, to:

(1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

(2) support self-help efforts designed to enlarge the opportunities for individual development;

(3) stimulate and assist effective and ever wider participation of the people in the development process;

(4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Institute shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people."

Making *people* the source of our concern in aid giving would have profound implications for all aid programming. Let me use agricultural development as an illustration.

In recent years several developing countries with chronic food deficits have experienced spectacular increases in food production. For the most part these successes have been associated with the introduction of new high yielding varieties of wheat and rice which have been developed by international agricultural research centers sponsored by the Ford and Rockefeller Foundations. India, Pakistan, the Philippines, and Turkey are the areas where notable successes have occurred. Progress has also been made in North Africa. In East Africa notable successes have been achieved with the introduction of hybrid corn, particularly in Kenya.

The new seeds alone are not sufficient to spark an agricultural revolution, however. In all cases there have been other essential factors favorable to development which for short hand convenience might be referred to as an adequate rural infrastructure. In this package I would include government policies that assure markets at favorable prices for the increased output, availability of agricultural requisites particularly fertilizers and pesticides, rural credit where this is essential and an organized means of providing farmers with information regarding the technology and cultural policies required to realize the potential of the new seeds. Actually these co-called miracle seeds should more appropriately be referred to as high response seeds because they are exacting in their cultural management requirements, and demand enormous amounts of fertilizers.

It is only when used in combination with other essential factors that the new seeds produce significant results. Consequently, the increases in productivity to date have occurred primarily in easy areas and among larger, more progressive farmers.

In all developing nations with the exception of a few city states, a high portion of the population is rural. Most farms are small and of a subsistence type. Most of these have not yet benefitted from the new technology. Unless special efforts are made to reach them there is a danger of creating an enclave agriculture comprising larger more progressive farmers utilizing modern technology, while the masses of small subsistence farmers are by-passed or indeed retrogress. If development is to mean concern about people this must not be allowed to happen. Of necessity most of the present rural population must continue to look to agriculture for their livelihood. Given the high rates of population growth in rural areas, it is inevitable that the rural population of most developing countries will continue to increase in absolute numbers. Even under the most wildly optimistic assumptions there will not be the capital available to provide them with nonfarm employment. If the masses of small farmers are to be helped and therefore are to participate in the development process they must be helped where they are. It is only by helping them to improve their productivity in agriculture that they can improve and diversify their diets, purchase the products of urban based industries, and participate in improvements in housing, education, sanitation, health and other components of social progress. Such advances will not come easy. Wise policies and a determined effort will be needed to bring the masses of disadvantaged rural peoples into the main stream of progress.

This means that special attention will have to be given to reaching the small cultivator in developing marketing outlets, credit facilities, fertilizer distribution, extension services, and other components of rural infrastructure. In particular, special caution should be exercised in policies affecting mechanization. The experience of developed industrialized countries in this connection is not relevant to the needs of developing countries at this stage. Non-farm employment is not available to small cultivators displaced by mechanization. A certain amount of mechanization is inevitable and indeed desirable.

Even relatively small farmers who by using the new seeds can now grow two or three crops per year where formerly they only grew one may have need to resort to some mechanization in order to assure timely completion of essential operations. Under these conditions mechanization can be labor intensive and employment creating. Government policies, with respect to credit, pricing, or allocation of scarce foreign exchange for importation of machinery should avoid encouraging mechanization that displaces labor. Indeed, the emphasis in both rural and non-rural development programs should be on labor intensive activities.

These are some of the themes and changes to make aid more effective in the future. With sensible programs and at levels developed countries might reasonably be expected to provide, the developing world can look forward to the time when the masses of their citizens can participate and share in the fruits of modern technical society. In spite of its shortcomings and frustrations *aid* has been on the whole remarkably successful. From 1950 to 1967 the GNP of developing countries as a group grew at a rate of 4.8 percent per year and some 30 had growth rates per person exceeding 2 percent per year. This the Pearson Commission points out was a faster rate than experienced by the developed countries at a comparable period in their development. Present rates of growth would quadruple incomes in 60–70 years—and, if assistance is forthcoming to accelerate the growth rate, this can occur in a shorter time.

Most of the investment capital that has fueled this growth has been supplied by the developing countries themselves. In the 1960's domestic savings financed 85 percent of total investment; only 15 percent the Pearson Commission estimates came from outside sources. As Mr. Pearson has concluded, underdevelopment is not a vicious circle. It is an evil the world has the power to eradicate.

Thus, the time is at hand to address ourselves to the task of development with renewed vigor, and with programs tailored to the needs of the 70's. That the time is at hand for major changes in the form and manner of aid giving, then, there can be no doubt. It is clear that President Nixon plans this as a part of the reassessment and readjustment of the role of the United States in world affairs which he has launched. His mandate to the Peterson Task Force was to come up with recommendations in this regard. In signing the Foreign Aid Authorization Bill recently the President affirmed the continuing commitment of the United States to provide assistance to less developed countries. He stated that, "It is my personal conviction that such assistance remains vitally necessary if we are to effectively cooperate with less wealthy countries struggling to improve the lives of their citizens.

"It is also my personal conviction, as I stated in submitting this year's foreign assistance legislation, that substantial improvements in our aid programs are necessary."

"Several such improvements are already under way: This act authorizes an Overseas Private Investment Corporation, to give new direction to U.S. private investment abroad; we have increased our emphasis on technical assistance; we will channel a greater percentage of our assistance through multilateral institutions; and we will expend our assistance to food production and family planning programs.

"I recognize that many Members of Congress and many Americans believe that a more extensive renovation of our foreign assistance program is necessary. I share that belief. For that reason I look forward to the forthcoming report of my Task Force on International Development, of which Rudolph Peterson is Chairman, and expect its recommendations to form the basis of an innovative and more effective foreign assistance program which will justify even greater support from the Congress and the American people."

Some of the changes to improve foreign aid that the President has in mind are already emerging or have been indicated in Presidential statements and actions. For example, the President has ordered a further reduction, on top of the one made by the previous administration, in U.S. overseas personnel including A.I.D. personnel. This is consistent with his announced intention of reducing the U.S. presence around the world.

The future pattern of U.S. assistance to Latin America, the President stated in a major speech on Latin American policy, must be U.S. support for Latin American initiatives which could best be achieved, he said, on a multi-lateral basis. In the same Latin American speech he called for a partnership in which the U.S. lectures less, and listens more. One can infer from this that the President is prepared to shift U.S. aid efforts from a hardshell operation more to a posture of responding to requests of prospective recipients.

The form of the organizational structure for carrying out bilateral development programs is a matter of speculation. There is strong support as I said earlier for re-establishing the A.I.D. agency as an autonomous unit separate from the State Department in order to separate long-term development operations from short-term diplomatic considerations. There is also support for assigning to such an agency lead responsibility for representing U.S. interests with the International Banks and U.N. institutions concerned with development, and in formulating trade policy affecting developing countries. This is not now the case. These changes could be made and still leave the present structure of the A.I.D. agency relatively intact.

On the other hand, there is speculation that the newly authorized Overseas Private Development Corporation and the Inter-American Social Development Institute represent the wave of the future. The suggestion has been made that a similar institute be created for the rest of the world. If this approach were used one could conceive of a technical assistance foundation to administer technical assistance and a development loan fund to handle development loans. If this happened the present aid Agency would presumably be dismantled and replaced by a very small tightly structured organization charged with coordinating the operations of the several agencies engaged in overseas development and whose head would report to the President. This might also be accompanied by some further reduction in overseas missions—perhaps eliminating aid missions except for a few personnel in all but the larger aid receiving countries.

I would not presume to predict which form among these or other alternatives the organization for aid operations is likely to take. I am of the opinion, however, that the President has set as his goal the revamping of aid operations along lines that better serve our national interests, discharge our nation's responsibilities as a world leader, and appeal to the felt wishes and idealism of the American people.

I conclude with President Nixon's concluding words in signing the Foreign Assistance Act of 1969:

"The task of overcoming poverty and human misery at home and abroad is a formidable one. It is the most ambitious and most crucial challenge in human history. It is one to which this country has made a great contribution, of which we should be proud. It is also one which will call upon us and other wealthy nations for greater efforts in the future."

COMPUTERS, DATA BANKS, AND CONSTITUTIONAL RIGHTS

Mr. ERVIN. Mr. President, modern technology, through the development of computers, data banks, and telecommunications systems, has placed at the disposal of officials of the executive branch unique resources to defeat at will the constitutional principles on which our freedoms are based.

I say this because these devices have handed Government the means to satisfy easily its boundless curiosity about private citizens. They have afforded officials techniques for monitoring more easily our opinions and our activities and, consequently, for reducing our first amendment rights.

As a result of increased Federal spending in these areas, Federal agencies and departments are fast acquiring the technological means to obtain and store information about every facet of the lives and personalities of American citizens and for every conceivable purpose.

The ability to understand and control Government information systems, and the technical expertise to manage and operate vast data banks, are skills which, for some reason, carry a mystique and power far beyond what they deserve. This has produced an unusual public and congressional complacency about management of information programs on private citizens.

Assuredly, some of these data banks are highly relevant and necessary for the purpose of aiding Government officials in the prompt, effective, and efficient administration of the laws. With our constantly increasing population, our complex social and economic problems, we should be lost without the aid of these technical and scientific advances. But without the presence and control of officials who understand and respect the constitutional uses of these methods, the liberties of every citizen are threatened.

It is sometimes difficult to determine the point at which these data banks lose their relevance and become instruments for unwarranted surveillance and for political control; when they cease to be constitutional aids to good government and become garbage bins for products of unwarranted invasions of the privacy of individuals.

The great majority of Government data banks never become any of these things. Nor are they designed for these purposes. The sad truth, however, is that some are designed for these purposes, while some, innocently created by behavioral scientists, can evolve into monsters of surveillance. Others, strictly supervised now, may, with the wrong mixture of political expediency and incentive, be expanded, interfaced with other systems and abused.

A recently discovered example of a data bank with potential for abuse or surveillance is the Secret Service program to collect information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, and so forth; who make oral or written statements about high Government officials in the following categories: First, threatening statements; second, irrational statements; and, third, abusive statements; information on professional gate crashers; information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas; information regarding civil disturbances; and information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or embarrass the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

Security-oriented data banks such as these pose an especially grave threat to first amendment freedoms. No one can question the purpose of this program, so long as it is closely controlled and limited in its scope. But at the same time, we have only the assurance of Secretary Kennedy that it will be closely controlled. There is no law stating that it must be controlled in the future.

Another example of potential danger is the Government personnel data banks. These are undoubted assets in administering our gigantic civil service. Yet, they can be fed subjective, unevaluated data which can mar an employee's reputation and career prospects. A few weeks ago, for example, supervisors of the Health, Education, and Welfare Department were being asked to report on employees who took part in moratorium and anti-Vietnam demonstrations, who did controversial things or made controversial statements.

That same Department utilized its computerized files of thousands to maintain a blacklist of scientists. It is also supporting "people-study," data banks such as one for the surveillance of migrant children.

Numerous other instances of statistical data banks came to light in recent hearings by the Constitutional Rights Subcommittee on the powers of the Census Bureau and other agencies to demand personal data from citizens. On June 30 and November 10, 1969, I discussed at length the findings from these hearings and the coercive methods which officials use in obtaining personal details for statistical and investigative data banks.

Yet despite the information which the subcommittee and other congressional committees have gathered, public knowledge of Government data gathering which affects constitutional rights is spotty and incomplete. There is no statutory requirement that executive departments inform the Congress of data programs on individuals as they are instituted. Both the Secret Service data bank and the Social Security surveillance program came to my attention only because of letters from concerned Government employees.

Now, another data center has surfaced, this one operated by the Army at the Investigative Records Repository at Fort Holabird. According to an article published in the January issue of Washington Monthly, the Army is collecting files on private citizens who participate in certain civil activities and civilian politics. The author, Christopher H. Pyle, is a former captain in Army intelligence and a candidate for a graduate degree at Columbia University. He describes a broad range of reporting activities by Army intelligence personnel, spying on the lawful pursuits of Americans throughout the country. He also discusses proposals to link a teletype reporting system to a computerized data bank at Fort Holabird. Apparently, the Army has considered centralizing "incident" reports of events in which citizens are involved, as well as "personality" reports on individuals.

The charges Mr. Pyle makes are disturbing to me, as I am sure they will be to many others in Congress.

Clearly, the Army has no business operating data banks for surveillance of private citizens; nor do they have any business in domestic politics.

Mr. President, so unconscionable have been some of the practices and programs occurring under the aegis of the many Washington "data drives," that the subcommittee has undertaken a Government-wide investigation of the extent to which Federal data banks are consistent with constitutional rights.

As a part of this new phase of our right to privacy study, I have asked Secretary of the Army Resor to give the subcommittee a complete report on the investigative files and data center at Fort Holabird.

I have also asked the Secretary what relation this activity bears to the responsibility of the Armed Forces and on what authority he relies for such data collection and storage.

Similar inquiries are being sent to the heads of other armed services, and Federal departments and agencies to learn just what data banks are being developed and how they operate.

I have received a number of letters from North Carolina and elsewhere since Mr. Pyle's article was published, and I believe they are typical reactions of concerned citizens. All ask what Congress intends to do. They have a right to know. For instance, a North Carolina resident wrote me:

> In the January 25th issue of the Raleigh *News and Observer* there is a feature article on the domestic intelligence activity of the U.S. Army. (The article first appeared in the January 1970 issue of *The Washington Monthly*.) When the Budget Bureau proposed, a few years ago, an intelligence bank on information about individual citizens of the nation, the public protested that they would not stand for such an invasion of privacy.
>
> Now it seems that the Army, with the support of the FBI and official Washington, has created its own bank of information on individual citizens involved in activities which the Army considers necessary to watch to protect the "national security." In doing so, as the article points out, it has brought together in one accessible place more information on individual beliefs and actions than would have been gathered into the Budget Bureau's ill-fated National Data Center! The U.S. Army's threat to our privacy and civil liberties is thus quite real. I cannot understand how such a large subversive effort on the part of one segment of the federal government's organization has gone unnoticed by those officials who have sworn to uphold the Constitution of the United States. I hope that you will investigate this situation and bring the power of the Senate to act to protect the citizens of the nation from further encroachment of the rights which are given us in the Constitution—the rights which give us our invaluable, but diminishing, freedom.

A letter which I received today from another North Carolinian states:

> It is because I know you feel very strongly about the need to protect citizens against possible infringement upon their rights by government that I enclose this article taken from the Boston Sunday Globe, January 18, 1970. I found it truly alarming and hope you will also.
>
> To my knowledge, the United States Army has no jurisdiction whatever over any civilian. The corollary of this is that it has no business whatever collecting information on or making qualitative judgments about any person's lawful political act or expression. Any conceivable use that the Army might make of such information would be likely to violate the canon of due process.
>
> The constitutionally protected rights of assembly and free speech were hard won and the courts have resisted various well meaning attempts over the years to curtail these rights. If the enclosed article is at all accurate, there is little or no congressional or executive control over this information gathering. If there is no justifiable reason for the Army to have this data, then that is sufficient reason for them not to have it; for its existence presupposes its use. I hope you can find the time to look into this. I feel confident that you will not be put off by the bland assurances of congressional military liaison officers, which the ordinary citizen is likely to receive when he requests information about military affairs from his elected representatives.

I await the reply of the Department of the Army with the hope that by the time they respond to all of the subcommittee's questions they will have seen fit to alter their course.

Mr. President, if they are unwarranted for the purpose, civilian investigative files and data banks in the hands of the Army, or indeed, any other agency, violate several basic constitutional precepts.

When the founders of our Nation met to draft a national constitution, they shared a common conviction that the power of government over individual freedom must be strictly limited. They shared a common memory of the oppressions of the governments they and their ancestors had known. They knew well the danger to the spirit and to life which resulted from personal control of the apparatus of law enforcement. These men remembered the terrors of surveillance and the use of informants. They recalled the use of star chamber practices to decide the lives and fortunes of men in secret.

While our Founding Fathers did not predict the dangers of the computer as such, they set the guarantees to control the use of any device for surveillance purposes.

They attempted to set for all time the limits on exercise of governmental power. Mindful that the threat to liberties may come from legislatures and judges as well as from kings, they sought to guard against each of these by dividing constitutional power into three branches of Government. They wrought an intricate system of checks and balances. Then, in response to the demands of the people through the State constitutional conventions, a Bill of Rights was adopted to guarantee the inviolability of those liberties they cherished most dearly, and those which experience had shown were most easily assaulted by the excesses of governmental grants.

Chief among the displays of arbitrary power which they remembered so well was the excess of the armed forces, acting as agent of the king.

It is all too true, as the Supreme Court has said through Mr. Justice Black:

> The tradition of keeping the military subordinate to civilian authority may not be so strong in the minds of this generation as it was in the minds of those who wrote the Constitution.

The founders envisioned the Army as a necessary institution, but one dangerous to liberty if not confined within its essential bounds. These fears were rooted in history.

It was no accident that the Declaration of Independence, in listing the abuses of George III, stated that he had "affected to render the military independent of a superior to the civil power." Those who adopted the Constitution embodied their profound fear and distrust of military power in the Constitution and in the Bill of Rights.

To assure that the Armed Forces should be subject to the law of the land, that the military should always be servant to civilan rule, they provided that the President should be the Commander in Chief. To assure that the people always controlled the Armed Forces, Congress alone was empowered to make "rules for the Government and regulation of the land and naval forces."

Mr. President, I recall these basic constitutional principles today because they will be devastated beyond repair if the collection of unwarranted files and development of data banks for survillance purposes is not halted, and if some all-out controls are not set on the activities of those who control the computers and guard the files in our great information systems.

The Army political surveillance program is, however, only one of many data systems in the hands of an ever-curious executive branch.

In the total recall of vast computer systems rests a potential for control and intimidation which is alien to our form of government and foreign to a society of free men. Regardless of the purpose, regardless of the confidentiality, regardless of the harm to any one individual, the very existence of Government files on how people exercise first amendment rights, how they think, speak, assemble, and act in lawful pursuits, is a form of official psychological coercion to keep silent, and to refrain from acting. Because it is more insidious, it is a coercion far more effective and intimidating than any tyranny experienced by the Founding Fathers.

It is a violation of the first amendment rights of our entire Nation.

Mr. President, I think we have serious cause for concern.

I ask unanimous consent that the Washington Monthly article by Mr. Pyle and my letter to Secretary Resor be printed in the RECORD following my remarks, together with articles from the New York Times of January 16, 1970, the Washington Star of January 15, 1970, the Fresno Bee of January 28, 1970, and the New York Post of January 27, 1970.

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

JANUARY 22, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: In connection with our study of computers, privacy and constitutional rights, the Constitutional Rights Subcommittee is conducting a survey of the development and maintenance of data banks by Federal departments and agencies.

One of our purposes is to determine whether or not such data systems are being developed in accordance with constitutional standards of privacy and due process of law for the individual citizens involved. Another purpose is to help Congress ascertain the need for comprehensive legislation to govern all computerized data banks on individuals.

Our attention has been particularly directed to reports of the development and expansion of data banks at Fort Holabird, containing information on the personalities, on the political, economic, and social beliefs and on the lawful community activities of American citizens.

To assist the Subcommittee in its study, we should appreciate your explaining for us: (1) the present situation concerning collection and storage of Army intelligence and other investigative data on private individuals, particularly at the Investigative Records Repository, but also at other data centers operated by the Army; and (2) future plans for expanding and further computerizing the present system.

Specifically, we should receive responses to the following questions:

1. Under what statutory and administrative authority was the investigative Records Repository established, and for what purpose? What is the relationship of this activity to the responsibilities of the Armed Forces? Please supply copies of pertinent statutes, regulations and memoranda.

2. Is all military intelligence data on individuals filed in this center? Is it computerized?

3. How many subject individuals are presently recorded in the system at the Records Center?

4. What categories of information about individuals are contained in this data bank? Are there any published or unpublished regulations or instructions governing the type of information appropriate for the files, how it is to be gathered, and how its accuray is to be determined? If so, please supply copies.

5. Are there plans to expand the scope of these files in number and subject matter? If so, how would this specifically alter the existing data system?

6. Is the subject individual, or his representative, allowed to review the data on record about him, to supplement his file and to explain or rebut material he considers inaccurate?

7. What provisions are made for deleting material found to be inaccurate or inappropriate, either spontaneously by the Army or on motion of the individual concerned?

8. What limitations are placed on access to the file or to information contained in it? What security procedures or devices are employed to prevent unauthorized access to the data file or improper use of the information? Who specifically has access to this data? For what reasons and on what authority is access granted?

9. What other agencies have access to these files? For what purposes? Under what restrictions?

10. Is a record maintained of the details of inspection or use of the file or data on an individual?

11. How is this information collected and by whom? Is it collected by investigators or from third parties? Is it solicited from the individual himself, or is it collected from other records?

12. Do you have published or unpublished regulations or guidelines concerning use and availability of these files? If so, please supply copies.

13. Do you have published or unpublished regulations or guidelines concerning the gathering, screening and accuracy of data in these files? If so, please supply copies.

14. To what extent are these files computerized? What are your plans for computerizing further?

15. The Subcommittee is interested in learning the truth about current reports that the Army plans to connect its intelligence teletype reporting system to a computerized data bank at the Investigative Record Repository. If so, what are your plans for safeguarding the accuracy of the data collected and its relevance to the area of your responsibility?

16. What other data banks are maintained or supported by the Department of the Army on private citizens? To the extent possible, please supply for each of these the information requested for the Fort Holabird data banks.

Enclosed is a *Congressional Record* excerpt describing the scope of the Subcommittee's interest in the government's use of data banks on individuals.

Your assistance in our study is deeply appreciated.

With all kind wishes, I am,
Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman, U.S. Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights.

[From the Washington Monthly, January 1970]

CONUS INTELLIGENCE: THE ARMY WATCHES CIVILIAN POLITICS

(By Christopher H. Pyle)

(NOTE.—Christopher H. Pyle, a Ph.D. candidate at Columbia University, has recently completed two years service as a captain in Army Intelligence. The information in this article comes from briefings he received at the headquarters of the U.S. Army Intelligence Command, and from the observations of friends and acquaintances who served in intelligence units throughout the United States and Europe. None of it carries a security classification of any kind.)

For the past four years, the U.S. Army has been closely watching civilian political activity within the United States. Nearly 1,000 plainclothes investigators, working out of some 300 offices from coast to coast, keep track of political protests of all kinds—from Klan rallies in North Carolina to anti-war speeches at Harvard. This aspect of their duties is unknown to most Americans. They know these soldier-agents, if at all, only as personable young men whose principal function is to conduct background investigations of persons being considered for security clearances.

When this program began in the summer of 1965, its purpose was to provide early warning of civil disorders which the Army might be called upon to quell. In the summer of 1967, however, its scope widened to include the political beliefs and actions of individuals and organizations active in the civil rights, white supremacy, black power, and antiwar movements. Today, the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country. These include not only such violence-prone organizations as the Minutemen and the Revolutionary Action Movement (RAM), but such nonviolent groups as the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the American Civil Liberties Union, Women Strike for Peace, and the National Association for the Advancement of Colored People.

The Army obtains most of its information about protest politics from the files of municipal and state police departments and of the FBI. In addition, its agents subscribe to hundreds of local and campus newspapers, monitor police and FBI radio broadcasts, and, on occasion, conduct their own undercover operations. Military undercover agents have posed as press photographers covering anti-war demonstrations, as students on college campuses, and as "residents" of Resurrection City. They have even recruited civilians into their service—sometimes for pay but more often through appeals to patriotism. For example, when Columbus University gave its students the option of closing their academic records to routine inspection by government investigators, the 108th Military Intelligence Group in Manhattan quietly persuaded an employee of the Registrar's Office to disclose information from the closed files on the sly.

Typical of the hundreds of reports filed by Army agents each month are the following, taken from the unclassified intelligence summary for the week of March 18, 1968:

"Philadelphia, Pa.: A. The Philadelphia Chapter of the Women's Strike for Peace sponsored an anti-draft meeting at the First

Unitarian Church which attracted an audience of about 200 persons. Conrad Lynn, an author of draft evasion literature, replaced Yale Chaplain William Sloane Coffin as the principal speaker at the meeting. Following a question and answer period, Robert Edenbaum of the Central Committee for Conscientious Objectors stated that many Philadelphia lawyers were accepting draft evasion cases. The meeting ended without incident.

"B. Rev. Albert Cleage, Jr., the founder of the Black Christian Nationalist Movement in Detroit, spoke an an estimated 100 persons at the Emmanuel Methodist Church. Cleage spoke on the topic of black unity and the problems of the ghetto. The meeting was peaceful and police reported no incidents.

"Chicago, Ill: Approximately 300 members of Veterans for Peace and Women for Peace held a peaceful demonstration at the Museum of Science and Industry protesting an exhibit by the U.S. Army. Several demonstrators entered the building in spite of warnings by museum officials and 6 were arrested on charges of disorderly conduct, resisting arrest and criminal trespassing. Five of those arrested were juveniles."

To assure prompt communication of these reports, the Army distributes them over a nationwide wire service. Completed in the fall of 1967, this teletype network gives every major troop command in the United States daily and weekly reports on virtually all political protests occurring anywhere in the nation.

The Army also periodically publishes an eight-by-ten-inch, glossy-cover paperback booklet known within intelligence circles as the "blacklist." The "blacklist" is an encyclopedia of profiles of people and organizations who in the opinion of the Intelligence Command officials who compile it, might "cause trouble for the Army." Thus it is similar to less formal lists which the Department of Health, Education, and Welfare has maintained to exclude politically unpopular scientists from research contracts and consultant work.

Sometime in the near future the Army will link its teletype reporting system to a computerized data bank. This computer, to be installed at the Investigative Records Repository at Fort Holabird in Baltimore, eventually will be able to produce instant printouts of information in 96 separate categories. The plan is to feed it both "incident reports" and "personality reports." The incident reports will relate to the Army's role in domestic disturbances and will describe such occurrences as bombings, mass violence, and arms thefts. The personality reports—to be extracted from the incident reports—will be used to supplement the Army's seven million individual security-clearance dossiers and to generate new files on the political activities of civilians wholly unassociated with the military.

In this respect, the Army's data bank promises to be unique. Unlike similar computers now in use at the FBI's National Crime Information Center in Washington and New York State's Identification and Intelligence System in Albany, it will not be restricted to the storage of case histories of persons arrested for (or convicted of) crimes. Rather it will specialize in files devoted exclusively to descriptions of the lawful political activity of civilians. Thus an IBM card prepared many months ago for the future computer file of Arlo Tatum, executive secretary of the Central Committee of Conscientious Objectors, contains a single notation—that Mr. Tatum once delivered a speech at the University of Oklahoma on the legal rights of conscientious objectors.

Because the Investigative Records Repository is one of the federal government's main libraries for security clearance information, access to its personality files is not limited to Army officials. Other federal agencies now drawing on its memory banks include the FBI, the Secret Service, the Passport Office, the Central Intelligence Agency, the National Security Agency, the Civil Service Commission, the Atomic Energy Commission, the Defense Intelligence Agency, the Navy, and the Air Force. In short, the personality files are likely to be made available to any federal agency that issues security clearances, conducts investigations, or enforces laws.

Headquarters for the collection and coordination of this information is a wire-mesh "cage" located inside a gray metal warehouse at Fort Holabird. The official designation of the office is "CONUS Intelligence Branch, Operations IV, U.S. Army Intelligence Command." CONUS is the Army's acronym for Continental United States. Direction of this program is in the hands of Major General William H. Blakefield, head of the U.S. Army Intelligence Command at Fort Holabird. Established in 1965, the Command coordinates the work of a number of counterintelligence "groups" formerly assigned to the G-2 offices of the major stateside Armys. Accordingly, its principal function is not to collect intelligence but to protect the Army from espionage, sabotage, and subversion. Its main job is to investigate persons being considered for security clearances and to inspect military installations for adequate physical, wire-communications, and document security.

CONUS Intelligence Branch, also known as "Ops Four," is commanded by a major and run by a civilian. They supervise the work of about a dozen persons, who work in shifts around the clock. Most are WAC typists who operate the teletype consoles that link the Intelligence Command to the Pentagon and to intelligence units around the country. It is here that reports from agents are received, sorted, and retransmitted. Because its staff is small and the volume of reports large, Ops Four rarely has the time to verify, edit, or interpret the reports before passing them on to "user organizations."

Daily recipients of this raw intelligence include all of the Army's military intelligence groups within the United States, riot-control units on stand-by alert, and the Army Operations Center at the Pentagon. The Operations Center, sometimes called the "domestic war room," is green-carpeted suite of connecting offices, conference rooms, and cubicles from which Army and Defense Department officials dispatch and coordinate troops that deal with riots, earthquakes, and other disasters. Recipients of weekly CONUS intelligence summaries, also prepared at Fort Holabird, include not only those on the daily distribution, but such unlikely organizations as the Army Materiel Command, the Military District of Washington, the Air Defense Command, and Army headquarters in Europe, Alaska, Hawaii, and Panama.

What is perhaps most remarkable about this domestic intelligence network is its potential for growth. Uninhibited by Congressional or Presidental oversight, it has already expanded to the point where it in some ways rivals the FBI's older internal-security program. If the Army's fascination with the collection of domestic intelligence continues to grow as it has in the recent past, the Intelligence Command could use military funds to develop one of the largest domestic intelligence operations outside of the communist world. Before this happens, the American public and its elected representatives ought to demand a say in the development of this program.

THE ARMY'S NEEDS

Intentionally or not, the Army has gone far beyond the limits of its needs and authority in collecting domestic political information. It has created an activity which, by its existence alone, jeopardizes individual rights, democratic political processes, and even the national security it seeks to protect.

There is no question that the Army must have domestic intelligence. In order to assist civilian authorities, it needs maps and descriptions of potential riot or disaster areas, as well as early warning of incidents likely to provoke mass violence. Before trusting its employees or prospective employees with military secrets, it has to look into their past behavior for evidence of disloyalty or unsuitability. The Army also must investigate train wrecks, fires, and other disasters which may disrupt its lines of supply. And where ultra-militant groups seek to attack military installations, destroy files, or abuse soldiers, it has the right and obligation to keep informed about the groups' specific objectives, plans, and techniques.

The Army needs this kind of information so that it can fulfill long-established, legitimate responsibilities. But must it also distribute and store detailed reports on the political beliefs and actions of individuals and groups?

Officials of the Intelligence Command believe that they must. Without detailed knowledge of community "infrastructure," they argue, riot-control troops would not be able to enforce curfews or quell violence. To support this contention, they cite the usefulness of personality files and blacklists in breaking up guerrilla organizations in Malaya and South Vietnam. One early proponent of this view was the Army's Assistant Chief of Staff for Intelligence during 1967–1968, Major General William P. Yarborough. At the height of the Detroit riots of 1967 he instructed his staff in the domestic war room: "Men, get out your counterinsurgency manuals. We have an insurgency on our hands."

Of course, they did not. As one warroom officer who attempted to carry out the General's order later observed: "There we were, plotting power plants, radio stations, and armories on the situation maps when we should have been locating the liquor and color-television stores instead." A year later the National Advisory Commission on Civil Disorders reached a similar conclusion about the motives of ghetto rioters. "The urban disorders of the summer of 1967," it declared unequivocally, "were not caused by, nor were they the consequence of, any organized plan or 'conspiracy.'" After reviewing all of the federal government's intelligence reports on 23 riots, it found "no evidence that all or any of the disorders or the incidents that led to them were planned or directed by any organizations or groups, international, national, or local."

Intensive investigations subsequently conducted by local police departments, grand juries, city and state committees, and private organizations have concurred. One of the more recent, a study of 1968 "urban guerrilla" activities by the Lemberg Center for the Study of Violence at Brandeis University, is typical. It found that press and police accounts of shooting incidents were grossly exaggerated. While acknowledging that there had been "a few shoot-outs with the police" some of which "may have been planned," the Center concluded that there was "no wave of uprisings and no set pattern of murderous conflict" from which one could predict organized violence even remotely resembling guerrilla warfare.

But even if there were grounds for making such a prediction, the Army's case for personality files and blacklists would remain weak. The purpose of these records, according to counterinsurgency manuals, is to facilitate the selective arrest of guerrillas and insurgents. However, within the United States the Army has no authority to round up suspects the moment civilians take up arms. The seizure of civilians on suspicion of conspiring or attempting to overthrow the government by unlawful means or of inciting people to crime is, and continues to be, the responsibility of local and state police and of the FBI. The President may order Army units to help state or federalized National Guard troops keep the peace or fight guerrillas, but the Army does not acquire authority to arrest civilians unless and until civilian law enforcement has broken down and a declaration of martial law puts all governmental authority in the area of conflict in the hands of the military. In that highly remote circumstance, the Intelligence Command might have some need for personality files and blacklists on criminally inclined, politically motivated civilians. By then, however, it certainly would have full access to the more extensive and up-to-date files of the civilian agencies and thus would not have had to prepare its own.

The Army's need to keep its own dossiers on the politics of law-abiding citizens and groups makes even less sense. So long as there is a possibility that peaceful protests may get out of hand, some surveillance undoubtedly is in order. But must the Army conduct it? Are its agents and record keepers more competent than those of the FBI or of the police departments of the cities in which large demonstrations typically occur? Are the civilian law enforcement agencies so uncooperative that the Army must substantially duplicate their efforts?

More extraordinary still is why the Intelligence Command each week alerts military headquarters in Alaska, Hawaii, Panama, and Europe to stateside non-events like the following:

"Miami, Fla.: A spokesman for the Southern Students Organizing Committee announced plans for a demonstration to be held on the campus of the University of Miami in the morning. According to the spokesman, a group of anti-war/draft supporters will participate in the demonstration.

"Philadelphia, Pa.: Members of the Vietnam Week Committee composed largely of professors and students of the University of Pennsylvania, will conduct a "sleep-in" to protest the scheduled appearance of Dow Chemical Company recruiters on campus. The next day, 19 March, the same organization will sponsor a protest rally on campus."

Perhaps the best answer to all of these questions is that much of the CONUS intelligence program serves no military need at all. But if this is so, then where does the Army get the authority to run it?

THE ARMY'S AUTHORITY

According to the Nixon Administration, authority for this kind of program comes from the Constitution. So, at least, the Justice Department claimed last June in a brief defending the FBI's failure to obtain search warrants before tapping telephone calls of what were then the "Chicago Eight." The Justice Department argued that Article Two of the Constitution authorizes the President and his agents to engage in whatever "intelligence-gathering operations he believes are necessary to protect the security of the nation" and that this authority "is not dependent upon any grant of legislative authority from Congress, but rather is an inherent power of the President, derived from the Constitution itself." Thus, the Department contended, "Congress cannot tell the President what means he may employ to obtain information he needs to determine the proper deployment of his forces."

If this is so, then Army agents do have the authority to undertake any surveillance that does not run afoul of the Constitution and the courts; indeed, they can investigate anything that is normally investigated by the federal government's civilian agencies. Moreover, they do not have to obey laws like the Omnibus Crime Control Act of 1968, which forbids most wiretapping and electronic eavesdropping without prior judicial authorization in the form of a warrant.

Fortunately, the "inherent powers doctrine," as this theory is called, has few supporters. The courts have never accepted the proposition that Congress is powerless to prescribe how the President shall exercise his executive powers. Indeed, in 1952, the Supreme Court rejected President Truman's claim to inherent power to seize the nation's steel mills to avert a strike which threatened the flow of equipment and supplies to American troops fighting in Korea. If there were no constitutional Presidential power to meet that emergency, it is unlikely that one exists to authorize the intelligence powers which the government claims today.

It is far more probable that the courts would endorse a conflicting view: that the Army's authority to collect domestic intelligence is limited by, and can only be inferred from, those laws which traditionally mark off the Army's responsibility for law enforcement from that of other agencies. These include not only the statutes which restrict the Army to a back-up function in times of riot, but the laws which assign surveillance of unlawful political activity within the United States to the FBI and the Secret Service. Other sources of the Army's authority include the Uniform Code of Military Justice, which permits investigation of unlawful political activity within the armed services, and those laws and federal-state agreements under which the Army governs many of its installations. These rules, and not the vague provisions of Article Two, are the legitimate sources of the military's domestic-intelligence powers.

Yet even if the current Administration's claim to an inherent constitutional power to watch lawful political activity were to be accepted by the courts, the surveillance itself probably would be forbidden by the Bill of Rights. The reason is the chilling effect which knowledge of surveillance has upon the willingness of citizens to exercise their freedoms of speech, press, and association, and their right to petition the government for redress of grievances.

Ten years ago the federal courts would not have accepted this contention. Then the courts were hesitant even to accept constitutional challenges to the government's collection of political information when the plaintiffs could prove that the investigators had no other purpose than to deter them from exercising their rights under the First Amendment. Recently, however, the courts have begun to accept the proposition that vague and overbroad laws and administrative actions are unconstitutional if they inhibit the exercise of those rights, regardless of whether that effect was intended.[1]

[1] Typical of this growing body of constitutional interpretation is the 1965 case of *Lamont* v. *Postmaster General*. There the Supreme Court struck down a federal statute which authorized the Post Office to suspend delivery of unsolicited mail which the government agents regarded as "Communist political propaganda" until the addressee returned a reply post card declaring that he wished to received the mail. The Court, in a unanimous opinion, held that the effect of this practice, whatever the government's purpose, was to abridge freedom of speech by inhibiting the right to read.

Even more on point is the decision of a New Jersey Superior Court which last August declared most of that state's domestic intelligence system unconstitutional. In *Anderson* v. *Sills*, a suit filed by the American Civil Liberties Union on behalf of the Jersey City branch of the NAACP, the court held: "The secret files that would be maintained as a result of this intelligence system are inherently dangerous, and by their very existence tend to restrict those who would advocate . . . social and political change."

Had the New Jersey authorities been able to show a more urgent need for the records, the court might not have taken such a categorical position. But the police, like the Army, had cast their net so widely that it was bringing up huge quantities of information on wholly lawful political activities. Accordingly, the court brushed aside the state's claim to good intentions and found that the program had a chilling effect upon the exercise of First Amendment rights. It ordered all forms and files destroyed, "except where such information will be used to charge persons with specifically defined criminal conduct."

THE PROGRAM'S IMPACT

Beyond the Army's need for the present CONUS intelligence program and its authority to pursue it lies the matter of its impact upon the public interest. In particular, there is its effect upon the rights of individuals, the democratic process, and the nation's security.

The impact which the program can have upon the exercise of political rights needs no further explication. The threat it poses to job rights and privacy, however, may not be so apparent.

Like the freedom from inhibitory surveillances, the job rights threatened are rights in the making. As yet no one has established a legal right to a job that requires a security clearance or to a security clearance essential to a job. Nevertheless, in recent years the courts have begun to recognize that those who already hold federal jobs and security clearances have a right not to be deprived of either without just cause or, at the very least, without the rudiments of fairness. The impending marriage of the CONUS intelligence wire service to a computer could nullify even this protection, by filling security-clearance dossiers with unverified and potentially erroneous and irrelevant reports. These reports would then be used to determine who should, and who should not, receive security clearances.

If the men and women who adjudicate security clearance were competent to evaluate such unreliable information, its inclusion in security files might be less cause for concern. Unfortunately, they are not. The most highly trained adjudicators—civilians employed by the stateside army commands—receive only nine days of job instruction on loyalty determinations at the Army Intelligence School. Moreover, this training does not even touch upon the subject of suitability, although almost 98 per cent of all clearances denied today are ostensibly rejected on that ground. The least trained adjudicators—intelligence officers assigned to field commands—receive exactly two classroom hours on loyalty and two on suitability while being trained to become investigators. Because of this extremely brief training, it is not unusual for an adjudicator to conclude that a person arrested in connection with a political protest is not suited for a security clearance, regardless of the circumstances of his arrest, the legality of his detention, or his innocence of the charges.

The adjudicators' lack of training is compounded by security regulations which permit—indeed, seem to require—the denial of clearances on less evidence than would support a magistrate's finding of "probable cause." In other words, it is not a question of whether reliable evidence indicates that the individual cannot be trusted with state secrets, but of whether the granting of the clearance would be "clearly consistent with

If people are likely to be deterred in the exercise of their rights by state intelligence systems, they undoubtedly will be inhibited by knowledge that reports of individual participation in public demonstrations are being made daily to the Pentagon, selected troop units, and an interagency data bank at Fort Holabird. Thus, even if the Army's collection of personality files and blacklists is not limited by legislation, it still may be unlawful.

the interests of national security." No one really knows what this ambiguous phrase means, but in practice it frequently is used to justify findings of guilt by association. For example, soldiers and civilian employees of the Army with foreign-born spouses are virtually blocked from jobs requiring access to especially sensitive intelligence. Their association with a spouse who once "associated with foreigners" is taken as proof of their vulnerability to recruitment by foreign agents. Moreover, in nearly all other cases, adjudicators usually have to make their decisions without knowing the source of the evidence, without hearing the accused confront his accusers, or without hearing the accused defend himself with knowledge of their identity.

Given the tenuousness of the right to due process under these conditions, the influx of CONUS intelligence reports can make the system even more unjust than it is now. At the present time, little information on political activity is developed in the course of most background investigations. Army investigations, in particular, tend to be superficial; in some sections of the country shortages of personnel, caused by the war in Vietnam, have forced the Intelligence Command to abandon interviews of character references in favor of questionnaires-by-mail as its main means of inquiry. But if these questionnaires were to be supplemented by CONUS political reports, the number of clearances unjustly denied would skyrocket. These injustices would occur not only within the military; they would reverberate throughout all federal agencies with access to the Fort Holabird data bank.

The Army's domestic-intelligence program also imperils numerous expectations of privacy, some of which enjoy the status of legal rights. It does so by exposing Americans to governmental scrutiny, and the fear of scrutiny, to an extent to which they have never been exposed before. Even the Budget Bureau's ill-starred proposal to consolidate the federal government's statistical records into a National Data Center would not have brought together so much information about individual beliefs and actions.

The privacy of politically active citizens is especially threatened by the Army's practice of watching political protests, large and small, throughout the United States. To the potential protester, it is one thing to expect local press and police coverage; it is quite another to expect a military surveillance which specializes in keeping permanent records of lawful political activity.

What effect awareness of the CONUS intelligence program will have on the vast majority of people who are not politically active is more difficult to predict. By itself, news that the Army is watching civilian politics is not likely to cause most people to worry personally about their privacy. But it would be one more increment in a growing pattern of governmental intrusiveness that could have a significant cumulative impact.

Such a pattern is now well established. Among the more widely publicized activities in recent years have been the CIA's surreptitious financing of student groups, labor unions, and foundations (despite the territorial limits of that agency's mandate), the Post Office's use of peepholes in restroom walls, and the Defense Department's misuse of lie dectectors. Others include countless illegal wiretaps by the FBI, the Internal Revenue Service, and the Department of the Interior. More recently, the publication of confidential FBI wiretap information by *Life* and *Newsweek* which linked Jet's quarterback Joe Namath to Mafia figures suggests that the FBI has now assumed responsibility for enforcing professional football's code of conduct.

The cumulative impact of such abuses of power and privacy eventually must convince even the most anonymous of individuals that the United States is moving towards a society in which no one has control over what others know about him. Public awareness of the Army's activities cannot but hasten this conviction.

The unregulated growth of CONUS intelligence machinery also threatens the country's political health. It does so both by inhibiting political participation and by enhancing the potential clout of demagogues and others who would misuse security files for partisan or personal purposes.

The most immediate risk posed, of course, is to political participation. Once citizens come to fear that government agencies will misuse information concerning their political activities, their withdrawal from politics can be expected. This withdrawal can occur in a variety of ways. Some people may decline to become involved in potentially controversial community organizations and projects. Others may go further and avoid all persons who support unpopular ideas or who criticize the government. Some may refuse to object to the abuse of government authority, especially when the abuse is committed in the name of national security. Others may even stop reading political publications, out of fear that the government might learn of their reading habits and disapprove. Indeed, an adjudicator of security clearances once asked me if she could lose her clearance if she allowed her daughter to subscribe to *The National Observer!*

Inhabitions generated by awareness of extensive domestic surveillance are likely to be strongest at the local level. This is where most citizens participate in politics if they become involved at all. The withdrawal can be expected to occur all across the political spectrum, although the strongest objections to surveillance will undoubtedly come from the left. Those most likely to be deterred, however, are not the extremists of the right or the left, whose sense of commitment runs deep, but the moderates, who normally hold the balance of power. Depletion of their ranks would, of course, strengthen the influence of the extremists, polarize debate, increase animosities, and decrease tolerance. As political positions rigidify, compromise and flexibility would become harder to achieve. And the capacity of government to renew itself and promote responsible progress would also suffer.

A less immediate but no less serious danger lies in the potential for misuse inherent in the Army's extensive files on individuals and groups. It is frightening to imagine what could happen if a demagogue in the Martin Dies-Joseph McCarthy tradition were to gain access to the computer the Army seeks now, or if an Otto Otepka in uniform were to leak a copy of the Intelligence Command's so-called "blacklist" to friends in Congress, or if a General Edwin Walker were to take charge of the Intelligence Command.

Such speculation assumes, of course, that the Army cannot guarantee the inviolability of its files. The assumption, unfortunately, has some validity. Only last year, information from the Army's confidential service record on New Orleans District Attorney Jim Garrison was leaked to the press. Officers at the Investigative Records Repository at Fort Holabird (which functions as the Army's lending library for such files) suspected that the leak came from a civilian agency in Washington. They were helpless to do anything about it, however, because they had no system of records accountability by which they could fix responsibility. When asked why such a system did not exist, one officer told me: "We probably couldn't stop it [the leaks] if we tried."

Finally, the unregulated growth of domestic intelligence activity can have the paradoxical effect of undermining the very security it seeks to protect. It can do so in at least two ways. First, by increasing the "cost" of lawful political activity, it tends to force extremist groups to go underground, there to act out their us-versus-them view of politics by criminal means. Second, by intruding too closely into the lives of government employees (or prospective employees), it tends to inhibit them from applying for jobs requiring security clearances or from exercising initiative and imagination in those jobs. A good intelligence officer must be able to analyze and report accurately, and to do so he must feel free to immerse himself in the ideas and culture of the people he studies. A good scientist must have freedom to pursue his curiosities, or he is not likely to work for the government, which rarely pays as much as private industry. The direct consequence of programs which deny this freedom is to impair the quality of secret work and the caliber of the men who do it. As John Stuart Mill warned over a century ago:

"A state which dwarfs its men, in order that they may be more docile instruments in its hands, even for beneficial purposes, will find that with small men no great things can really be accomplished."

WHAT CAN BE DONE?

If the Army has exceeded the limits of its needs and authority to establish a domestic intelligence program which endangers numerous public interests, what steps should be taken to curb its excesses?

An obvious first step is a court challenge of the Army's authority to possess information for which it has no substantial need. The main target of such a lawsuit should be the personality files and blacklists describing the lawful political activities of individuals and groups. A second target should be the collection and storage of information on individuals and groups suspected of participating in unlawful political activity—except where that information is essential to an "early warning" system, or where the persons involved are associated with the armed forces, or where the information is collected in the course of security investigations.

The lawsuit's argument should be twofold: (1) the Army has no substantial need for either kind of information, and (2) the very existence of the program inhibits the exercise of First Amendment rights. Such a suit should seek a court order declaring the Army's possession of both kinds of information to be unconstitutional; it should also ask the court to enjoin future collection and storage of such information and to direct the destruction of all existing personality files and blacklists.

While such a lawsuit stands a good chance of success, it could take years to litigate. Moreover, a favorable decision could be ignored or evaded for many more years. Thus, while the symbolic value of such a decision would more than justify the time and expense, an effective challenge of the intelligence program will require the development of legislative and administrative remedies as well.

Whoever attempts to devise these remedies should be prepared to undertake subtle analyses of competing interests and values, for while the excesses of the program must be permanently curbed, the Army's ability to fulfill its responsibilities must not be impaired.

Ideally, legislative and executive analyses should be based on the kinds of questions I have already asked: What are the Army's real domestic intelligence needs? What authority does it have to initiate specific activities to meet those needs? What threats to liberty does each domestic intelligence effort pose?

The analysis should begin by demanding a justification for each alleged intelligence need in terms of the Army's authority to meet such a need and its purpose in trying to do so. Each need should then be weighed against the threats it may pose to the rights of individuals, to the vitality of the political process, and to the security of the nation. Where the risk is clear and the need doubtful, the Army should be denied authority to satisfy the need. Where the threat and the Army's need are both evident, less hazardous alternatives ought to be considered. In this circumstance, the capacity of politically responsible officials to control the alternatives should be weighed. Where reliable controls cannot be devised, the intelligence effort should not be authorized—even though the denial of authority may deprive the government of useful knowledge about the domestic political scene. If the imposition of these restraints poses a risk to internal security, then we must accept that risk as the price for individual liberties and a truly democratic political system.

The Congressional power of inquiry should be exercised first. Few Americans—including most members of Congress—know anything about the activities and plans of the domestic intelligence community. Many do not even realize that the growth of formal and informal ties among law-enforcement, intelligence, and security agencies has made it necessary to think in such terms.

For maximum effectiveness, Congress should hold open hearings not only to inform itself and the public, but to remind the intelligence community in general, and the Army in particular, that their authority to spy on civilian politics must be construed strictly, in accordance with such established principles as civilian control of the military, Presidential control of the bureaucracies, state and civilian primacy in law enforcement, compartmentalization and decentralization of intelligence duties, and obedience to law. Where it is not, corrective legislation should be promised.

A special effort should be made in the course of these hearings to inform the domestic intelligence community that Congress does not accept the Justice Department's position that "Congress cannot tell the President what means he may employ to obtain the information he needs."

Congress should also exercise its appropriations power so as to encourage major reforms in the Army's program. Specifically, it should block all funds for the planned computer unless and until the Army agrees to:

(1) Instruct its agents to limit their collection of CONUS intelligence to reports of incidents, except where the reports describe violations of the Uniform Code of Military Justice or of Army regulations. This would dry up the source of most blacklists and personality files.

(2) Forbid the Intelligence Command to convert incident reports into personality reports, except where they relate to criminal or deviant activity by persons subject to military law or employed by the military. Thus storage of information about named civilians unassociated with the armed forces would be doubly foreclosed, should such information be reported by mistake or as an essential element of an incident report.

(3) Establish effective technological, legal, and administrative safeguards against the abuse of individual rights in the process of collecting, reporting, storing, and disseminating domestic intelligence or personnel security information. For example, the Army should forbid its agents to infiltrate civilian political groups. (If it fails to do so, Congress should make such infiltration a federal crime, just as it is now a crime for a local military commander to order his troops to serve in a sheriff's posse.) Computer storage systems also should be encouraged, since they can be equipped with more effective safeguards against misuse than is possible in document storage systems. However, these safeguards must be carefully designed, regularly tested, and reinforced by laws and regulations to deter those who might seek to circumvent them.

(4) Establish separate headquarters, preferably in separate cities, for the CONUS-intelligence and personnel-security staffs. So long as the two programs are located at the some headquarters (they now share the same room and some of the same personnel), the danger of informal leakage of CONUS intelligence material to the adjudicators will remain high. Establishment of physically separate headquarters would be expensive, since it would probably require two separate communications and information storage systems. Separate storage systems, however, could be more safely computerized. Thus some of the additional expense might be recouped through increased efficiency.

(5) Request that the United States Judicial Conference or some similar body nominate a civilian advisory board to review and report annually on the sufficiency of the Intelligence Command's procedures for safeguarding individual rights. Such a board could satisfy both the public's need for a regularized system of independent scrutiny and the Army's need for friendly critics capable of alerting it to the legal, moral, and political implications of its domestic intelligence program. How successful such a board can be is open to question; much depends upon how skillfully its members can be chosen so as to assure both military and public confidence in their capacity for balanced and constructive judgments.

(6) Improve the professional quality of Intelligence Command personnel and security-clearance adjudicators. In the final analysis, the Army must be the front-line defender against the dangerous consequences of its own actions. Thus, among other things, the Army should be encouraged to end the overcrowding and understaffing of its Intelligence School, to revise and expand the curriculum of its agents' course, and to transfer the training of security-clearance adjudicators to an accredited law school or the Practising Law Institute, a non-profit organization well known for its practical courses for lawyers and laymen on specialized legal subjects.

Needless to say, each of these reforms should be initiated by the President or the Army without waiting for Congressional encouragement. In addition, the President should appoint a panel of distinguished citizens, on the order of the Kerner Commission, to look into the conduct of all domestic intelligence activities. He should also ask an organization like the highly prestigious American Law Institute to draft a new executive order and code of regulations to govern the granting of security clearances.

Implementation of these reforms can do much to bring the Army's domestic intelligence practices in line with its legitimate responsibilities. But it is not enough to reform the Army. The Intelligence Command is only one member of a huge, informal community of domestic intelligence agencies. Other members of the community include not only the FBI, the Secret Service, the Air Force, and the Navy, but hundreds of state and municipal police departments. Some of the latter are surprisingly large. The New York City Police Department's Bureau of Special Services, for example, employs over 120 agents and has an annual budget in excess of $1 million.

Each of these organizations now shares with the Army the capacity to inhibit people in the exercise of their rights, even without trying. By collaborating, they could become a potent political force in their own right. Thus as the Army, the FBI, and the Justice Department strive to coordinate these agencies through the establishment of wire services, hot lines, and computerized data banks, it is essential that the American public and its representatives be equally energentic in the imposition of checks and balances. In particular, special efforts should be made to prevent needless concentrations of information. The United States may be able to survive the centralization of intelligence files without becoming totalitarian, but it most certainly cannot become totalitarian without centralized intelligence files. The checks must be designed with the most unscrupulous of administrators in mind. The fact that we may trust the current heads of our investigative agencies is no guarantee that these agencies will not one day come under the control of men for whom the investigatory power is a weapon to be wielded against political and personal foes.

[From the New York (N.Y.) Times, Jan. 16, 1970]

EX-OFFICER SAYS ARMY SPIES ON CIVILIAN ACTIVISTS—1,000 PLAINCLOTHESMEN SAID TO REPORT ON VIRTUALLY ALL POLITICAL GROUPS

WASHINGTON, January 15.—A former Army intelligence officer said in a magazine article today that nearly 1,000 plainclothes Army investigators keep track of civilian political activity across the country and submit regular reports to a collection headquarters at Fort Holabird in Baltimore.

Christopher H. Pyle, a former captain in Army Intelligence who is now studying for a doctorate in political science at Columbia University, said Army detectives attend political rallies, protest marches and other gatherings, but base most of their reports on the files of "municipal and state police departments and of the F.B.I."

"To assure prompt communication of these reports," Mr. Pyle said, "the Army distributes them over a nationwide wire service. Completed in the fall of 1967, this Teletype network gives every major troop command in the United States daily and weekly reports on virtually all political protests occurring anywhere in the nation."

Mr. Pyle said the investigators monitor "protest politics" ranging from Ku Klux Klan rallies in North Carolina to meetings of the Women's Strike for Peace in Philadelphia.

"Today, the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country," he said.

The article was published today in The Washington Monthly, a magazine focusing on problems in American politics and government.

BLACKLIST ALLEGED

Mr. Pyle also said in the article that the Army periodically publishes an eight-by-ten-inch glossy-cover booklet known within intelligence circles as the "blacklist."

Mr. Pyle said this is an encyclopedia of profiles of people and organizations who, in the opinion of the intelligence command officials who compile it, might "cause trouble for the Army."

The surveillance program was started in 1965, Mr. Pyle said, but at that time was designed only to give military officials early warning of possible civil disorders. The program was gradually widened to include most forms of political protest activity, he said.

The investigators are all Army personnel, he said. About 75 per cent are enlisted men and 25 per cent are lieutenants or captains. Mr. Pyle added in a telephone interview, saying that the detectives have top-secret clearances.

The Army also plans, according to Mr. Pyle, to link its Teletype systems to a computerized data bank at Fort Holabird, to which Federal agencies such as the Secret Service, the Federal Bureau of Investigation and the Central Intelligence Agency will have access.

Spokesmen at the intelligence command at Fort Holabird and at the Pentagon declined comment on Mr. Pyle's article.

Mr. Pyle, 30 years old, received an Army commission upon graduation from Bowdoin College in Brunswick, Me., in 1961 after being in the Reserve Officer Training Corps. He obtained a delay on his active duty and received a law degree from Columbia as well as a master's degree in political science.

He entered the Army in 1966 as a first lieutenant and was assigned to the intelligence branch at Fort Holabird. Mr. Pyle was discharged in 1968.

[From the Washington (D.C.) Star, Jan. 15, 1970]

EX-CAPTAIN SAYS ARMY IS SPYING ON ACTIVISTS

The Army has nearly 1,000 plainclothes investigators keeping track of political protest of all kinds, a former intelligence officer said in a magazine article published today.

The author is Christopher H. Pyle, a candidate for a doctoral degree at Columbia University who recently spent two years as a captain in Army intelligence. His report appears in the current issue of the Washington Monthly.

The Army's effort to keep track of lawful and unlawful activities by citizens is centered at Ft. Holabird in Baltimore, he said.

NATIONWIDE SYSTEM

The nationwide system, operating out of some 300 offices, was set up in 1965 to provide early warning of civil disorders which the Army might be called upon to quell, Pyle writes.

"In the Summer of 1967, however, its scope widened to include the political beliefs and actions of individuals and organizations active in the civil rights, white supremacy, black power and anti-war movements," he said.

"Today, the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country."

DATA BANK LINK

The intelligence information is stored in the investigative records repository at Ft. Holabird, he said, and plans are being made to tie this data bank into a teletype reporting system to provide instant access to the information.

A nationwide teletype system provides reports to all Army commands on "virtually all political protests occurring anywhere in the nation," Pyle said.

Information in the data bank is available to a number of other federal agencies, Pyle said, and he charged that information concerning New Orleans Dist. Atty. James Garrison had been leaked to the press by another agency with access to the information.

The Pentagon had no immediate comment on the charges in Pyle's article

[From the Fresno Bee, Jan. 28, 1970]

ARMY SPY SYSTEM IN CIVILIAN LIFE

Nothing could be more repugnant to the American spirit of political liberty than the network of military spying into civilian political activity which was revealed in a story from The Washington Monthly, reprinted in the Sunday Bee's Forum section.

The story reported the existence of an extensive military intelligence apparatus masterminded by the Army agency known as the CONUS Intelligence Branch, Operations IV, US Army Intelligence Command. CONUS is the Army's acronym for Continental United States.

Its continued growth, as Washington Monthly puts it, makes it "one of the largest domestic intelligence operations outside the Communist world."

Thousands of dossiers are being compiled of individual civilians whose activities have nothing to do with the US military. They comprise in the main political activists, militant minority leaders and the like. The military justifies its cloak and dagger surveillance of this political activity on grounds it is needed for "riot control" and counter-insurgency.

But there is no constitutional justification for this in America. This kind of operation historically, and rightly, is the purview of the civilian Federal Bureau of Investigation, and of state and local police.

Even in cases of riots and insurgency, when Army troops might need to be called in, the responsibility for the use intelligence information and strategic direction of the military operation should rest with the civilian authorities.

In California a recent attempt to establish a counterpart of the Army's spying system within the State National Guard was rejected firmly by the legislature and indignant public opinion.

Washington Monthly reports the Army's personnel who evaluate data gathered about individuals' political activities receive only nine days of job instruction on loyalty determinations at the Army Intelligence School.

It is one thing for the military to investigate and screen possible subversives within its own ranks. When it extends this activity to what could become a menacing thought control in civilian political life, it thereby takes an ominous step toward police statism.

[From the New York Post, Jan. 27, 1970]

ARMY ADMITS FILING DATA ON CIVILIANS

(By Morton Kondracke)

WASHINGTON.—The Army has acknowledged that it keeps files on civilians not connected with the military and on non-violent organizations as part of its domestic intelligence-gathering operations.

The Pentagon issued carefully worded statements in response to questions submitted two weeks ago by reporters whose interest was aroused by a former intelligence officer's magazine article.

Former Army Capt. Christopher H. Pyle charged in the article, which appeared in the January issue of The Washington Monthly, that the Conus (for Continental U.S.) Intelligence Branch of the Army Intelligence Command "has gone far beyond the limits of [the Army's] needs and authority in collecting domestic political information."

THEIR JUSTIFICATION

The Army said it gathered political intelligence "in connection with army civil disturbance responsibilities." But it denied publishing a book that Pyle said was known in the intelligence community as "The Blacklist."

The Army however, conceded that it "does maintain an identification list sometimes with photos, of persons who have been active in past civil disturbances activity."

It said its information was obtained from "federal, state and local law enforcement agencies."

The Army acknowledged having a computerized data bank on potential civil disturbance, but denied that it extracted and kept separate computerized files on local political activists.

"Civil disturbance incident reports from field units are transmitted over a U.S. Army Intelligence Command-dedicated automatic voice network teletype system to the U.S. Army Intelligence Command headquarters at Fort Holabird, Md.," the Army statement said.

"Information on incidents by types and geographical location is placed into the data bank from key-punch cards for analysis of trends and identification of potential trouble spots.

"This is incident information only and does not include individual biographies or personality data."

The Army said it kept civil disturbance files separate from its files on the 7 million persons who have been investigated before receiving Army security clearance.

Pyle had charged that the two kinds of files were to be integrated to give the Army a vast library on civilians.

THE GENOCIDE CONVENTION—TODAY THERE IS HOPE

Mr. PROXMIRE. Mr. President, 9 years ago in January 1961, these words were spoken:

> Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans, born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage, and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world.

These words were spoken by President John F. Kennedy in his inaugural address.

A decade has passed. Since that time, the Genocide Convention which calls on each nation for legislation to outlaw actions "committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group," has lain dormant in the Committee on Foreign Relations. Today there is hopeful news. Secretary of State William P. Rogers and Attorney General John N. Mitchell have agreed that the Senate should be asked to ratify the United Nations convention outlawing genocide, a convention that has been languishing in the Senate since 1949—for 21 long years. The State and Justice Departments now are awaiting approval by President Nixon before forwarding a request for action to the Foreign Relations Committee.

In 1950 a Foreign Relations subcommittee tabled the convention after hearings in which a major opponent was the American Bar Association. Last December the ABA section of individual rights and responsibilities urged the ABA to reverse its stand, and this will be considered later this month by the ABA's house of delegates meeting in Atlanta.

The ABA opposition was based on constitutional grounds. Attorney General Mitchell, in his approval of the new request for Senate action, has said that he had no objections on constitutional grounds.

I am pleased and very hopeful by the actions of the present administration to push for the ratification of the Genocide Convention. As Senators know, for almost 3 years, I have spoken out daily on the Senate floor urging Senate action on this convention, which would guarantee the very basic human right—the right to life.

Again, I repeat, "unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world." We cannot let another decade pass with inaction. Today there is hope. Now let us act. I urge the Senate to ratify the Genocide Convention immediately.

AIRLINE PILOTS

Mr. DOLE. Mr. President, I recently had printed in the RECORD an article from Airways magazine relating to the training and qualifications of airline pilots along with a response from the president of a major airline.

I have since received a further response, this from Mr. F. C. Wiser, president of Trans World Airlines. Mr. Wiser's comments and description of TWA's operations are most interesting. I ask unanimous consent that his letter be printed in the RECORD.

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

TRANS WORLD AIRLINES, INC.,
New York, January 8, 1970.

Hon. ROBERT J. DOLE,
U.S. Senate
Washington, D.C.

DEAR SENATOR DOLE: I must apologize for the delay in replying to your November 20th letter which asked for our reaction to the article "Airline Pilots—How Good Are They?" The article contains many practical and reasonable observations; however, we are compelled to take exception to some of the statements attributed to the 'veteran airline captain."

First of all, we in TWA disagree with the author's statement that ". . . pilots have been hired with just the bare minimums, say, several hundred hours. After a very short time, they become Captains". All new TWA flight crew members must possess an FAA commercial pilot license with instrument rating before they are hired as Student Flight Engineers. The average flight crew applicant accepted by TWA during the past year had logged nearly 2,000 flying hours which simply qualified the trainee to commence training as a TWA crew member. They must then satisfactorily complete a 7-week ground school program; FAA Flight Engineer oral and written examinations; and an FAA approved simulator and flight training program prior to being considered qualified for line training. The Student Flight Engineer must satisfactorily complete a minimum of 25 hours of line training with an instructor, including a final line check given by an FAA-approved Check Airman before he is qualified for line flight operation.

Once the crew member is accepted as a fully qualified Flight Engineer, he begins his training to become a Captain, as all our crew members are considered to be in training for eventual Captain status. First, however, he must satisfactorily complete and perform duties as a Flight Engineer, Student First Officer and First Officer, later to be trained as a Student Captain, and finally the ultimate, the rank of Captain. Each crew member reaching this status has undergone a stringent course of training to the highest standards of proficiency, spanning a number of years and adding several thousand flying hours experience in actual airline operation.

This exposure to several phases of training while under continual observation and flight checking by both TWA and FAA personnel, affords the opportunity for extensive evaluation of the individual's technical ability and behavioral attitudes under actual flying conditions before he is allowed the responsibility of Captain-in-Command. All crew members are trained to the same level of proficiency regardless of previous background and experience.

Experience certainly is a help to the flight crew member when coping with an emergency; however, ability cannot be denied as the criteria for meeting and exceeding established proficiency standards. Several TWA crew members with relatively low time in experience have performed admirably in emergency situations. The flight simulator provides an excellent tool to demonstrate and train for emergency situations. During initial training and again during the annual recurrent training the flight crews are required to handle every conceivable emergency situation involving the aircraft type on which they are qualified. This includes aircraft system failures, such as hydraulics and electrical; a variety of fire and loss of pressurization situations; engine failures; and flight control system malfunctioning to name just a few. Each crew member has specified duties to perform during these conditions and at the same time they must function as a team which provides opportunity to re-check an individual's performance.

Another question asked: "How dangerous are instrument approaches?" It is a matter of record that more accidents occurred during landing when use is made of non-precision approach facilities than when conducting an instrument approach using an electronic glide slope as a reference for descent. Equipment does play a prominent part in executing an approach to land during instrument conditions and, consequently, TWA aircraft are equipped with the most modern and sophisticated equipment available which contributes to the safety of our operations.

It is standard procedure in TWA for the Captain to fly on instruments down through an instrument approach while the co-pilot looks for the runway lights. Crew coordination in creating an attitude awareness during instrument procedures are constantly stressed in all phases of training, checking, and actual line flying.

Flight operation during certain weather conditions is becoming less of a problem in recent years. While our procedures require that thunderstorms and severe weather systems be avoided, the airborne electronic and navigational facilities have been greatly improved to help identify and avoid these conditions. Better and faster weather data is available to the flight crews through company and local airport sources which permit a more accurate evaluation of operating conditions.

Finally, we note that the author comments: "Nothing is guaranteed safe . . .". We must observe, however, that in utilizing the most modern technology for aircraft instrumentation, flight instrument display, and flight training techniques, the industry has managed to achieve an enviable transportation safety record.

We would be pleased to have you visit our training center in Kansas City and witness first hand TWA's training procedures and facilities which we believe produce the highest quality flight crew members. TWA has for several years been an industry leader in the training of flight crew personnel and this has been exemplified as several other airlines have patterned their training program after our concepts. Personnel from other airlines and governmental agencies have been and are continuing to be trained at our facility and our course materials have received wide distribution and acclaim. Classroom, simulator and aircraft training phases are conducted by highly qualified professional personnel. Just drop a note to Captain J. E. Frankum here in New York and he will be pleased to make arrangements for your visit.

Sincerely,

F. C. WISER.

BIOGRAPHY OF ALBERT O. "BERT" KELLY

Mr. McGEE. Mr. President, Albert O. "Bert" Kelly retired from the position of Deputy Director of Northwest area, U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, January 10, 1970, after 35 years and 11 months of outstanding service to the Department of Agriculture and the 10 States in the Northwest area.

Bert is a Wyoming native son. His parents were Mr. and Mrs. Fred Otis Kelly. He was born, December 24, 1909, at Kaycee, Wyo., and grew up on his parents' farm near Riverton. One brother, Earl Kelly and two sisters, Mrs. Jess Gardner and Mrs. Earl Gardner and numerous other members of his family still live in the Riverton area and in other parts of the State. Another brother, Glenn Kelly of Riverton, died on January 11, 1970.

Bert attended grade and high schools in Riverton and graduated from the University of Wyoming, with honors, in 1932.

He taught school near Riverton for a year and then became emergency county agent in Fremont County, Wyo. This was the beginning of his long and distinguished career in the Department of Agriculture. He became successively county agent-at-large in Laramie, and upon establishment, in Laramie, of the Wyoming AAA State office, which was the forerunner to ASCS, became assistant State director, State director, statistical and program section head for the western regional office, and agricultural conservation program fieldman for the States of Idaho, Montana, North Dakota, Oregon, Washington, and Wyoming.

In 1951 he was promoted to Deputy Director of the Northwest area in Washington, D.C., from which position he retired. The ASCS Northwest area office is responsible for supervising the 10 Northwest ASCS State offices of Alaska, Idaho, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming in the administration of the agricultural conservation programs and all the Federal production adjustment and Commodity Credit Corporation farm programs. Bert served longer, in an area office, than any employee in the Nation. During his tenure, he consistently received excellent ratings from his superiors for his work and seven outstanding performance ratings and certificates of merit.

Bert and his wife, Thelma, plan to do a lot of traveling, headquartering at their home in Silver Spring, Md., near their children and grandchildren, but they plan to spend most of their summers in Wyoming, near members of the family and old friends.

GOODELL TESTIMONY IN VIETNAM HEARINGS

Mr. GOODELL. Mr. President, the Senate Committee on Foreign Relations today opened a historic new series of hearings on Vietnam.

These hearings, I believe, will make a vital contribution in lighting a way out of this tragic conflict.

As the author of the first bill that has been introduced in the Senate to achieve disengagement from Vietnam, I was privileged to be the leadoff witness in these highly important hearings.

In my testimony, I have attempted to explain my reservations concerning the current administration policies on Vietnam.

I also testified about my own legislative proposal, S. 3000, the Vietnam Disengagement Act. Introduced last September, S. 3000 is a bill requiring the complete withdrawal of all U.S. military personel from Vietnam by December 1, 1970. It is the only proposal now before the Senate that would have the force of law—that would, if enacted, insure that the United States terminate its direct military involvement in this hopeless war.

Mr. President, the Foreign Relations Committee's hearings are of vital national significance. The distinguished chairman of the committee (Mr. FULBRIGHT) and the other distinguished committee members, should be commended for taking the initiative to provide this much-needed review of Vietnam policies.

Mr. President, I ask unanimous consent that the text of my testimony on Vietnam before the Foreign Relations Committee be printed in the RECORD.

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

VIETNAM: THE THINGS THAT SEEM AND THOSE THAT ARE

(Testimony of Senator CHARLES E. GOODELL before the Senate Committee on Foreign Relations, February 3, 1970)

Mr. Chairman, I obviously do not agree with the President's Vietnam policy—although I feel he should be commended for reversing the military escalation so disastrously implemented by the previous Administration and for reducing the level of combat forces in Vietnam.

I fear the path the Administration is taking is fraught with illusion and danger.

We have not Vietnamized the war; we have cosmetized it.

We have painted a happy scene where Saigon prevails while we withdraw. Behind the facade of this Potemkin village, the facts of Vietnam remain as ugly as ever.

Vietnamization has been a great public relations success. Every month, the polls show that more Americans support it. But the war is not a public relations problem.

It is said that the war has been "defused" by the Administration. This assumes the war is something taking place in this country—that it is over when the President's "silent majority" thinks it is over.

The real war—the war going on there, in Vietnam—has not been defused. The Vietcong has not been defused. The powerful North Vietnamese Army has not been defused. Neither has the political and social decay that debilitates the Saigon government and army.

If there is one thing clear in Vietnam today, it is that the overwhelming majority of the people want peace—and that they are governed by a military clique that wants war.

The people of South Vietnam are truly the "silenced majority." It is an illusion to claim we are fighting to preserve the "self determination" of the people.

Vietnam is a hothouse for illusions. The new policy has been wrapped in the same mantle of official optimism that formerly cloaked the old approach of military escalation.

The intractable realities of Vietnam—the vitality and determination of the enemy and the lack of these qualities in our allies—have made shambles of earlier policies. I fear these realities will do the same to present policies.

I. THE PRICE OF PRESENT POLICIES

Administration not planning true disengagement

The President's plan is not a true policy of disengagement. It is not a covert or delayed version of the complete withdrawal policy I have been urging. It is, at best, a plan to scale down U.S. ground combat activities in Vietnam—although, as the Tet Offensive in 1968 showed, such a reduction is subject to the veto of the enemy so long as substantial numbers of Americans remain.

In recent testimony before this Committee, Secretary of State Rogers used four different formulations in describing the Administration plan—formulations which in fact are far from equivalent:

(1) ". . . to permit the people of South Vietnam to determine their own future without outside interference."

(2) ". . . to achieve an end to the American involvement in the war."

(3) ". . . to withdraw all of our forces from Vietnam."

(4) ". . . to lead to an end of the American engagement in hostilities in Vietnam."

While the first three may represent ultimate hopes, there are indications that only the fourth describes the practical, immediate commitment of the Administration. In other words, the Administration has merely adopted a combat reduction strategy, aimed at cutting back American casualties to a level where a continued U.S. presence in Vietnam would be "acceptable" to American public opinion.

The planned troop reductions

According to informed sources, the Administration plans to retain close to 300,000 troops in Vietnam until the beginning of 1971.

Serious consideration is apparently being given to a very small troop reduction during 1971—one that would only bring the level of troops remaining in Vietnam down to about 250,000 by the beginning of 1972.

The Administration also is contemplating the retention of a "residual force" in Vietnam for an unspecified and possibly indefinite period.

The residual force level being advocated by military circles in the Pentagon is 200,000. As the staff report on Vietnam policy released yesterday by your Committee indicates, Americans and Vietnamese officials in Saigon are discussing a still higher figure of 250,000.

The lowest residual force figure that has been quoted is about 30,000, attributed to the Secretary of Defense.

Even a relatively "low" residual force figure of 30,000 represents a permanent commitment larger than the level of U.S. troops in Vietnam at the beginning of 1965—which, according to many observers at the time, compelled President Johnson to escalate under Communist pressure.

Human and material costs

The human and material costs of continuing so large an American presence for so long are totally unacceptable.

The price of present policies will be anywhere from 5,000 to 20,000 Americans dead in the next three years.

The price will be anywhere from 20,000 to 100,000 Americans wounded during that time. A tragic and disproportionate number will be maimed for life.

The price will be anywhere from $40 and $60 billion in that period. These figures must be measured in the opportunities foregone to respond to urgent domestic needs.

No U.S. interest in Vietnam justifies the sacrifice of so many American lives in this seemingly interminable war.

No U.S. interest in Vietnam justifies the maiming of so many young Americans.

No U.S. interest in Vietnam justifies squandering these huge sums, at the expense of meeting the problems of hunger, poverty, slums, and environmental decay in this nation.

These are the costs of present policies if everything goes according to plan. If it does not, the price will be more staggering still.

And there are reasons to fear that not everything will go according to plan.

II. VERBAL ESCALATION

While abandoning actual military escalation, the President seems recently to have embarked on a course of verbal escalation that has its own grave risks.

The President's threats

On two occasions last year—November 3rd and December 15th—the President has sought to warn the enemy against increasing the level of their activities while we are reducing our forces, saying:

"Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

In his press conference last Friday, he very much raised the verbal stakes of his warning, by saying:

"If at a time that we are attempting to deescalate the fighting in Vietnam, we find that they take advantage of our troop withdrawals to jeopardize the remainder of our forces by escalating the fighting, then *we have the means—and I will be prepared to use those means strongly—to deal with that situation more strongly than we have dealt with it in the past.*"

Threats no deterrent

Given the drastic methods that have been used in past years to punish the enemy, the warning that we are prepared to act "even more strongly than we have in the past" strikes an ominous note of possible re-escalation.

For six and a half years, however, this strategy has not succeeded. There is no reason to expect it to succeed now.

Beginning with the first bombing raids on the North after the Gulf of Tonkin incident, President Johnson sought to dissuade the enemy from attacking our forces by initiating reprisals of increasing severity for such attacks. This strategy was a failure. It did not deter the enemy. It only embroiled us ever deeper in the war.

I cannot see why the enemy will be deterred by President Nixon's threats of reprisal, when it was not deterred by President Johnson's actual reprisals. I cannot see why escalation in words will succeed where escalation in deed failed.

Enemy has the initiative

The unpalatable fact is that the military initiative in Vietnam remains where it always has been—in the hands of the enemy. Our adversaries—not the South Vietnamese or ourselves—control the level and intensity of the fighting.

The Communists continue to be in a position to choose whether to strike, to choose the most advantageous moment to strike, and to choose the manner of striking most deleterious to our policies. This point was aptly made in your recent Committee staff report, on the basis of first-hand observations:

"It seemed clear to us, however, that no one has the slightest idea whether the enemy will attack in force during the time the United States is in the process of withdrawing combat forces in order to accelerate the American withdrawal, shake confidence in the South Vietnamese Government, demoralize the army, and disrupt pacification; whether the enemy will continue the 'high point' pattern until American combat forces are withdrawn and then strike; or whether, even then, the enemy will concentrate on political subversion and competition in preference to a reintensified military effort. Those who hold these various theories appear tacitly to agree, however, that the choice lies with the enemy."

Incentive for enemy offensives

The Administration's plan for retention indefinitely of a "residual force" in Vietnam—and for maintenance of large forces there for the next several years—may well serve as an inducement to the enemy for offensive action. The longer any contingent of American troops remains in Vietnam, the greater may be the incentive on the Communist side to raise American casualties in order to increase domestic pressure in the U.S. for the troops' return.

In a recent article in the *New York Times Magazine*, former Under Secretary of State George Ball suggests one possible scenario for enemy action: North Vietnamese and Vietcong forces would continue the present lull in the fighting until our program for withdrawals had acquired a sustained momentum. Then they would launch a series of major offensives in order to raise the pressure for further withdrawals and undermine confidence in the South Vietnamese army and government.

Psychological impact of enemy action

It should also be borne in mind that future Communist offensives, like the Tet offensive of two years ago, might undermine our policies even if they do not achieve their military objectives.

Lyndon Johnson claimed that Tet was a Communist defeat. In the strict military sense, he was right—for the enemy was thrown back from the cities with enormous losses. In the much more important sense, he was wrong, for Tet was a resounding psychological and political success for the enemy, demonstrating to the American public the delusions of the old policy of escalation.

The popular success of the new policy rests on its appearance as a relatively painless course: one that permits us to help the South Vietnamese regime defend itself while we pull out gradually with reduced casualties. It would not be difficult for the enemy to plan and execute a series of offensive actions that would make the policy of Vietnamization seem far from plainless.

The unpalatable choices

After making the threats he has, what choices are open to the President if the Communists elect an offensive course?

He has three choices, all of them unpalatable.

He could slow down or stop American withdrawals. This would prolong the American involvement and increase American casualties and costs.

He could carry out his threats and initiate harsh reprisals. This would be a return to the disastrous road of escalation.

He could back down from his threats and continue to withdraw. This would be the most painful and internally devisive way of accomplishing the desirable objective of withdrawal.

III. HANOI'S AND SAIGON'S VETO

The Administration plan gives the North and South Vietnamese governments an absolute veto over our withdrawal and tempts them to exercise this veto.

The President says our troop withdrawals will depend upon three factors: progress at Paris, level of enemy activity, and Vietnamization. Each can be blocked by Hanoi or Saigon.

Hanoi's veto

Hanoi decides whether there is to be movement in the Paris talks. For the past year and a half, it has decided that in the current negotiating context there can be no progress.

Moreover, by retaining our close identification with the military government of South Vietnam and by refusing to commit ourselves unequivocally in the negotiations to the principle of complete withdrawal of all American troops, we have created no inducement for a more flexible Communist negotiating position in the future.

Hanoi and the Vietcong decide upon the level of enemy actions and, for reasons already discussed, our present policies may tempt them to step up this acitvity.

Saigon's veto

Saigon decides upon Vietnamization. The speed with which South Vietnam can take over the burden of the fighting from American troops depends upon the capacity and morale of the South Vietnamese government.

The recent staff report of your Committee points to some of the obstacles to Vietnamizing South Vietnamese forces:

"As far as problem areas are concerned, it is common knowledge that the quality of South Vietnamese Army units is uneven. The desertion rate continues to be high. We were repeatedly told that officer leadership is still a major problem, especially at the middle and lower ranks. There has apparently been little progress in broadening the social base from which officers are drawn and even less in promoting noncommissioned officers . . . Various Vietnamese stressed the continuing problems resulting from the low military pay scales.

"There is still heavy dependence on the United States by South Vietnamese Army combat units. Even the 1st Division, supposedly the best in the South Vietnamese Army, requires massive U.S. support and depends heavily on helicopters, 80 percent of which are American."

In this connection, I would note that a colleague of considerable military background, Senator Goldwater—whose views on the war otherwise are diametrically opposed to mine—has recently returned from Vietnam with his own pessimistic assessment of Vietnamization.

Moreover, Vietnamization faces political hazards that are even more formidable than the military ones.

The Saigon government has been maintained in power for years almost solely by the American military presence. Its political base continues to rest mainly on a small group of army officers and North emigrees. It has steadfastly refused to permit any participation by perhaps the most important non-communist elite in Vietnam—the Buddhist leadership. It has systematically branded as "neutralists" and "traitors," noncommunists who have not supported a wholly military solution to the war.

The United States has for years been pressing Saigon to "broaden its base." The effort has been an unqualified failure. In a reorganization last year, General Thieu expelled virtually all the civilians from key posts in his cabinet and replaced them with hard-line army officers. Only last week, he proposed a constitutional amendment to bar all communists-supported groups from participating in future elections—having already barred "neutralists" from participating in the 1967 elections.

If such a regime were able to survive at all after the departure of American forces, it could only do so by undertaking drastic reforms and by permitting the participation in the country's political life of elements that are now completely excluded. The simple truth is that the junta presently has no intention of going forward with this painful process—painful because it would require the junta to share its power with others—since it can cling to the hope of an almost indefinite presence of at least a residual force of American troops.

IV. COMPLETE DISENGAGEMENT

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

It is time we perceive that, as I pointed out in 1967, Americans cannot build an Asian society at gunpoint.

It is time we understand that the real interests of our nation in preserving the military junta of South Vietnam are marginal or non-existent; that the human, economic and other costs of prolonging our military presence there clearly outweigh any benefits that could conceivably result from our continued presence.

It is time that we completely and swiftly terminate our military participation in the war, and keep to a minimum any further loss of men, money and prestige.

Essential elements for disengagement

To achieve these objectives, I believe that we must adopt a plan for disengagement that meets the following criteria:

First, it must be a plan for *complete* disengagement of *all* American military personnel, both combat and non-combat. It cannot involve the indefinite retention of a residual force of any size in Vietnam. While we must recognize that there may be some risks attending complete withdrawal, they clearly are less than the risks and costs of any extended troop commitment.

Second, it must set a firm target date for the completion of the withdrawal. Our final disengagement cannot be conditional and cannot be deferred by the decisions of Hanoi or Saigon.

Third, the withdrawal should be accomplished with reasonable swiftness, in order to limit the further loss of American lives and the further disruption of American domestic priorities. A reasonable time should be allowed to enable us to withdraw and the South Vietnamese forces to assume the task of the fighting. If, however, the South Vietnamese do not have the will or the capacity to do so, this should not be cause for delaying our departure.

Finally, public disclosure should be made of our intention to withdraw completely and of our proposed termination date. Such disclosure is essential to provide any hope of breaking the stalemate in Paris and, if possible, to induce the South Vietnamese army and government to make the reforms necessary for their survival.

I have endeavored to embody these principles in the bill I introduced last September, now before this Committee—S. 3000, "The Vietnam Disengagement Act."

The time period

In my bill, I selected a withdrawal deadline of approximately one year from the time of the bill's introduction. I did so because I was convinced a year would minimize further loss of lives and at the same time permit an orderly process of withdrawal of American troops and assumption of their functions by South Vietnamese forces. I stand by the timetable I then proposed.

Let me emphasize, however, that the most important objective is the establishment of a public commitment to withdraw by a specified date within a reasonably short span of time. It would be tragic, indeed, if agreement on this vital objective were obscured by disagreement concerning the setting of the date a few months earlier or later.

Advantages of a fixed deadline

A publicly announced deadline such as I have been proposing would make certain that after a specified date, no more American soldiers would die in Vietnam. The vain sacrifice of thousands of American lives would be over. So would the waste of tens of billions of dollars. We would, at last, be able to turn our energies and resources from fighting this seemingly endless war to solving some of our own urgent problems at home. We would, at last, have the opportunity to heal the profound divisions the war has opened within our own nation.

A publicly announced timetable will permit the American people to comprehend that there can be no guarantee that Saigon will prevail while we withdraw. It will enable the people to perceive that short of an indefinite

American military presence, there can be no certainty of preserving the status quo in Vietnam. It makes it clearly understood that the ability of South Vietnam to defend itself must ultimately depend on the willingness of its own army to fight and of its own government to reform.

A public plan certainly will generate controversy. This, however, is preferable by far to tranquility based on illusion. Under any conceivable plan for disengagement, there are manifest problems and dangers facing South Vietnam. It is better that the American people become aware of these dangers than that they be lulled into happy euphoria, only to suffer a rude awakening—as they did in 1968 after Tet—and a loss of confidence in this government and its institutions.

Notice to the South Vietnamese Government that we are withdrawing all our forces within a specified period will create a powerful incentive for that regime to mobilize its forces more effectively and to seek the political strength of a broadened base of support.

As a foreign intruder, we have polarized the political situation in the South and driven many nationalist elements toward the NLF. Our withdrawal could help foster a depolarization that would create a more favorable environment for negotiations and a genuine political settlement.

The Guam doctrine

In his Guam doctrine, President Nixon redefined the role of the United States in Asian affairs. He established the principle that Asian nations to which we are allied must bear the primary responsibility for their own defense, especially with respect to their internal security.

Had this principle been applied in 1963, as it should have been, we would never have become ensnared in a land war in Vietnam to preserve an existing government against an essentially internal threat.

Mr. Chairman, I suggest that the Guam doctrine is a sound doctrine, that should now be applied in Vietnam in the same manner as the President proposes to apply it to Southeast Asia generally. Applying the Guam principle to Vietnam would mean proceeding with complete disengagement, not merely with troop reduction.

The "bloodbath" argument

In his November 3rd speech, the President contended that a fixed withdrawal timetable would enable the enemy "simply to wait until our forces have withdrawn and then move in." And he warned the public of the bloodbath that would result.

This line of argument seems at odds with the President's own theory of Vietnamization.

The South Vietnamese army has over a million men under arms. North Vietnamese and Vietcong forces in the South total only about one-fifth this number. American withdrawal may require the South Vietnamese army to adopt a more defensive strategy aimed at protecting populous areas—and to abandon its objectives of controlling the entire countryside. To suppose, however, that such a large force, operating in a defensive role, could simply be destroyed by a relatively ill-armed and much smaller enemy assumes profound debilities in the South Vietnamese Army—and this assumption, in turn, would mean that the President's own plan to train the South Vietnamese forces to take over the burden of the fighting would have little or no chance for success in the foreseeable future.

It is difficult to judge whether the Communists would engage in mass reprisals if they were to take control of Vietnam. Communist cadres did so when they seized Hue in 1968—under circumstances of long seige and bloody combat activity. No "bloodbath" of Catholics or other anti-Communists was reported following the Communist assumption of power in the North in 1954. The land reform program implemented in the North during the next two years did involve bloodshed, but the targets were among the peasantry in rural areas, including many who had fought the French. It is of interest to note that from 1955 to 1961, the French and the Diem regime submitted only 43 complaints to the International Control Commission alleging political reprisals by the Communists in North Vietnam.

A hypothesis has been advanced by a number of Asian scholars that even if the Communists won complete control of South Vietnam they might well find it contrary to their self-interest to initiate large-scale violence against the civilian population. Such action, they suggest, would diminish the Communists' ability to unite the widely disparate elements of South Vietnamese society. Yet there is no way of dispelling great uncertainty about the course of events, and our departure would not end the political violence on both sides that has been going on in Vietnam for the past 25 years.

In arguing this topic, it is essential to remember that the biggest "bloodbath" of all is occuring as a direct result of the war.

To date, more than one million men, women and children have died as a result of hostilities in Vietnam. Since our government began its program of Vietnamization last year, more than 150,000 soldiers on both sides have died. If the war continues for five years more, another million people will die.

Self-determination

The Administration has spoken a great deal about "self-determination" for the South Vietnamese people. The need to preserve "self-determination" is a primary reason cited by the Administration for delaying the American withdrawal. Thus, in a letter dated December 4, 1969, addressed to this Committee, J. G. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations, states in commenting on my bill:

"Our fundamental, long-standing, and widely accepted goal in Vietnam (is) the assurance of self-determination for the South Vietnamese people. We obviously cannot maintain that goal and at the same time commit ourselves beforehand to the total withdrawal of our troops by a certain date regardless of whether or not that goal has been achieved."

"Self-determination" in this context is a plain deception.

The overriding interest of a clear majority of the South Vietnamese people is peace—to stop the killing, to stop the destruction of the cities, villages and farms of Vietnam.

The overriding interest of the military regime of South Vietnam is war.

It is the war that is the basis of the junta's virtually absolute rule and its (largely corrupt) income. It is the war that gives the narrow clique undergirding the regime an artificially high standard of living based on war profits and commodity imports.

We have long ago made the choice of government for the South Vietnamese people. We have done so by supporting with our armies and with enormous sums of money a military regime which is totally dependent on that support, and which suppresses all political opposition. As long as such a narrowly based government remains in power, there can be no real "self-determination" for the silenced majority in South Vietnam.

V. S. 3000

Mr. Chairman, of the various proposals before you, mine is the only one with any operative effect on the Vietnam war.

My proposal is a bill, not a resolution. It is more than a mere request that the President take a specified course of action. It has the force of law. If enacted, it would accomplish its stated purpose of disengaging the nation from this terrible war.

The bill accomplishes its purpose by cutting off funds for the maintenance of American military personnel after the proposed termination date. This is a proper exercise of Congress' power under the Constitution to control the expenditure of tax money. In principle, it operates no differently than would a bill cutting off or restricting the expenditure of foreign aid moneys in a given country.

The Constitution vests in Congress the power to declare war. Surely Congress should share with the President the responsibility for undeclaring a war that never was declared in the first place.

The bill itself would not preclude the United States from continuing to provide South Vietnam with the military supplies, equipment and aid funds that are necessary to match Soviet military assistance to North Vietnam. That is a separate decision to be made by Congress and the President.

The bill would preserve the President's constitutional prerogative as Commander-in-Chief to determine the manner of combat operations and the method of completing the withdrawal of American troops by the termination date.

Our major role in the war began when Congress adopted the Gulf of Tonkin Resolution, and President Johnson interpreted the resolution in a manner that deprived Congress of its responsibilities in the field of foreign affairs.

Last year, Congress took some initial steps in reclaiming these responsibilities by adopting the Commitments Resolution and barring the deployment of combat troops in Laos and Thailand. The enactment of this bill would restore to Congress its proper foreign affairs role.

There is yet another reason why Congress must cease being merely a bystander in this conflict, and assume a partnership with the President in disengaging the nation from Vietnam.

The ending of a major war inevitably involves extremely controversial and sensitive issues—and this is especially true of a war we have not won. If one man—the President, but also the leader of a political party—bears the responsibility of making these decisions alone, there is great danger that division and partisan recrimination will ensue. If this man shares the responsibility with the members of Congress, who represent both parties and a wide spectrum of opinion, the chances of a solution which will command the confidence of the people are much improved.

President Roosevelt at Yalta took upon himself virtually the entire burden of deciding the peace settlement after World War II. The suspicion, bitterness and partisan bickering that followed—typified by the Joseph McCarthy movement in the 1950's—is a matter of history. This time, since the issues are still more delicate, let us be sure the burden is shared.

VI. CONCLUSION

Mr. Chairman, President Nixon opened his November 3rd speech on Vietnam by saying:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

I agree with this statement. I agree that the American people should know the truth about our Vietnam policy.

The people do not know the policy now. They deserve to know it.

Secrecy about the real intentions will ultimately confuse ourselves more than it will confuse the enemy.

Secrecy breeds the twin evils of suspicion and illusion.

Secrecy will leave the public totally unprepared if events in Vietnam do not develop as we hope.

Let us seek to inform the public, not to mollify it.

Let us seek a majority that is not merely silent but comprehending. Let us seek a majority that understands more than that described by Nicolo Machiavelli five hundred years ago when he said:

"For the great majority of mankind are satisfied with appearances as though they were realities, and are often more influenced by the things that seem, than by those that are."

THE STATE OF THE UNION MESSAGE

Mr. ALLOTT. Mr. President, yesterday the distinguished Senator from Rhode Island (Mr. PELL) spoke to the Senate concerning what he considers a shortcoming in the President's state of the Union address.

Senator PELL said the President's address was marred by a sin of omission in its portion concerning crime. Senator PELL argued that the President did not speak enough about attacking the "social roots of crime."

Mr. President, I am not sure what Senator PELL intended to encompass by the phrase "social roots of crime." But almost certainly the Senator would consider poverty a social cause of crime. Thus it is important to note that the President in his address spoke about the poverty problem and thereby spoke about what Senator PELL considers the social roots of crime.

The President spoke about the problem of poverty in two ways.

First, he spoke of poverty directly, pledging a vigorous fight to end hunger in America by 1976, and pledging to fight for his plan to guarantee to every American a minimum income.

But we should not overlook the second way in which the President spoke of poverty, and thereby spoke of what some consider the "social roots" of crime. That is, the President devoted a significant portion of his state of the Union address to the problem of inflation.

We sometimes lose sight of the fact that inflation is a chief contributor to America's poverty problems. Inflation hurts the poor more painfully and inexorably than any other portion of the population.

The poor have almost no margin in their budgets to absorb the impact of rising prices. The poor pay a larger percentage of their budgets for the necessities of life—food and clothing and medicine—all of which have risen in price under this 4-year inflation from which we all now suffer.

In short, when the President speaks of inflation he is speaking about the poverty problem, and when the President acts to halt inflation he is acting in the interests of the poverty stricken.

Thus, when the President fights inflation he is fighting what Senator PELL might call the social roots of crime.

I do not want to get into the complex problems of criminology. Senator PELL's remarks about the roots of crime clearly involve some premises about which honorable men of good will can disagree.

I only want to make one thing clear. The President understands the interrelations of things in our complex society. He understands that a fight against inflation is certainly a major contribution to the war on poverty, and it may be a major contribution to the war against crime.

FRENCH SALE OF JET FIGHTER PLANES TO LIBYA

Mr. BYRD of West Virginia. Mr. President, I am deeply disturbed by the French sale of jet fighter planes to Libya. This provocative move can only serve to exacerbate the arms race in the Middle East, upset the balance of power, and endanger prospects for peace. It is urgent that the United States and the Soviet Union utilize their influence to get the two sides to sit down for direct talks with each other aimed at reaching a peace settlement acceptable to both Arabs and Jews. I joined with the Senator from Connecticut (Mr. RIBICOFF) last year in issuing a statement calling for direct negotiations between the Arabs and Jews to bring peace to the Middle East. I have reiterated this viewpoint to the State Department in the last day or so. The threat of a new war into which the nuclear powers might be drawn must be removed.

DISSENT AND INVOLVEMENT

Mr. DOLE. Mr. President, from time to time my attention is drawn to a speech that particularly stirs my imagination by reason of its eloquence and incisive approach to the issues. A recent copy of Vital Speeches contains such an address by Mr. James C. Humes, Assistant to President Nixon. It was given before the Pennsylvania Jaycee Convention on October 18, 1969.

In his remarks, Mr. Humes called on Americans to respond to dissent and disruption with positive and dynamic examples to those who are doubtful of the course they and the country should pursue in these confusing times. I found these thoughts persuasive and timely.

I ask unanimous consent that Mr. Humes' speech be printed in the RECORD.

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

DISSENT AND INVOLVEMENT—THE NEED FOR CATALYSTS

(By James C. Humes, Presidential Assistant)

Some few weeks ago a Professor Robert Paul Wolf in a New York *Times* Sunday Book Review wrote in review of a book called "The Making of a Counterculture." "American society is ugly, repressive, destructive and subversive of much that is truly human." This view of American society "is now acknowledged to be true by virtually every sensible man and woman." Now most Americans and indeed most sensible Americans don't share that view.

Yet many commentators in our press and television do say that our society is sick and the gap between "Middle America" and "Media America" grows. In a recent *Newsweek* article Stewart Alsop noted this national masochism among political writers and called it the "New Snobbism." James Reston perceived it in students and called it "New Pessimism." Daniel Boorstin discerned it in academic circles and called it "spiritual appeasement"—this lack of faith in our own ideals and institutions. And in the artistic world Archibald MacLeish describes it as the "new flatness"—this increasing tendency for poets and artists to want to indict instead of inspire—to tell life like it is, instead of what it should be. A recent spate of Broadway plays like *Matter of Robert Oppenheimer* and *The Great White Hope* peddle guilt and apology.

In effect MacLeish is saying that contemporary art should be portraying not the ashcans of American life but its aspirations. As MacLeish says, "Loss of faith in the American proposition is a secret sickness which can bring the country down."

Just as man without aspirations is not a whole man, so a nation without a vision and faith of what it might be is desolate and sterile. Because there is a lack of fulfillment in our ideals, there is a lack of faith. But just because America is not acting up to all the ideals of the Declaration of Independence and the Constitution doesn't mean we should hang our heads in shame or beat our breasts in self-flagellation. No society would be worth the price of admission if it did not proclaim ideals which were beyond its present realization. If ever American society fulfills all its ideals it would be because the ideals were outrageously low. Sure our country has not lived up to all its ideals but then no country ever had higher ideals to live up to.

Many centuries ago another society which was losing faith in itself heard a stern lecture. The society was the Jewish colony in Rome. In the epistle to the Hebrews the writer exhorts them not to be apologetic about their heritage. He urges them to remember Abraham, Jacob, and Joseph, and Moses, and their dreams to establish a promised land. He says that their failure to realize their hopes did not diminish the greatness of that dream. It just meant that the unfinished task became the mission of their sons and sons' sons. Finally he tells them "Don't throw away your heritage . . . Don't cringe but live proud in your faith."

So must we not reject the heritage of Washington, Jefferson, Lincoln and Wilson. Instead of cursing the gap between our ideals and reality, let us try to close it. Instead of faulting the promise of America, let us try to fulfill it.

Patriotism is not love of a piece of property or a piece of bunting; it is commitment to a nation's ideals and involvement in her institutions, we must invest ourselves in them. It is not enough for us to speak up for them; we must spend ourselves in them.

Today Americans are saying that our society is sick, that our constitutional channels of government don't work—that our free enterprise system is unjust. To those who question the validity of our democracy, our answer should be to show our faith by participation in those processes of democracy. To those who question the value of the free enterprise system, our answer should be to show our conviction by making our businesses more responsive and sensitive to urban problems. To those who question the vigor of our society, our answer should be to show our belief by involving ourselves in community work.

The Greeks had a word to describe one who did not involve himself in his community and did not participate in the political life of the city. The word was "idiot"; it described a person who was not a "whole" man or a "complete" citizen. Now in the American democracy as in the Athenian democracy the duties of citizenship are not discharged just by voting and paying your taxes.

We should make it our business to know about our cities, our schools, to know how much bonded debt we have and how our tax dollar is spent. To have a hand in those decisions, to have voice in our own destinies, we must know politics and know our politicians.

Too many of us look down upon the politicians as never having carried a payroll when we have never carried a precinct. We think politics is messy and that we should be above it. But when we say that politics is beneath us we are saying democracy is beneath us. Of course, there is going to be compromise in politics. But the difference between expediency and morality in politics is the difference between selling out a principle and making smaller concessions to win larger ones. Of course, there is going to be dirt in politics, but it is going to be the dust of having fought a battle and the grit of having stood your place.

When we don't participate in politics, when we don't register, work to get good nominees, and contribute our time and, yes, our money to the party of our choice, we become the political idiots. When we don't get active in our party, we become the dropouts of democracy. We show our stupidity, not our purity; we show our ignorance, not our innocence.

When as citizens involved in the political life of our community, we not only show our faith in our democracy but help make it work—so as businessmen ready to assume an enlightened role in our industrial society, we not only show our faith but that the power of capitalism can meet problems as well as make profits. Alfred North Whitehead once wrote: "A great society is a society in which men of business think greatly of their functions."

We must as businessmen reach out to the dispossessed and disadvantaged. We must learn to think of business development in terms of human development. We must as business managers be concerned not merely with our enterprise but our environment—not with just profits but with people. Let us eliminate pollution in our manufacturing and discrimination in our hiring. Let us remember that a business that makes nothing but money is a poor business. Business is betting on people, on the jobs they can do and services they can perform. We can as successful businessmen help teach the techniques of business mnagement. We can offer our financial expertise to help stimulate minority entrepreneurship and ownership of stores and firms. Let us get the ghetto into private enterprise and private enterprise into the ghetto.

Let us as capitalists become catalysts, catalysts for getting those on the welfare rolls onto the payrolls—catalysts for changing economic dependence into economic independence.

And finally let us prove the vigor of our society by giving ourselves to community service. Over a century and a half ago a Frenchman thought he found the unique secret of our society. Count de Tocqueville said that the 'distinguishing characteristic' of America wasn't so much our tradition of free government or our tradition of free enterprise as it was our tradition of voluntary action."

Today we have to rediscover this forgotten American tradition of solving public problems by independent action. Today this is needed in the cities, needed in depressed rural areas—needed where government has failed. There are more than a million voluntary organizations in America today—churches and united funds—voluntary hospitals and private foundations—service organizations and fraternal clubs. The Gallup poll has estimated that 61 million adult Americans would be willing to contribute 245 million man-hours every week to voluntary activities. There isn't a social problem that hasn't been solved sometime and somewhere in America. Voluntary agencies have tutored dropouts, trained the unskilled, counseled juveniles and taught illiterates.

We cannot delegate our personal concern to Washington. We cannot delegate compassion to government. If war is too important to be left to generals, then certainly the war on poverty is too important to be left to bureaucrats. Welfare is too important to be left to the welfare staters. Let us who represent these legions of the concerned become the companies of the committed. Let us join the rank of the unpaid public servants.

Some years ago in a midwestern city President Theodore Roosevelt made a powerful speech on the problems facing America at that time. When he had finished, one in the crowd lingered around to ask him a question. "Mr. President—I am just an ordinary businessman—a citizen who votes and pays his taxes. What can I do?" Replied the President, "Do what you can with what you have, where you are—but do it."

What can we do to show love of our country and faith in her ideals? What can we do to help America come closer to her dream and further on her mission? What can we do to help keep America great? Greatness is not in doing extraordinary things but doing ordinary things extraordinarily well. Greatness is in doing your thing for your own community.

To those who doubt the validity of our democracy, the value of our free enterprise system, and the vigor of our society let us show our faith by deeds. Let us answer their protestation by our participation. Let us reply to their dissent by our involvement. Let the doubters be shown by the doers. To those who question the American dream, let us strive to make it come true. Those who question our institutions, let us strive to make them work. Let each of us as workers, make our job our vocation. Let each of us as businessmen make our financial venture a human investment. Let each of us as parents make our house a home. Let each of us as citizens make our community a neighborhood.

STUDENT FINANCIAL AIDS—ADDRESS BY O. R. HENDRIX

Mr. McGEE. Mr. President, I recently had the opportunity to take part in the regional meeting of the College Entrance Examination Board which took place in Colorado Springs, Colo.

There were a number of very able presentations made at this conference, but I want to direct the attention of Senators to one paper in particular. It was presented by O. R. Hendrix of the University of Wyoming, who is director of student financial aids, and it deals with a matter which should concern us deeply and which is relevant now in the wake of our recent debates over the fiscal 1970 Labor-HEW appropriations bill.

Mr. President, I ask unanimous consent that Mr. Hendrix' paper be printed in the RECORD.

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

PLUGGING UP THE CHINKS—A FRANTIC SEARCH FOR THE SALVATION OF STUDENT FINANCIAL AID OFFICERS

(By O. R. Hendrix, director of student financial aids, the University of Wyoming, Laramie, Wyo.)

PREJUDICIAL PRETRIAL PUBLICITY

When the Conference Planning Committee invited me to participate in this discussion, a charming member of the Committee suggested that my characteristic "low key" style might serve as an effective counterpoint for the more forceful presentations expected of other members of the panel. With approximately humble apologies to the Committee, I must confess to yielding to the temptation to step out of character and occasionally employ somewhat stronger language than is my wont. My yielding is prompted by a desire to dramatize as strongly as possible the nightmarish conditions under which college financial aid officers have been operating during the past several years and more particularly during the past twelve months.

While the financial aids officer occupies a highly visible and vulnerable life raft in a storm-tossed sea of frustration, inconsistency, uncertainty, and sometimes vicious recrimination, he is by no means the sole victim of the nature of our present conglomerate of student aid programs. Also affected are state legislatures, state budget officers, college presidents and fiscal officers, parents of prospective and present college students, and more importantly that large group of deprived students dependent upon Federal aid programs for college expenses. Equally victimized are members of that large group of students unsuited for or uninterested in a college education who are provided only meager aid for pursuing other types of post-secondary education.

STIPULATIONS

Before reading the indictment, three things need to be said: (1) There is no intention to minimize the beneficial role played by Federal student aid programs in making available a college education to a multitude of people who would otherwise have been denied this *right;* (2) the financial aid community is eternally indebted to that dedicated group of Federal financial aid administrators, including our fellow panelist and long-time friend, James W. Moore, and his predecessor as Director of the Division of Student Financial Aid in the Office of Education, Dean Edward Sanders, who have sought to bring order and meaning to the sometimes poorly ground grist of the Congressional mill; and we are equally indebted to the dedicated, informed, and courageous Congressional leaders who are supporting adequate funding and desirable revision of student aid programs; and (3) it should be remembered that our present patchwork of aid programs was enacted piecemeal and emanated from many sources, all striving to serve laudable purposes but unfortunately producing an end product lacking that degree of integration, completeness, and sound funding which are necessary for an optimal program such as might have evolved from a single comprehensive legislative and administrative approach which utilized the experienced advice of all segments of the educational community including the professional student aid officer segment.

THE INDICTMENT

The following listing of some of the weaknesses, inconsistencies, and inequities of our existing programs is a wasted exercise for many in our audience who are already all too well acquainted with them. It is included in the hope that perchance a record of the proceedings of this meeting of the Western Regional Assembly may reach responsive ears and eyes of influential congressmen and high-level officials in the executive branch of our Federal government.

1. The present collection of aid programs is directed in the main to providing aid for college attendance as distinct from other kinds of post-secondary education. In the graphic phraseology of that "Prophet of the Puget Sound," William T. Hatch, student financial aid "is hooked to the tail of a rocket which has only one direction and which is loaded with passengers who want to go in many directions."

2. The wide variance between authorized funding and actual appropriations, the year-to-year inconsistency in levels of funding supported by appropriations, the poor timing of appropriations and supplemental appropriations, and the lack of lead-time for planning new programs all make it extremely difficult for institutions to engage in intelligent long- or medium-range planning and more often than not leave colleges with no firm knowledge on which to base timely com-

mitments to students. As of this writing, appropriations for the 1969-70 fiscal year have not been enacted by Congress or approved by the President. Additionally, President Nixon on January 6 said that he "absolutely" would veto the appropriations bill because it is "inflationary" and provides for "misdirected spending" on education.

3. Despite inconsistent funding, colleges are encouraged by law and regulation to engage in talent search programs and make tentative commitments of financial aid for college attendance to needy high-school sophomores and juniors. When, as was the case this year, appropriations do not permit fulfillment of such commitments, students have reason to question the good faith of the colleges, the Congress, and the National Administration.

4. The multiplicity of aid programs requiring different selection criteria, application forms, record-keeping methods, and reporting procedures and formats—and often administered by different Federal agencies—unnecessarily complicates and renders more expensive the local administration of these programs. A partial listing of some of the loan programs will illustrate the problem posed: The National Defense Student Loan Program and the Guaranteed Loan Program are administered by the U.S. Office of Education; the Nursing Student Loan Program and the Health Professions Loan Program are administered by the Public Health Service; and the LEEP loan program is administered by the Law Enforcement Assistance Administration of the Department of Justice. A listing of scholarship and grant programs would follow the same pattern.

5. Separate funding of the several student aid programs restricts the exercise of good judgment on the part of competent student financial aid officers interested in the most efficient use of aid funds tailored to the needs of individual recipients.

6. In spite of recently enacted legislation authorizing incentive payments to lenders, Insured Student Loans are not uniformly available to eligible students because of lack of participation or restricted participation by lenders in many areas.

7. Inadequate administrative expense allowances mitigate against less affluent institutions and discourage participation by junior colleges enrolling or capable of enrolling substantial numbers of students from low-income families.

8. There is need for establishment of carefully designed curriculums or subcurriculums for training professional student financial aid officers.

9. The detailed applications, records, reports, audits, rigid regulations, and other "red tape" related to participation in these programs divert scarce manpower from more productive activities such as financial and educational counseling.

RECOMMENDATIONS TO THE JURY

By way of plugging up the chinks—an admittedly transitory expedient—the following suggestions are submitted:

1. Forward funding is an absolute must for *all* student aid programs regardless of the Federal agency responsible for their administration. The absurdity of our present situation is too evident to require further elaboration except to repeat that we do not have final information as to funds available for use during the 1969-70 fiscal year which is already over half gone.

2. Adequate funding is desperately needed. Education is as clearly in the national interest as are such recognized obligations as national defense, social security, space exploration, maintenance of law and order, urban renewal, control of pollution, and other similarly recognized obligations. To lead deprived prospective students to expect financial assistance for post-secondary education—college or other kinds of education—and then to slam the door of inadequate funding in their faces is to contribute further to the disillusionment of the young, to more disruptive civil disorder, and even possibly to a totally destructive revolution.

3. Ideally, all student aid programs for education should be administered by the same Federal agency. The expense and needless complexity of operating multiple loan programs and multiple gift-aid programs along with institutional and Federal work-study programs were discussed above. The assumptions supporting the need for separate programs for different disciplines are contrary to the educational realities with which most of us are familiar on a day-to-day basis.

4. Single lump-sum allotments for student financial aid to institutions engaged in post-secondary education, leaving to the discretion of the institution the categories of aid provided individuals, is strongly supported.

5. The establishment of a Post-Secondary Education Loan Bank as a nonprofit corporation chartered by the Federal government is recommended as a source of insured loans for students failing in their efforts to secure such loans from private lenders.

6. Serious consideration should be given to exploring present sources of Federal assistance and to developing new sources to encourage and support professional training of student financial aid officers.

7. In the interest of simplifying the local administration of aid funds, complex record-keeping, application, report, and auditing requirements should be relaxed for reputable institutions with good compliance records. To the same end, loyalty oaths and the application of truth-in-lending requirements to the National Defense Student Loan Program should be terminated and teacher cancellation phased out.

8. Revision of loan collection procedures and institutional responsibilities related thereto should provide authority for writing off uncollectable loans and for federally operated or contracted collection centers for past due loans.

9. Adequate Federal funding of the expense of administering student aid programs with safeguards against use for other purposes is desirable.

In conclusion, it should be clear that I support the well developed collection of resolutions documented and distributed by the Subcommittee on Public Programs under the excellent leadership of Lewis E. Dibble. Some of you might well ask why I did not merely stand up, make a one-sentence statement supporting the Subcommittee's resolutions, and sit down. My only excuse for imposing upon you for a more lengthy presentation is my desire to extend the horizons a little more than suggested by the Subcommittee's report. In all honesty, I am strongly inclined toward the positions espoused by Robert P. Huff regarding funding tied to Social Security, by William T. Hatch regarding selection of aid recipients on the basis of both need and achievement, and by Senator Mondale espousing the establishment of a Higher Education Loan Bank. In other words, I believe now is the time for exploring new and perhaps bolder alternatives for providing assurance of equal educational opportunities for enrollees at all levels and in all types of educational institutions. For this reason, I look forward with great interest to the upcoming presentations of my fellow panelists.

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2. "Federal Student Aid Programs: A Time for Rethinking and Redirection," Robert P. Huff, a paper presented at a meeting of the College Scholarship Service Assembly in New York City, October 27, 1969.

3. "Ruminations While Not Painting a Pyramid," William T. Hatch, a position paper prepared for the Western Regional Assembly of the College Scholarship Service meeting in San Francisco, January, 1969.

4. *Financial Aid News,* Vol. 10, No. 1, December, 1969, "A Case for Forward Funding," Douglas R. Dickinson, Kenneth R. Reeher, Representative Edith Green of Oregon.

5. "An Examination of State Efforts in Removing Financial Barriers to Postsecondary Education," a report compiled by Joseph D. Boyd, Executive Director of the Illinois State Scholarship Commission, August 15, 1969.

6. United Press International, news release datelined San Clemente, California, January 6, 1970.

7. "Legislation Establishing and Amending: The National Defense Student Loan Program, The College Work-Study Program, The Educational Opportunity Grants Program, The Guaranteed Student Loan Program," reprinted by U.S. Department of Health, Education, and Welfare, Office of Education, Bureau of Higher Education, February, 1969.

8. "Federal Student Aid Programs—Resolutions for Changes," a paper prepared by the Subcommittee on Public Programs, Lewis E. Dibble, Chairman, for the meeting of the Western Regional Assembly of the College Scholarship Service, Colorado Springs, Colorado, January 11-14, 1970.

9. *Manual of Policies and Procedures: Educational Opportunity Grants Program,* U.S. Department of Health, Education, and Welfare, Office of Education, Bureau of Higher Education, March, 1967 and subsequent EOG Administrative Memorandums.

10. "Agreement Covering Institutional Participation in Programs of Student Financial Aid," U.S. Department of Health, Education, and Welfare, Office of Education, Bureau of Higher Education, Division of Student Financial Aid, July, 1969.

SALUTE TO COLORADAN FRED STEINMARK

Mr. ALLOTT. Mr. President, I take this occasion to salute a courageous Coloradan, Fred Steinmark, of Wheat Ridge, Colo.

Fred Steinmark was an outstanding member of the University of Texas football team this year. He contributed to his team's stunning come-from-behind victory over Arkansas, the victory that made Texas the Nation's No. 1 football team.

Two days after that game, bone cancer was discovered in his left leg, and his leg was amputated.

Less than a month after his operation, Fred Steinmark was on the sidelines cheering when his Texas teammates beat Notre Dame in the Cotton Bowl. His teammates dedicated the game to Fred, and awarded him the game ball. This was their way of thanking him for what he had given them. They were thanking him for his great help on the field, and for the inspiration of his quiet courage in the face of suffering.

He had never lacked courage as a scrappy defensive safety—which is no position for the fainthearted. His courage did not desert him in his darkest hour.

Throughout his agony of disappointment and loss, Fred Steinmark never betrayed a trace of self-pity. His courageous and dignified demeanor was solace to his friends, and an inspiration to the many millions of football fans who were saddened by this tragic end to a fine playing career.

One thing is certain: the courage Fred Steinmark has shown in this difficult time will guarantee him the same success and distinction in his life work which he won on the playing field.

Last week the Philadelphia Sportswriters Association presented Fred Steinmark with the Most Courageous Athlete of the Year Award. His name is added to a distinguished list of winners ,a list which includes Ben Hogan, Roy Campanella, and Mickey Mantle. The name of Fred Steinmark belongs with the best.

I ask unanimous consent to have printed in the RECORD an article entitled "Fred Steinmark Called Most Courageous Athlete."

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

FRED STEINMARK CALLED MOST COURAGEOUS ATHLETE

PHILADELPHIA.—"You just have to be realistic and take what comes along in life."

So said Fred Steinmark last night as he stood leaning on his crutches and accepted the unique Most Courageous Athlete of the Year award presented annually by the Philadelphia Sports Writers Association.

A birthday cake in recognition of his 21st birthday on Tuesday was on a table next to the rostrum, candles burning brightly in the darkened ballroom. "I am awed that I might be considered on a list of such courageous sportsmen," Steinmark said, referring to such past recipients as pro football's Jerry Kramer, baseball's Mickey Mantle, basketball's Maurice Stokes, blind golfer Charley Boswell, former Brooklyn Dodger catcher Roy Campanella, golf's Ben Hogan, etc.

Steinmark is the University of Texas defensive safety, who two days after the Longhorns defeated Arkansas, was discovered to have bone cancer and had to have his left leg removed at the hip joint. Steinmark called defensive secondary signals that set up 27 pass interceptions and helped Texas finish unbeaten, ranked No. 1 in the nation.

Also honored at the 66th annual banquet of the Philadelphia writers, were Tom Seaver, 25-game winner of the world champion New York Mets, as the outstanding professional athlete of the year, and Steve Owens, Oklahoma's great running back, as the top amateur athlete of the year.

Steinmark, however, stole the show. In a soft, sometimes faltering voice, the 168-pound native of Wheat Ridge, Colo., said: "I thank the dear Lord for the right to use my meager ability against such great athletes as Steve Owens," nodding toward the Oklahoma star sitting just to his left. Texas beat Oklahoma and Owens this past season.

MILITARY PROPAGANDA CONTINUES UNCHECKED

Mr. FULBRIGHT. Mr. President, in December I spoke at length about military information and public relations activities. One of the activities I referred to was the Army speakers' program on Vietnam.

The Army continues this program on a very active basis and an "Army National Speaker on Vietnam" has recently been making the rounds in Arkansas.

According to the Information Office of the Army Field Artillery Center at Fort Sill, Okla., Sfc. Carroll V. Dewees, now assigned to Fort Sill's Field Artillery Training Center, speaks to audiences in Oklahoma, Arkansas, and Texas "as an Army national speaker on Vietnam."

I shall place in the RECORD an article published in the Cleburne County Times of Heber Springs, Ark., January 15, 1970. The article is based on a release from the Fort Sill Information Office, and I ask unanimous consent that the article be printed in the RECORD at this point.

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

[From the Cleburne County Times, Jan. 15, 1970]

VETERAN TO SPEAK ON VIETNAM EXPERIENCES

All persons from Cleburne County and the surrounding area are invited and urged to hear Sfc. Carroll V. Dewees speak at the Heber Springs High School auditorium Monday night, Jan. 19, at 7:00 o'clock. The sergeant, who has spent two out of the last three years in Vietnam is sponsored by the Heber Springs Rotary Club, and will speak about his experiences with artillery units in Vietnam.

The Rotary Club issued an invitation to everyone and especially all veterans and club members, including ladies of the county.

From October 1966 to September 1967, and again from August 1968 to July 1969 Sgt. Dewees lived in a world of mountains and swamps and jungles and night firefights and incoming rockets and outgoing artillery rounds.

Now assigned to Ft. Sill's U.S. Army Training Center, Field Artillery, he talks about that world before audiences in Oklahoma, Arkansas, and Texas as an Army national speaker on Vietnam.

Sgt. Dewees was a chief of firing battery with the 2nd Battalion, 38th Artillery in the steamy, hot southern area between Saigon and Tay Ninh during his first tour of duty in Vietnam. During his second tour he was a chief of firing battery with the 3rd Battalion, 82nd Artillery, 196th Infantry Brigade in the mountainous region in the northern part of the country near Chu Lai and Da Nang.

"Despite the war," he says, "Vietnam is a beautiful country. But its people still have a long way to go.

"The South Vietnamese are making progress. You do see signs of them pulling out of the mess in which they are embroiled. Their troops are better now and are taking over more of the fighting, and their people show signs of wanting a better way of life."

Most of his time in Vietnam was spent in remote parts of the country. "I wouldn't get near a village or a town for months at a time." he says.

His artillery batteries fired 105mm and 155mm howitzers in support of infantry operations. "Sometimes we'd average 4,500 rounds in a 24-hour period for three or four weeks at a time," he says.

Sgt. Dewees entered the Army in January 1954. Within six months he was in Korea, where he served successively as a gunner with the 623rd Field Artillery Battalion, the 11th Field Artillery and the 13th Field Artillery Battalion during an initial 17-month tour.

After a one-year tour at Ft. Sill, with the 553rd Field Artillery Battalion, he moved with the battalion to Germany in July 1956 and stayed there for 2½ years.

Sgt. Dewees returned to Ft. Sill in 1959 and spent a year with the 2nd Battalion, 36th Artillery and later the 3rd Battalion, 36th Artillery as a section chief.

From August 1960 to September 1961 he served another tour in Korea, where he was a section chief in the 2nd Battalion, 76th Artillery.

Next he was reassigned to Germany and spent another three years there.

Mr. FULBRIGHT. Mr. President, on January 15 Sergeant Dewees spoke to the Rotary Club in Mountain Home, Ark. I think it is instructive to read what Sergeant Dewees had to say, as reported in the Baxter Bulletin of January 22, and remembering that he was acting as an official Army spokesman.

According to the Bulletin he "defended the aims of U.S. involvement in the Vietnam war."

I wish to quote a few paragraphs from the article:

South Vietnam, he said, is the place in which the Communists have chosen to fight a "war of aggression," and he stated that the objective of the U.S. is "the independence of South Vietnam, and that the people of South Vietnam be allowed to govern their own self in their own way."

"The conflict of this small nation bears a much greater significance—it involves the security of the United States and of the free world, because the North Vietnamese and the Chinese Communists are using this little war as a test case for their so-called wars of liberation," he said.

"There is still one more reason," he stated. "Around the globe there are people whose well-being rests in part that they can count on us in case they are attacked by Communist nations. To leave Vietnam to its fate now would shake the confidence of all those people in the value of an American commitment and the value of the American word."

He said that he "can't see where anything is going to be accomplished at Paris" (in the peace talks), and that he personally thinks "that this is going to be a war that will just phase out."

Mr. President, this is why it is hard to be optimistic about our course in Vietnam. This is 1970; we are supposedly committed to getting out of Vietnam. In President Nixon's own words at his most recent press conference:

Our goal of course is to end the war in Vietnam, preferably by negotiations, as quickly as possible.

Yet here is the Army still trying to sell the war to an American public, most of which has long since recognized that it had been sold a bill of goods.

It might not be news in our major metropolitan dailies and on the networks, but it is obvious that these representatives of the Military Establishment of our Government are still at work out in the country, pushing the same old policies ostensibly abandoned by the President himself and discredited in civilian circles.

Furthermore, the Army seems to be ignoring its own policies once again. Department of the Army message 703436, dated February 1968, "Public Affairs Policy Guidance for Personnel Returning From Vietnam," deals specifically with subjects that should or should not be mentioned in public discussion. These included the specific admonition that "personnel should not speak on the foreign policy implications of the U.S. involvement in Vietnam."

Sergeant Dewees, and a number of other Army speakers, appears to have been exempted from that policy.

Once again, I am not talking about "muzzling the military." I am talking about military men being sent around the country at taxpayers' expense to promote support for the war and to attempt to justify it on highly debatable political grounds. To relate personal experiences in the war zone in Vietnam is one thing; to interpret and defend policy is quite another.

Mr. President, I ask unanimous consent that the entire article from the Baxter Bulletin of January 22, 1970, be placed in the RECORD.

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

ROTARY HEARS VIET VETERAN

Addressing the Mountain Home Rotary Club, a war veteran who has the title of Army national speaker on Vietnam last Thursday defended the aims of U. S. involvement in the Vietnam war and related some of his experiences while serving two years in fighting zones as an artilleryman.

S/1c Carroll V. Dewees, who is assigned to the Army's field artillery training center at Fort Sill, Okla., is speaking on the war to audiences in Arkansas, Oklahoma and Texas, according to a news release from Fort Sill.

South Vietnam, he said, is the place in which the Communists have chosen to fight a war of aggression," and he stated that the objective of the U. S. is "the independence of South Vietnam, and that the people of South Vietnam be allowed to govern their own self in their own way."

"The conflict of this small nation bears a much greater significance—it involves the security of the United States and of the free world, because the North Vietnamese and the Chinese Communists are using this little war as a test case for their so-called wars of liberation," he said.

"There is still one more reason," he stated. "Around the globe there are people whose well-being rests in part that they can count on us in case they are attacked by Communist nations. To leave Vietnam to its fate now would shake the confidence of all those people in the value of an American commitment and the value of the American word."

He said that he "can't see where anything is going to be accomplished at Paris" (in the peace talks), and that he personally thinks "that this is going to be a war that will just phase out."

He said the bombing of North Vietnam was not successful because airmen "weren't given any targets that were essentially of any military value."

Asked if servicemen in Vietnam had been informed about the alleged My Lai massacre and if so, how the news has affected them, Deweese replied:

"Yes sir there's no doubt in my mind that they know it. How does it affect the guy on the line? Well, I think he realizes that there are going to be a certain percentage of civilians lost due to the act of war. Does the government realize that? Yes sir the government does realize this, and I think that the persons who are bringing this type of situation to light are in it for their own personal achievements and their own personal gains—monetary gains or what have you."

He said that "we've got to keep an open mind, inasmuch as the only people we have heard from has been the accusers. We have not heard any kind of cross-examination of these people or anything like that. And if there was a massacre there in My Lai it is a very isolated case."

He said that when soldiers are occupying villages and receive shots from doorways they return the fire, "and I think its just self-preservation speaking there. And there have been civilians killed, and there have been victims of war, and there probably will continue being that. In every war we've ever had there's always been victims of war as such. Civilians getting killed. And if Lt. Calley is guilty, then he's just one in a million. Because this doesn't happen. I know myself if I was given an order from anyone just to go out and shoot a woman or child I wouldn't do it, regardless of the circumstances. However, I do think that if the kid has a weapon and is shooting at me, I'm going to shoot him back. One thing that we fail to realize is that these women and children are probably more dangerous to us than a military-age personnel, because of the fact that you don't really suspect these people of bearing arms."

Deweese said he was confident that President Nixon "won't pull all of our troops before we are content that they (the South Vietnamese government) can carry and maintain" the war effort without U.S. assistance.

Asked why "we don't win that war, and win it now," the sergeant replied that this is "a very complicated subject, inasmuch as we are not there in Vietnam for a military victory."

"It is a political war," he continued. "And according to our commitment, our agreement, which was drawn up from the Geneva accords of 1954, we are there strictly as a deterrent to Communism and to aggression, and as a holding force, and we're not there for a military victory, because God knows, if we had been, we could have ended it up many, many months ago. However, this would have involved bombing out the north, and bombing out the Haiphong harbor and things like this, and of course you get into the subject of a massacre there, so our hands are really tied in the military."

Deweese said the quality of the South Vietnamese armed forces is improving significantly.

ATLANTIC SALMON IN DANGER

Mr. McINTYRE. Mr. President, I have recently been informed of a serious threat to one of our most precious species of wildlife, the Atlantic salmon. Unscrupulous fishing practices on the part of some nations, and the indiscriminate use of pesticides near the salmon spawning grounds pose a serious danger to the species' continued existence.

Americans must recognize that a threat of this magnitude must be countered before it is too late. Commercial fishermen, sportsmen, conservationists, and responsible government officials must cooperate in generating methods to maintain our salmon fisheries. The public, too, must be informed about the present dangers.

For this reason, I ask unanimous consent that an article from the Atlantic Salmon Journal be printed in the RECORD. I wish to commend Mr. John Dodge of Concord, N.H., for bringing it to my attention. It is my hope that my insertion of this article in the RECORD will bring it to the attention of many concerned readers and to Congress.

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

[From the Atlantic Salmon Journal, Nov. 2, 1969]

PROGRESS IN THE FIGHT TO SAVE OUR SALMON

(By T. B. Fraser)

All unknown to the decimated schools of salmon beneath the surface of the seas and bent upon precise navigation back to their home rivers two momentous events affecting their future took place in May and June of this year. Fortunately these determined fish could not know that depending upon the decision of a few score of two-legged mammals either their species would survive or would be doomed.

The first event was the meeting of the Northeast Atlantic Fisheries Commission (NEAF) on May 13 in London. At this meeting the United Kingdom, Eire, Norway, Spain, France, Iceland, Poland, the U.S.S.R., Belgium and the Netherlands voted to stop the taking of salmon in the convention area outside of territorial waters: Denmark, West Germany and Sweden voted against this. Portugal abstained.

The second event was the meeting of the International Commission for the Northwest Atlantic Fisheries held in Warsaw in early June. The countries voting to stop the fishing for salmon outside territorial waters in the Convention area were: United Kingdom, Canada, United States, Norway, Iceland, France, Spain, U.S.S.R., Poland, Italy and Romania. Again Denmark and West Germany voted against it and Portugal abstained.

The NEAFC majority vote could result in the cessation of the present massacre of Norway's salmon stocks. On a recent visit to Norway I was able to obtain the best available information on the long line operation by Danish, Swedish, German and Norwegian boats, fishing on the feeding grounds of the salmon from Norway's rivers, outside of Norway's territorial waters. In 1967 Danish vessels commenced taking salmon on longlines on a fairly large scale in the vicinity of the Lofoten Islands. In 1968 Danish, Swedish and Norwegian boats took a total of some 150,000 immature salmon, over a wide area extending from south of the Lofotens north to Nordkapp and from 90 to 300 miles from the coast. In June 1969 there were 93 Danish boats, 67 Swedish and approximately 200 Norwegian boats fishing for salmon with longlines.

Each boat fishes from 1,000 to 2,000 hooks at a depth of 45 feet, baited with sprat or herring. This means about 500,000 hooks are being fished through April, May and June for salmon. Fishing actually commences in February by some boats. At mid-June about 1000 metric tons of salmon had been taken, about one-third by Norwegian fishermen and two-thirds by the Danes and the Swedes. This represents over 2,000,000 pounds of young immature salmon averaging about seven pounds or some 300,000 fish. Norway's normal total catch of salmon before long-lining was commenced was about 400,000 fish, according to Liev Rosseland. The losses in longlining are not known. However, judging from the many hundreds of ugly longline hooks left in the jaws of escaped fish and found by netters and anglers, the loss must be heavy. One Norwegian fishery authority believes it is not less than 25 per cent.

Most of Norway's fish spend two or three years in the sea. Already the effect of the 1967 and 1968 long line fishery has had a serious impact on Norway's salmon stocks. Salmon are so scarce in Norwegian waters this year that the bag nets are giving up. Not enough salmon to pay their expenses. Their paper, the Aftenposten, recently reported:

"For the second year running salmon fishing with bag-nets along the coast of Nordland county in Norway has entirely failed.

"The quantities of fish sent to the market by these fishermen are quite insignificant and some of them have hardly got enough fish for the obligatory salmon dinner.

"If the fishing should not be better towards the end of the season, many of the fishermen will suffer considerable losses as their catches are not big enough to cover their working expenses.

"The bad result for this kind of salmon fishing comes along with the intensive fishing for salmon with baited line in the open sea and the owners of the bag-nets here see a clear connection. The result of the bag-net fishing was steadily increasing until the fishing with baited lines really started a couple of years ago, and then the fishing along the coast absolutely failed.

"Many of the fishermen with bag-nets have decided not to continue their work any longer and next year this fishing will be considerably reduced."

The salmon rivers of Norway are practically empty. Even the hatchery men are perplexed where they will find salmon to operate with.

A report from *Aftenposten* dated June 24, 1969 tells the sad story:

THIS YEAR'S SALMON FISHING AN ABSOLUTE FAILURE

An almost absolute failure is the characteristic of the salmon fishing on the rivers of Northern Norway in Trondelag and More og Romsdal. Typical of the situation is that on the Surna and Rauma so far only 40 and 30 salmon have been caught and on the Driva the number is even less.

On the Orkla only 30 salmon have been caught so far. The same is the case with the Gaula and the famous Namsen where very few salmon have been landed even on the best pools, the Vall and the Grong.

In More og Romsdal one cannot understand why the salmon fail to come. The height of the water and the general conditions have been just perfect for a good salmon season.

How much the salmon fishing has decreased can be shown in the catch figures: in 1966, 13.290 kg of salmon were caught on the Gaula River. The quantity the next year was decreased to 7.753 kg and last year to 5.466 kg, a reduction of 7.500 kg in two years.

The effect of the concentrated raid upon Norway's salmon by long liners in 1969 taking more than half of the normal catch will result in a further drop in stock in 1970 and 1971. If the high seas long line fishery is not stopped before the 1970 season I firmly believe Norway's salmon stocks will be depleted to the point of no economic return.

The loss of salmon to Norway is serious as the salmon catch has averaged in value over five years 27,000,000 kroners or almost $4,000,000. Norway was also hoping to increase her tourist fishing and vacation travel to their country. They have constructed some 200 salmon ladders at great expense since World War II, and opened up many new water courses and areas for salmon. Their salmon production has climbed steadily since World War II until 1968 when they were reduced by one-third because of the long line fishery. In 1969 there will be a much greater reduction in the salmon catch both for territorial nets and anglers. If this continues, a few salmon will undoubtedly remain but the bag-nets will cease to operate and anglers will forsake the salmon rivers.

It is difficult for the average reader to understand why Norway allows her own boats to participate in the long line fishery and help to destroy her salmon stocks by taking immature salmon along with Danes and Swedes. The reason is simple and obvious when you visit the Norwegian coast. With foreign boats right on the Norwegian fishermen's doorstep, taking their fish by hundreds of thousands and the Norwegians helpless to stop them, it is only human that they will also try to get their share while the fish last. They know so well that the Danes will take every salmon in the sea while there are any. The Danes and Germans contribute nothing to salmon conservation; however, the Danes are presently contributing the greatest effort to salmon destruction ever witnessed in history. The Norwegians know that the Danes are the fishing pirates of the sea. The Swedes have also had a sad experience with Danish inroads on immature Swedish stocks of salmon in the Baltic.

Anthony Netboy, in his book entitled *The Atlantic Salmon—a Vanishing Species?*, states: "It is estimated that one out of every four salmon now caught in the Baltic Sea is the product of a Swedish hatchery. Danish fishermen reap the largest share of the benefits." In the Baltic, as in the Atlantic, the Danes are being subsidized for each pound of salmon they are taking and reselling to other countries, including some of the salmon-producing countries such as the United Kingdom.

Let us look at the problem of the Atlantic Salmon over the whole Atlantic and forget, for this discussion and for simplification, that for political reasons the Atlantic is divided into east and west sectors. Let us set aside the separate entities, NEAF and ICNAF, and combine their membership and votes concerning the high seas fishery. The simple result is herewith given:

In favour of complete Ban on High Seas Fishery for Salmon in the Atlantic:

United Kingdom; Erie; Canada; United States; Union of Soviet Socialist Republics; Iceland; Norway.

France; Belgium; Spain; Netherlands; Italy; Poland; and Romania.

In favour of continuing the High Seas fishery for salmon in the Atlantic:

Denmark; West Germany; and Sweden.

(Portugal has abstained from taking any side.)

This is the up-to-date picture: Three countries who insist on the continued destruction of the Atlantic salmon, fourteen countries who would preserve the species. Two of the countries who wish to continue the massacre of the salmon contribute nothing to salmon conservation. By taking the fish produced by the salmon-producing countries they are capitalizing on other people's efforts and investment. It is for this reason I brand the Danes as the fishing pirates of the sea. As far as West Germany is concerned, we have reason to believe that this country knows politically it is wrong in opposing this conservation measure important to so many countries with whom they trade. However, their technical men are not of the same opinion and in this matter the technical men seem to have the strong hand rather than politicians. It is amazing to us that Sweden supports the High Seas fishery. Possibly it is in retaliation for the unfair inroads upon their Baltic salmon stocks sustained at great cost, half of which are taken by the Danes who contribute nothing. It is doubtful whether Sweden contributes any appreciable numbers of salmon to the Atlantic migrations. One can understand that because the Danes are taking half of the fish raised by the Swedes without regard to size as they are also doing in the Atlantic, the Swedes feel they can to some extent offset this loss by participating in a fishery that takes salmon raised by other countries.

Now let us turn to another great feeding ground of Atlantic Salmon discovered in the Davis Strait and Greenland. We have dealt with this so often in our columns already the summation will be brief. The Davis Strait drift net fishery commenced in a moderate way in 1965 with about 10,000 salmon. By 1967, the catch had reached 90,000, however in 1968, it almost doubled to 175,000. Tagging results have shown that about 55% of the fish originate in Canada and 45% in United Kingdom. In these proportions there may be included small numbers of fish from Norway and Sweden. I have estimated in 1968 Canada and the British Isles combined took about 600,000 adult of two and three sea-year fish. While all other commercial fisheries of salmon were down by some 25% in 1968 and the angling down much more, the Davis Strait drift net fishery doubled because of the greatly increased fishing effort. In 1969 there were 17 boats compared to 11 in 1967 for an increase of 55%. Additional boats and larger boats are now being readied for participation in the Davis Strait fishery for the fall of this year. Our dwindling stocks of salmon will be attacked by more boats from the Faroese, Denmark and Norway and the decimation could reach 300,000 fish—equal to the destruction of Norwegian salmon by long lines and equal to half of the adult salmon stocks of the British Isles and Canada. The Danes and their dependents, the Faroese, took 70% of the 1968 catch. It is not their intention to give up unless forced to. A high sea fishery, totalling close to 1,000 metric tons of salmon, 450 in Davis Strait in the Fall of 1968 and 400 tons off Norway in the Spring of 1969, representing some 250,000 fish taken in an immature stage and raised with great expense by other countries, is just too good to relinquish.

If the Danes do not heed the voices of fourteen other countries who fish on the high seas and continue their destruction of our salmon in an immature state, then independent or combined action must be taken by the salmon-producing countries. Political pressures and economic pressures must be studied and brought to bear upon the Danes before the salmon stocks of Europe and North America are completely destroyed. The salmon-producing countries, on both sides of the Atlantic, cannot afford any longer to subsidize the Danes on Atlantic salmon while they destroy the species. If we are to lose our salmon through their obstinate determination to continue the destruction of this important fish, we should think of reducing our imports of dairy products, fish and manufactured goods from them. Canada, the United States, United Kingdom, Eire, Norway, U.S.S.R. and Spain should consider the possibilities for action.

It must be pointed out that the Danish, Eskimos and Greenlanders have been taking over a four-year period, up until 1968, not less than an average of 350,000 immature salmon originating mostly in the British Isles and Canada. This fishery is within Greenland territorial waters and is completely outside of the jurisdiction of foreign countries. When the Danes have been forced to stop destroying the salmon on the high seas they will, of course, remain with this large remunerative fishery, the fish of which are subsidized almost to their selling value per pound to Greenland by the British Isles and Canada. It is rather ironical that the Greenlanders' catch fell by 40% in 1968 because of the increased catch by the Danes, Faroese and Norwegians in the Davis Strait before the fish reached the Greenland shores.

I shall not deal at length with the arguments advanced by the Danes and West Germans at the London NEAFC meeting and the Warsaw meeting of ICNAF. Their defence for their actions was entirely unconvincing—as demonstrated by the resulting vote. A statement made by the Germans at NEAFC and enthusiastically quoted by the Danes at ICNAF stated, in effect, ". . . that not even a sufficiently striking likelihood is at hand that the high seas fisheries are a serious threat to salmon fisheries as a whole."

The Danes expressed the opinion that the ban on high seas fishing of salmon might destroy the whole basis of cooperation in ICNAF. The International body, ICNAF, was set up to protect the various species of fish being exploited in the North Atlantic, and to insure that any species of fish would not disappear by over-exploitation. The Danes refuse to recognize this, as evidenced by their determination to take more and more immature salmon, regardless of the evident effects upon the salmon stocks and by their entire disregard of the warning resolution adopted in ICNAF, June 6, 1968.

If the Danes do not listen to the protests of fourteen countries against what they are doing, the alternative is for these countries to use any means thought desirable and effective to stop the destruction of the Atlantic salmon. If they will not be convinced as a member of ICNAF, they must be dealt with in another manner that will be effective outside of ICNAF.

Denmark and West Germany will not recognize that the Atlantic salmon is a fresh water fish of necessity born in fresh water and living the greater part of its life in freshwater and capable of existing entirely in fresh water. The fact that it migrates to sea as does a steelhead or a trout, does not make it a salt water fish, and it cannot be treated in the same way as a cod or haddock. The salmon can only survive in this day and age by spending large sums of money for its protection and propagation in fresh water. In North America we are spending 73 cents per pound for every pound of salmon taken by us. If half of the total catch of Greenland and in Davis Strait is included (Canada's proportion) we are subsidizing the Danes and Greenlanders by 57 cents per pound for every pound of our salmon taken.

I say to you reader, angler, commercial fisherman and conservationist, lend your support and give your time and influence to stop this indiscriminate massacre of the Atlantic salmon, spearheaded by Denmark.

PRESIDENT'S BUDGET MESSAGE

Mr. ALLOTT. Mr. President, Congress has now received the President's budget message. In the weeks and months ahead, much will be said about its various provisions.

For the moment, there are four points to be made about the broad outlines of the budget. Three of these points are pleasant. The fourth point is depressing.

First, this is a balanced budget. If the President's recommendations are followed, the Government's income and outlays will balance.

In recent years the balanced budget—in Government and in the home—has become a cultural rarity. The Government has been reluctant to balance its budget and, thanks to excessive Government spending, inflation has made it hard to balance the family budget. Thus we salute the balance of this budget.

Second, in another sense this budget represents a restoration of proper balance in American spending. It represents a decisive shift in the relationship between military and nonmilitary spending, a shift in favor of nonmilitary programs. It has been 20 years—two full decades—since the Defense Department has been promised such a small share of Federal expenditures. This is the reality, not the mere rhetoric, of reordering national priorities.

Third, this is a candid budget. No one is happy to see the inexorable rise of Federal expenditures bring America its first budget in excess of $200 billion. But we can take some satisfaction from the fact that the President has not tried to hide the truth from the American people.

It would have been possible for the President to fiddle and fudge the figures sufficiently to bring the total, on paper, down below $200 billion. This might have been politically advantageous for the President. But he rejected this duplicity—the sort of duplicity that has not been absent from budgets in recent years—and thus provided another example of candor that is helping restore trust between the citizens and their Government.

The fourth and final point I wish to make about the budget is less cheerful.

This budget provides for a $7.2 billion rise in its uncontrollable part.

In the budget for fiscal year 1969 uncontrollables comprised 64 percent of the budget. In 1970 they comprised 66 percent. In the proposed 1971 budget they comprise 69 percent.

Let us not mince words. Control of spending, control vested in Congress by the Constitution, continues to slip away.

This country was founded by men who waged revolutionary war in defense of the principle that representatives of the people should be in immediate charge of spending the people's money.

For years we have allowed our attachment to this principle to atrophy. For years we have witnessed the erosion of congressional responsibility in spending matters. And for years we have joined in lamentations about the diminishing power of the legislative branch, relative to the executive branch. To paraphrase the lean and hungry Cassius, the fault is not in the stars but in ourselves that we are embattled.

Reversing this slippage of congressional responsibility will not be easy. It is urgent.

OIL SHORTAGE IN NEW ENGLAND

Mr. McINTYRE. Mr. President, on Wednesday of last week representatives of the Independent Terminal Operators of New England met with Assistant Secretary of the Interior Hollis M. Dole in an attempt to avert an impending shortage of home heating oil in New England. They requested that the Oil Import Appeals Board allocate to them sufficient oil to ward off any danger of an emergency arising.

To date, no action has been taken on their request, notwithstanding either the seriousness of the present situation or the precedent for such action at the time of a similar crisis in February 1968.

In order to underscore my concern over the situation I sent the following telegrams last Friday to Secretary of Defense Laird and Secretary of the Interior Hickel:

Hon. MELVIN LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.

Request immediate release of 10,000 b/d of unused Department of Defense finished product quota to Department of Interior. This allocation urgently needed for use by oil import appeals board to make emergency assignments to forestall supply crisis in the New England area. Peak crisis expected within two weeks. Added supplies essential to prevent shortages, dislocation and extreme hardship this winter season.

Hon. WALTER J. HICKEL,
Secretary of Interior,
Department of Interior,
Washington, D.C.

Strongly support request of Independent Fuel Terminal Operators Association made Wednesday to your Department. Urge that action be taken immediately to assign additional 10,000 b/d of home heating oil to Oil Import Appeals Board for allocations to prevent severe supply crisis within the coming weeks. Such action will involve no breach of 12.2% formula and there is no justification for delay in face of critical need.

Mr. McINTYRE. Mr. President, it would be a tragedy if New England were to experience a shortage such as now is threatened, especially when it would be so simple to prevent this from occurring.

A COORDINATED ATTACK ON POLLUTION

Mr. HARTKE. Mr. President, there no longer seems to be any shortage of volunteers for the fight against pollution. Large numbers of Government officials, students, housewives, spokesmen for industry and labor, to name only a few categories of concerned citizens, have clearly indicated their readiness to take effective action. What we now so badly need are an effective strategy and a firm commitment of economic resources. I believe both will shortly be forthcoming.

A major contribution to the devising of an effective strategy was made only last week by an Indiana industrialist of the first rank, Mr. Richard B. Stoner, vice chairman of the board, Cummins Engine Co., Inc., Columbus, Ind. In brief, incisive language, Mr. Stoner outlines the steps that must be taken by industry and Government if we are to have a truly coordinated attack on the massive problem of environmental pollution.

I warmly commend Mr. Stoner's remarks to the attention of the Senate and ask unanimous consent that they be printed in the RECORD.

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

DEVELOPING TRANSPORTATION FOR THE SEVENTIES

(By Richard B. Stoner, Vice Chairman of the Board, Cummins Engine Company, Inc. Columbus, Ind.)

I wonder how many of you saw a full-page advertisement that appeared in the "News in Review" section of the New York Times on January 18? It was headed "April 22: Earth Day." It said "a disease has infected our country. It has brought fog to Yosemite, dumped garbage in the Hudson, sprayed DDT in our food, and left our cities in decay. Its carrier is man."

Sponsor of that ad is an organization called "the environmental teach-in," which says April 22 "is a day to challenge the corporate and governmental leaders who promise change but who shortchange the necessary programs."

A few days earlier, on January 13, the Times carried a report issued by Mayor Lindsay's task force on noise control, let me summarize one portion.

One of the first moves will be against truck and construction equipment noise. As for trucks, attempts will be made to lower the 88-decibel limit the state of New York now prescribes.

The report says anything above 85 decibels is where injury begins; and California, the leader in sociability standards, has already set standards for 1973 at 86 decibels.

Do you know whom both the ad and the report are talking about?

They are talking about us!

And we had better listen!

And, we had better take action!

Our industry is either going to fulfill its moral obligation to lead the way in minimizing the threat of air, water, waste, and noise pollution in this decade or the people, led by our youth, will force the government to enact legislation which requires us to do the job we will not do ourselves.

All of industry is about to be caught again with an inadequate response to those problems that affect the human environment—health, hunger, security, to name three.

For most of us who have operated effectively with the clear economic goal of producing a competitive product at the lowest possible cost, a new phrase—sociability—is about to become the planning "goal" of the 1970's. Never before has this country entered a new decade with such a clear-cut technological challenge. We must clean up our environment.

So remember that word, "sociability." It means making our products, our industry, our company, or plant operate in such a manner that it is acceptable to the public—that it is not too noisy; that it is not unhealthy; that it does not emit offensive odors; and that it does not sting the eyes.

Sociability has real meaning to us today as we recognize that stopping pollution is the number one technological challenge to the transportation industry in this decade.

This is the thesis of my remarks today because transportation vehicles are the number one contributor to air, noise, and esthetic decay. Emissions from vehicles make up over half of the contamination in the air over the United States. To a great extent, our success in cleaning up our products will determine the improvement in environmental quality throughout the country. The 100 million automobiles, trucks, and buses on America's highways spew more than 66 million tons of carbon monoxide, one million tons of sulfur oxides, six million tons of oxides of nitrogen, 12 million tons of hydrocarbons, and one million tons of particulates annually into the air we breathe.

In addition, the smoke, dirty water, and industrial wastes from our production facilities, our foundries, and even our office complexes are tainting the air we breathe, the water we drink, and the sources of food we eat.

Admittedly, pollution has been with us as long as time itself. The American Indian had little need to be concerned about the polluting effects of his smoke signals. But, as population has increased, as we have become technologically more sophisticated, as consumers have demanded more convenience products in nonreturnable containers, and more powerful engines, and as we have moved together into huge urban areas, man has emerged as a threat to his own environment.

The transportation industry has responded to pollution about as well, but no better, than all of industry. Until just a few years ago, we were not greatly concerned with engine exhaust emissions. The problem was concentrated primarily in a few highly populated industrialized areas.

Then, California's smog problems became so great the State government was forced to issue the first automobile exhaust emission standards. If you will recall, the industry and general public reaction was less than enthusiastic. We protested costs would be too high, the time requirements were too short, and the standards were impossible to achieve. Yet, today, we are rushing ahead, successfully I might add, to meet the latest Federal standards which until recently we also had criticized as too costly, too restrictive in time to achieve, and, yes, even impossible to achieve.

The latest Federal or State of California standard became our next target. And, this is why the transportation industry has not solved its pollution problem. Our goal must become the reduction of engine emissions and noise to the lowest possible level which technology will permit.

Our technical staff at Cummins is confident the technology can be developed and applied within this decade which will eliminate the problems of internal combustion engine emissions and noise in environmental quality. We can achieve this goal if our industry is prepared to commit itself to solving the problem. Dramatic improvements must and will be made in the next two or three years.

The emission control effort will be massively expensive. The many millions already committed to the program by the automotive industry will seem almost insignificant when the total cost is added up.

And, all of us will pay. Increased costs will not stop with the manufacturer. Equipment purchasers and finally the ultimate consumer will feel the cost of the emission control effort. This is not because manufacturing costs will be passed along in their entirety. It is primarily because high horsepower-to-weight ratios and high engine performance and low emissions are not necessarily compatible according to our present understanding of the state of the art.

Where we have historically emphasized high horsepower engines to pull heavier loads and lighter, smaller engines to permit more freight to be hauled, we now may be talking about bigger engines with lower horsepower. This could require more trucks to haul the same amount of produce; consequently, higher freight charges to keep trucking profitable and, thus, more costs to the consumer. I choose this illustration to point up the inescapable fact that all of us—producers and consumers alike—will share in the added cost of emission controls.

WHAT MUST BE DONE?

Somehow out of today's rhetoric must come not just governmental pledges, nor industry programs, but a national commitment to improve environmental quality. Most of us as consumers will have to change our life style. Protection of our environment must become a personal cause of highest magnitude in the everyday lives of tens of millions of Americans. President Nixon in his state of the Union address said, "Each individual must enlist if this fight is to be won . . . It is time for those who make massive demands on society to make some minimal demands on themselves."

In this growing effort Government can provide guidelines and help define priorities, but it is those of us in industry who must take on the leadership role and commit, now today, both our human and financial resources to guarantee, as the President has requested, that: "Clean air, clean water, open spaces—these should once again be the birthright of every American." Surely, if we have the brainpower and resources to put a man on the moon in the short span of ten years, we can bring our environmental violations into tolerable limits within a similar time span.

INDUSTRY'S ROLE

There is a jarring truth to Newsweek's statement that "until a few years ago, fighting pollution ranked somewhere below giving to charity on the list of corporate priorities." We have this black eye because we have not led in the control of pollution. And, we have not given sufficient attention to the harm our manufacturing plants and products are having on the quality of our environment.

There is, however, a growing movement among responsible industrialists; and, if the effort can be expanded and maintained, I am confident we can have clean air, pure water, and decent living conditions for all people.

As a first step in industry's commitment, all of us must take whatever action is necessary to stop noise, air, water, and waste pollution resulting from our manufacturing processes. The technology is available and it must be put to work. The cost will be enormous and it is likely that some industries will need governmental assistance and incentives. Unfortunately, some enterprises will not survive, but that is a necessary cost.

Second, sociability must become a priority design criterion in planning all new products, plants, and services.

Third, those of us who produce products that pollute must modify present product lines so they are as emission-free as society requires. Products which cannot be modified, must be abandoned and replaced by new ones with a high sociability factor. Cost considerations must be secondary to health and safety.

Fourth, industry-wide cooperation in reducing pollution must override competitive considerations. I am pleased to be able to tell you that cooperative studies to develop meaningful test procedures to measure the emissions from diesel engines are underway through the engine manufacturers' association and in conjunction with the State of California. I will be gratified if the association can go to Washington with a recommendation that stricter standards be applied. This will be the kind of positive leadership our industry should provide.

Fifth, industry must fund more basic research to develop new technologies which go beyond those presently known. We have great faith in the adaptability of the internal combustion engine. It has served man well over the years; and, if we are as creative in making social improvements as we have been in improving its efficiency, we can extend its useful life for years to come.

However, and this is very important, if the technology cannot be found, we must be prepared in fact to bury our old friend (as University of Minnesota students did recently at a campus demonstration when they buried a gasoline automobile engine) and replace it with a new, less offensive power plant. Presidential Science Adviser Dr. Lee A. DuBridge cautions that "such a power plant however, has not yet been invented, or at least has not yet proven to be reliable, economical, or capable of the high performance required."

GOVERNMENT'S ROLE

Government's primary role is to make pollution a priority public issue of our decade and to provide incentives and, where necessary, requirements for industry to meet its responsibilities to eliminate pollution as a threat to the Nation's survival.

This role should be implemented as follows: First, economic incentives should be devised that encourage all industries, large and small, to accelerate their anti-pollution efforts—the idea being to make normal economic factors provide the Nation with the direction so urgently needed in the conservation task ahead of us.

Second, we would also favor the establishment of a Federal program of penalties for those who pollute, whether it be the producer or the end user, if he is at fault. Income from a pollution tax could be used to fund research, pollution control devices, and purification systems for the good of the entire community. Senator Proxmire has introduced a bill that would levy a Federal "effluency fee" of 10 cents per pound for industrial wastes emitted into the Nation's rivers. A similar fee system could be developed for engines with emissions measured at the time of annual licensing and a punitive fee schedule used for emissions of various kinds. When the consumer realizes it costs him more to own a product that pollutes or he will be fined if he deactivates the emission control device on his engine, he will demand and maintain a clean product.

Third, we recommend the Government reallocate present funds earmarked for development of low-emission engines into more productive channels. Industry has the proper economic incentives to develop sociable products and industry will get this job done.

More appropriately, Government should be funding studies to determine what levels of pollution we can tolerate and maintain a good environment, thereby determining the standards required. Also, we are not well enough informed on the interactions of various emissions, especially their tolerability as they affect health and living conditions and the rate at which the atmosphere cleanses itself. These studies should lead to specific emission parameters. Industry does not have the facilities for such ecological determinations. These are governmental responsibilities of the highest order.

Government's efforts must be coordinated and not diffused through establishment of inefficient and ineffective offices in a number of Federal bureaus. The effort must be singularly directed and receive the top-level attention the problem demands.

Fourth, while industry should set the pace, Government must make it possible for industry-wide cooperation to be carried out without fear of antitrust violation. In other words, we must be able to "swap information" in the public interest. Cooperation between Government and industry is imperative in setting targets and meeting new standards.

CUMMINS' COMMITMENT

Cummins Engine Company's commitment is to eliminate, to the extent technically feasible, the pollutants, noise, and wastes resulting from each of our plant operations and all of our products. We will do this job as quickly as possible. We will take this action, not waiting for an adjustment in Federal requirements or incentives, but in an attempt to fulfill our responsibility to improve the quality of our environment.

Diesel improvement starts with an engine that already has emission characteristics superior to most vehicular engines in use today. The diesel is inherently low in unburned hydrocarbons, a principal contributor to chemical smog, and carbon monoxide, a known poison. Both are major concerns in gasoline engines, although the automobile manufacturers are well along the road to solving these problems.

We are funding an accelerated program for the development of clean and quiet engines, including new power forms. Cummins has adopted emission control standards more severe than any current governmental standards as design criteria for all new products. Our ultimate goal is to produce engines that are completely socially acceptable. By this we mean that engine emissions and noise will no longer cause problems of environmental quality. An immediate target is to reduce smoke substantially below the present Federal smoke standards, thus removing diesel smoke as a nuisance. We will apply this new target across the broad spectrum of our power applications—off-highway uses in construction, industrial, and marine equipment as well as on-highway truck engines. To achieve this further improvement of our engines will require changes ranging from minor modifications and substantial increases in the number of turbocharged engine models to the possible elimination of some engine models and development of new engines to replace them.

Our technical center staff is currently studying promising techniques of emission and noise control and is hard at work exploring new techniques.

These clean engine commitments have been made with the full realization that the risks involved may include:

Reductions in profitability;

Increased capital investments;

Increased initial investment for the customer; and

A massive educational job to sell the new concepts and their importance to customers and operators.

Beyond product research and development, Cummins has placed in the 1970 capital budget substantially increased funding for an accelerated program to begin the clean-up of all of our plant operations. We will cooperate fully with each of our plant communities in the solution of the solid waste disposal problem.

Frankly, we are not in a position to brag about these decisions. We should have made them years ago. But it is important to understand that Cummins has made the basic commitment to go as far as we can in eliminating contamination of our environment, not just meeting federally imposed standards.

We hope others will join us in this commitment because we concur with Philosopher Lewis Mumford's observation that: "Any square mile of inhabited earth has more significance for man's future than all of the planets in the solar system."

HUNGER IN CINCINNATI

Mr. McGOVERN. Mr. President, I wish to remind Senators of the great contribution which American journalism has made to the effort to eliminate hunger in America. Without the hundreds of fine articles reminding America of the hunger and despair of millions of her poorest citizens, little could have been accomplished.

Typical of these articles is Margaret Josten's series for the Cincinnati Enquirer on "Hunger in Cincinnati." I ask unanimous consent that her perceptive account be printed in the RECORD.

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

[From the Cincinnati Enquirer, Dec. 7, 1969]

HUNGER IN CINCINNATI—A TRAGIC REALITY—IT DOES EXIST HERE

(By Margaret Josten)

The door to the third-floor apartment Over-The-Rhine was opened by a young woman wearing a filthy blood-stained smock.

Only 24 hours before, she had given birth to a baby at General Hospital. Against the hospital's advice she had come home—bringing with her the baby girl, now sleeping peacefully in a torn plastic basket on the floor.

Three older children were in school. Among those at home was an undersized boy of six. He had backed into the space heater two days before his mother went to the hospital. The large untreated burn on his bare back was covered by a thick festering film. There were signs of inflammation around it.

"When I start to feeling better, maybe tonight, I'm going to take me a brush and scrub off the top of that sore with some good soapy water," his mother said.

Two little girls tore quietly at slices from a loaf of white bread sitting on a dilapidated chair. It was about noon—and that, apparently, was all they were going to get for lunch. The boy with the burn seemed unaware of the need for food. He just sat on the bed—staring out of the dirty window.

The woman did not want to talk about her menus. All she would say was that she had been unable to buy food stamps that month because she had to get shoes for the children in school. She said they were on welfare—but that her husband was out daily looking for a job.

A few doors away a terrible racket could be heard from the littered alleyway doorstep of another apartment. A straggly-haired pregnant woman opened the door.

She screamed at six children scrambling about at the kitchen table and the three broken chairs surrounding it.

"Shut up you little ———," she shrilled.

A pot of oatmeal stood upon the dirt-encrusted stove. When one child finished eating his bowl of oatmeal, another snatched away the dish and spoon. Without washing either, the child would get himself his "lunch." There was no sugar, no milk.

The husband, who is employed gives his wife $15 a week for food. There are 10 children in all—including the illegitimate baby of the oldest daughter, 15.

Several of the children should be in school. But they do not have shoes. A little girl of three, running in and out of the door, had a deep cut on the bottom of her foot. The foot was black with dirt.

In another tenement building a tired-looking woman of 38 prepared a dish she claimed tasted "just like hamburger."

She browned in sizzling lard some balls compounded of cooked oatmeal, onions, salt, pepper. Over that she poured a can of tomatoes.

That was "hamburger"—a change from the usual macaroni and beans served to her three children.

The divorcee living on a pittance provided by her former husband, refuses to let the children take part in the free school lunch program. Instead, they carry sandwiches made of apple butter and mayonnaise to school each day.

A girl of 11, bony and skinny, suffered from a disfiguring rash, the cause of which had yet to be diagnosed. The boys complained about not getting enough food.

Up on the fifth floor of the same tenement a heavy woman piled dirty clothing into an ancient washing machine that moved at a desultory pace. A pale three-year-old boy watched with lackluster eyes.

She said she'd wash his clothes, too, a suit coat and a pair of pants, but she was afraid they'd shrink if put into water.

This woman also was reluctant to discuss the food she served her seven children. After some nudging, however, she said she mainly cooked beans, potatoes and cornbread. She said the children did not like the kind of cornbread she made herself, so she buys a "mix" that costs 12 cents a box. She usually has to skip the egg that is supposed to go into the mix.

She is a widow. Her income is from her husband's Social Security, supplemented by welfare. "Food stamps cost too much," she complained.

Scenes like these are duplicated a hundred times Over-The-Rhine, once a staid and solid German settlement where placing good and nutritious food upon the table was a major preoccupation of the hausfrau.

To color the picture even more desolate, such scenes are not confined to Over-The-Rhine. They can be seen in Avondale, Walnut Hills, the West End, the East End, Mt. Auburn, as well as other places.

Malnutrition, if not outright hunger, is a fact in Cincinnati.

It is not the kind that produces the distended bellies and the sunken ribs seen in photographs from warring countires and our own southern states.

Rather it is the kind of hunger that produces lethargy, listlessness . . . the kind that brings about what some researchers claim is a hindrance to brain development or damage to the central nervous system . . . the kind that makes children drop out of school, adults lack the incentive to work . . . the kind that brings on a variety of diseases.

Dr. Richard C. Bozian, who heads a University of Cincinnati Medical Center team working on problems of nutrition, has some idea of the extent of the problem in Cincinnati.

He estimates that at least 15% and maybe as much as 25% of Cincinnati's population in socio-economically deprived areas would be suffering from malnutrition of some type—iron, protein, calcium, vitamin A, vitamin C.

It is generally felt that about one-fifth—or 100,000—of Cincinnati's population is living below the poverty level. Dr. Bozian's estimates would mean, then, that as many as 25,000 Cincinnatians could be suffering from the lack of proper food.

Nobody has taken a survey here. But Dr. Bozian says there is no reason to believe that Cincinnati's malnourishment rate would be different from that of any other urban area.

The White House Conference on Food, Nutrition and Health, meeting last week in Washington, conceded in a general way that hunger and malnutrition in the United States were due mostly to poverty.

How can a family living below the poverty level purchase enough of the proper foods conferees asked.

But Dr. Bozian feels that malnutrition is due more often to ignorance than to poverty.

A national survey in which his department participated frequently would find in particular poverty pockets, black or white, families with perfectly healthy children living next door to families with children suffering severe cases of malnutrition.

"When income is low it takes magic to get an adequate diet, but it can be done," the assistant professor of biological chemistry and associate professor of medicine emphasizes.

[From the Cincinnati Enquirer, Dec. 8, 1969]

HUNGER IN CINCINNATI—HAMBONE USED AGAIN, AGAIN

(By Margaret Josten)

Authorities decided to make an investigation after the nine-year-old boy had fainted several times in school.

Mrs. Pauline Robinson, area co-ordinator of East End Neighborhood Services, Seven Hills Neighborhood Houses Inc., was dismayed when she visited the boy's home on Eastern Avenue. That was on a Thursday.

Since the weekend before the family (a man, a woman, three children) had been existing on the broth from a hambone. "They'd been boiling it over and over again," she said, adding, "That hambone really looked sick."

The father, older and ill, was receiving a veteran's pension of about $46 a month. The mother was almost illiterate. "If they hadn't had a youngster in school it might have gone on for God knows how long," Mrs. Robinson added.

She got some emergency food for the family. Then, after another agency had got the father into a hospital, the mother packed up the children and went back to the hills of Appalachia.

They had come here in the first place seeking a better way of life.

Mrs. Robinson believes there are many people who will not admit to being hungry.

"Sometimes you go into a house and they don't tell you they're hungry," she says, adding, "I think there is quite a bit of hunger here and we don't know about it."

Various others say the same thing—that the worst cases of hunger and malnutrition probably never come to the attention of authorities.

Ignorance would be one reason. Pride would be another. Lack of knowledge of the resources available in a city like Cincinnati would be still another. Poverty would be the overriding reason.

East End Neighborhood Services (along with other agencies) is used to getting calls for emergency help around the end of the month when money and/or food stamps run out.

After the third such call, East End Neighborhood Services sends somebody into the home to help with budgeting.

The nuns at one Cincinnati convent get pleas for food from as many as 150 families at the end of each month.

Food handed out by the nuns is mostly donated by local commission houses, bakeries, dairies.

The nun in charge asks that the name of the convent not be publicized. "We have a hard time taking care of the people we have now without having more calling upon us for help," she says.

What are the effects of the malnutrition that could be afflicting as many as 25,000 Cincinnatians?

The Rev. William M. Sicking of St. Paul Church, 1117 Pendleton St., located in the midst of an area that has a large percentage of clients on one or another type of welfare, notices the children mostly.

"The youngsters in our area show lethargy, inability to compete at games. They have a lot of respiratory diseases (due to lack of vitamin A). The doctor who has a clinic in our building says there are a lot of sick children in the area due to malnutrition."

Father Sicking said the lethargy due to malnutrition was particularly noticeable among the young of the West End, where he once was stationed.

"The wrestling team came down from St. Xavier. Our kids couldn't take it. They would peter out after a very short time. If they experienced any lengthy type of physical work an hour was about all they could take."

Anemia is seen frequently by Mrs. Lois Wilkin, nutritionist for the Cincinnati Health Department. She also sees the kind of obesity that is produced by eating too many starchy foods.

Mrs. Gertrude Morris, head of the Visiting Nurses Association, told of a tuberculosis victim unable to improve because her diet was so poor.

The TB victim is 39. Her son is 10. The woman receives $96 a month in Aid to Dependent Children. She pays $36 a month for her apartment on John Street. The mother could get $44 worth of food stamps but it takes an outlay of about $28 in cash to buy them. She feels she doesn't have the $28 to spend that way.

"These people simply don't have enough to eat," Miss Norris said.

"Tuberculosis patients should have meat, milk, vegetables, fruits. But this patient usually buys the starches, the cheapest of foods. She needs meat to heal the lesions of TB."

The importance of good nutrition for brain development in infants and young children is emphasized by Mrs. Shirley Ekvall, director of nutrition. Hamilton County Diagnostic Clinic for the Mentally Retarded and the Children's Neuromuscular Clinic.

One of the biggest problems in Mrs. Ekvall's eyes is the child who skips breakfast, then "snacks" on soda pop and sweets.

This kind of eating can be seen throughout the city's slum areas.

[From the Cincinnati Enquirer, Dec. 9, 1969]

HUNGER IN CINCINNATI—HORRIBLE TALES UNFOLD IN HUNGER PROBE

(By Margaret Josten)

The elderly women, partially blind, lived alone in a three-story walkup on Vine Street. "Sometimes you couldn't see her walls for the roaches," said the dietitian who tried to help her get better food.

Miss Elizabeth Kircher of the YMCA's Senior Services Project administrator of a food program for the elderly that is Federally funded through Hub Services Inc., did her best to convince the old woman that she wasn't eating properly. But her talking got her nowhere.

"She was sending a little boy who stopped by occasionally to buy her baloney and soup. He charged 50 cents each trip he made . . .

"Because she couldn't see she was putting the soup into a pot that had roaches in it. I thought maybe if I just blurted out the truth—'there are roaches in your soup'—it might change her mind.

"She told me they weren't roaches, that they were pieces of chicken. And here I could see their legs moving. This made me sick."

The old woman's sister had died of malnutrition after being taken to General Hospital from the roach-filled apartment.

Then there was a man in his 90's, beard flowing down his chest, who lived alone in a shack-like place behind a used furniture store on Race Street. His only food was hot dogs brought in by an employee of the store. "He was really hidden from the rest of the world right on Race Street," Miss Kircher said.

The young dietitian had more luck with him. She got him to agree to sign up for the food program. Now a hot meal is being taken to him once a day. Deliveries were made in the beginning with some trepidation—for the old man, nearly blind, keeps a pistol to protect himself from intruders. He also has a "pet mouse," which really is a rat.

Miss Gertrude Morris, head of the Visiting Nurse Association, a Community Chest agency, told of an elderly woman on Social Security who more than likely starved to death.

The woman received $61 a month, paid out $20 in rent for a two-room apartment. She was emaciated. Her daily intake of food consisted of one egg and milk for breakfast; broth and chocolate milk for a combination lunch-dinner.

Finally she was taken to Drake Hospital, where she died a few days later. "The death certificate says heart disease," Miss Morris noted. But she asked, "Don't you think she just starved to death on that kind of diet?"

Another woman, 79, living on $97.50 a month, paying $32 rent, doesn't have enough to eat. In addition, said Miss Morris, the woman is quite ill. VNA is trying to get her into a nursing home or hospital.

"This is the kind of thing we're running into all the time with people on such meager incomes," Miss Morris pointed out.

"They don't eat properly. Part of it is they maybe don't have the money or not eating becomes a habit. The 79-year-old woman has just fallen. The nurses are very afraid something is going to happen to her."

Fred A. Forney, director of the legal services project funded under the antipoverty program, found an elderly husband and wife in Walnut Hills who were "actually starving."

They were Social Security recipients. When the man earned over $1600 a year they were cut off SS to make up the back payment. The couple lived for about six months on meager savings. The savings ran out.

Legal services had the couple apply for Aid for the Aged, but they couldn't qualify because of Ohio residency requirements. The Hamilton County Welfare Department had to follow the Ohio statute on residency, even though the U.S. Supreme Court had ruled out residency requirements. So Legal Services filed an injunction action against the Welfare Department—and won.

"I think welfare wanted to help them all the time, but couldn't," Forney said.

The Rev. William M. Sicking of St. Paul Church, 1117 Pendelton St., was reminded of an elderly man who fell from a step ladder during a fainting spell. The doctor advised him to eat a lot of beef.

"The man came to me and said, 'Father, I can't afford to eat beef. Four days ago we had a little hamburger. How can doctors do that to you?' "

Stories about hungry malnourished old people, leading lonely lives in rabbit-warren tenements, are easy to find in Cincinnati.

Either they do not have the money to buy the food or they do not have the will or the strength or the means to get it. Sometimes they simply do not have the facilities to cook the food if they do have it.

The Food Service project, headed by Mrs. George Costello, has been a tremendous answer to the problems of many of the aged. But it operates only in Northside, Over-the-Rhine, the West End. The aged live lonely lives all over town.

Mrs. Costello has had requests for meals from throughout the city, but can grant them only in the areas served.

"When the Federal grant is up we hope somebody in the city will take over," Mrs. Costello said.

"The program isn't self-supporting. People pay what they can, which often doesn't cover half the costs. Baltimore has 10 kitchens to feed the elderly. Maybe Cincinnati doesn't need that many, but we could use four or five . . ."

[From the Cincinnati Enquirer, Dec. 10, 1969]

HUNGER IN CINCINNATI—THEY'RE AFTER FOOD—FOOD FOR NOW, FOR CHRISTMAS

(By Margaret Josten)

The Salvation Army's waiting room on Central Parkway was so jammed with people that they were spilling out onto the sidewalk.

"It has been like this since 8 a.m." Miss Kathleen Hughes, director of the Army's family services bureau, said, adding, "All of our case workers and volunteers are working as fast as they can to process them."

Why were approximately 60 people waiting to talk with a caseworker or volunteer?

They were after food—food for now, food for Christmas.

"Because of the large sums of money expended on programs to combat poverty the average taxpayer must question the credibility of claims that people are hungry," Miss Hughes explained.

"It is not generally realized that these programs (tax-supported) do not provide food. Because the Salvation Army is the most liberal of the private agencies in providing for material needs of people we have many requests for food."

Miss Hughes then gave some revealing figures on requests for help to the Salvation Army.

In 1966, 1187 families applied for help, largely help with food. A total of 1353 families applied for Christmas help; 195 families for Thanksgiving dinners.

In 1967, 1729 families applied for general relief. A total of 1441 families applied and were given help at Christmas. Thanksgiving baskets were given to 161 families.

In 1968, 2579 families asked for help. At Christmas, 1587 were aided; at Thanksgiving, 188 were helped.

"Would this number of families come asking for help with food unless they needed it? Why are so many families in need of food?" Miss Hughes asked.

She supplied what could be the answers, although she cautioned that nobody knows everything about the subject.

Unskilled people are vulnerable to crises. They are the first to be fired. They have the least resistance to illness, the least capacity to insure against loss.

The problems of urban living may have much to do with the situation.

Children "look down their noses" at the packed lunch, and children of low-income families are particularly vulnerable to such community pressures.

People tend to overextend in the area of credit. The low-income family is equally vulnerable, but has less resource to extricate itself from debt. Consequently debt payments take precedence over food.

There are poor food habits, too. Many rely upon soda pop and crackers rather than balanced meals. Children are given too much money for such items. Children of low-income families are influenced by the "now" generation.

Miss Hughes concluded: "I would say there is hunger. There is malnutrition. There are poor food habits. Stereos have become more important than vitamins. But this is an era where an eight-year-old can come home, peek at which is being prepared for supper and decide he doesn't like it, so he's going out to buy a sandwich."

Dr. Louise Rauh, professor of pediatrics at the University of Cincinnati Medical Center, called it "tragic" that welfare does not teach people how to use money, particularly how to balance their budgets so they will get decent diets.

Food stamp stores operated by the Hamilton County Welfare Department do distribute pamphlets based on the best food buys of the month. The pamphlets also contain low-cost recipes—such as what to do with hamburger to make it more paltable when served frequently. Whether the majority of people use their suggestions is not known.

Welfare officials make it clear that they would like to do more counseling with individual families. But when one caseworker has as many as 150 families a month to visit, there's not much time to talk about budgets and good cookery.

"It's a shame we can't do more individual work with them," John Stubenrauch, head of the food stamp division, said recently.

It depends upon the family whether or not food stamps can do the job, Stubenrauch added.

Some families may buy steaks the first day of the month. Then, at the end of the month, there is nothing left. The family calls the caseworker to ask for an extra voucher, or goes to a private agency such as the Salvation Army.

Stubenrauch knew of a family on Armory Court in the West End that still uses the milk man's daily deliveries. "They could get milk cheaper at the market. But that's the way the family is oriented."

He pointed out, too, that $86 worth of food stamps, including the bonus, probably would be more than ample for a mother and three pre-school children or infants. But the mother with three teen-age boys may find that $86 in stamps goes very fast. "How the mother is able to budget is the answer," Stubenrauch said.

Then there are families which will not use food stamps because such a large outlay of cash (in their minds) is necessary to purchase the stamps and get the bonus. Many will forget about the stamps and skimp on food just so they can buy shoes or clothing.

[From the Cincinnati Enquirer, Dec. 11, 1969]

HUNGER IN CINCINNATI—NEEDED: ALL-OUT BATTLE AGAINST MALNUTRITION

(By Margaret Josten)

This nation has mounted an all-out attack on smoking as a cause of cancer.

When Dr. Richard C. Bozian lights up a cigar his own child invariably asks, "How many puffs are you going to take?"

The child has been conditioned to realize that smoking is harmful to the body.

Dr. Bozian, assistant professor of biological chemistry and associate professor of medicine at the University of Cincinnati College of Medicine, would like to see a similar attack mounted against the problems of nutrition.

He believes that all forces available—educational, scientific, business, socio-economic and others—should be marshalled in the fight against overnutrition and undernutrition (both are malnutrition).

Mrs. Lois Wilkins, nutritionist in the Cincinnati Health Department, gives a hearty "amen" to Dr. Bozian's proposal.

She figures that television could be a great weapon in the fight against malnutrition. It could disseminate nutrition education—what is and what is not good for the body—because so many people consider the voices and pictures on the tube authoritative.

Mrs. Wilkins has two other suggestions:

Make basic nutrition part of the curriculum, starting in kindergarten if possible. This would mean, of course, that teachers' colleges would have to include courses on nutrition for students.

Introduce nutrition courses in more medical schools. "A lot of people figure the doctor's word is law, so he needs a basic foundation in nutrition," he says.

Dr. Bozian would agree with her second point. UC's medical school, he points out, is one of the few in the country to include a division of nutrition. "UC has a division because there was a lot of pellagra in the South prior to and during World War II," he says, adding, "And this is the area where migrants come from the South."

Both Mrs. Wilkins and Dr. Bozian point out that malnutrition can be found among the affluent as well as among the poor. This series has dealt with the poor in general, but overnutrition can be just as damaging as undernutrition. It can bring about problems relating to the heart, kidney, stomach, liver.

Dr. Bozian says the malnutrition problem cannot be solved just by handing out food. Give them food, he declares, adding, "but also give them education."

He notes, for one thing, that cultural patterns can have much to do with a person's eating habits. Cincinnati, with its large population from Southern states, sees people who never do adjust to the local environment. They remain in an alienated position within the city.

Sometimes, Dr. Bozian says, those who come here from another culture pick up the worst that the city has to offer. By the worst he means such items as soda pop (a pet hate of nutritionists) and potato chips.

Nearly any day on upper Vine Street one can see youngsters lined up at candy and soda pop stores spending what must be their lunch money on items that do not make for a nutritious diet.

Social workers in the lower-income neighborhoods tell of youngster who eat little more than pickles, potato chips and candy. No wonder they are lackadaisical in school, often dropping out before their graduation, the workers say.

"You're asking a child in school to pay attention, which is difficult in the first place," Dr. Bozian says, adding, "If you superimpose malnutrition on this you're breeding an economic plus a cultural cripple.

"That's why I don't think this country can afford to let 15% of the population in economically depressed areas suffer malnutrition . . . there's no reason to believe Cincinnati is any different from the rest of the country."

Dr. Bozian estimates that at least 15% and perhaps as much as 25% of the city's low-income population would be suffering from some form of malnutrition—iron, protein, calcium, Vitamin A or Vitamin C.

It is generally believed that about one-fifth, or 100,000, of Cincinnati's population is living below the poverty level, Dr. Bozian's estimates would mean, then, that as many as 25,000 Cincinnatians could be suffering from the lack of proper food.

Mrs. Wilkins reminds us that just because a person is obese does not mean he or she is getting a good diet. Obesity often results from an overdose of starches, beans, macaroni, bread, the kinds of items upon which many of the poor rely.

"The problems in Cincinnati are not unique," Dr. Bozian concludes. "Every large city has them."

Dr. Bozian has just returned to the city from the White House Conference on Food, Nutrition and Health, held last week in Washington. Attending with him was Dean Clifford Grullee Jr. of the UC College of Medicine.

HOW YOU CAN HELP

The Hamilton County Welfare Department, 628 Sycamore St., and the Salvation Army, 114 E. Central Pkwy., will accept donations of money, food or clothing for distribution to Cincinnati's needy.

Both will see that donations go where they will do the most good.

Food or clothing should be taken to the Welfare Department's parking lot on the southeast corner of Seventh and Sycamore Sts., next to the Krippendorf Building, where the department is located. Checks should be mailed or taken to the department's business office, and cash should be left at the office of Frederick A. Breyer, director.

The Salvation Army prefers to give food

checks to the needy so that they may purchase their own foods. The Army also will take care of distributing new toys, new shoes, canned and dried foods, new and used clothing.

THE PRESS CAN HELP THE FIGHT FOR ENVIRONMENTAL QUALITY

Mr. McINTYRE. Mr. President, during the past decade, Americans have come to the painful realization that our living environment is in serious danger. This realization has come none too soon—for environmental quality is a basic component of the quality of life itself.

This new awareness, however, has come slowly. Our heritage of neglect is now obvious to us because of our choked rivers, polluted air, and decaying cities. But the past decade shows only that we have found new ways to pollute and sparse few methods to clean up.

If America is to capitalize on its new awareness, if America is to make environmental quality a national commitment, then the public as a whole must be educated to recognize the dangers and to support the solutions.

The news media must play a prominent role in this educative function. It is the citizens at the local level that form the most vital link in our efforts to control pollution and restore our environment. To reach them with the proper facts about the problem and to effectively mobilize their concern, the local news media must fulfill its function as an educator on public functions and a purveyor of public fact and policy.

I have been continually encouraged by the constructive approach of much of New Hampshire's press to this vital problem. Our citizens are getting the facts about pollution because of the enlightened efforts of newsmen like Mr. Edward DeCourcey of the Newport, N.H., Argus-Champion.

Mr. DeCourcey, and men like him in New Hampshire, recognized their vital role in our efforts to attain environmental improvement long before it became nationally fashionable to do so. With this type of support, many communities have seen the need for participation in pollution control programs before the damage was irreversible. I commend Mr. DeCourcey for his consistent efforts as a newsman and a citizen.

I ask unanimous consent that an editorial published in the Newport, N.H., Argus-Champion be printed in the RECORD. I believe that this is a good example of the levelheaded approach to environmental problems that we so badly need.

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

[From the Newport (N.H.) Argus-Champion, Jan. 22, 1970]

MOST OF US ARE POLLUTERS

Our communities have acted to clean up polluted water, but individuals pollute water and air every day.

Pollution is a grave threat to human existence.

Pollution is caused by human beings.

How many human beings are willing to stop their own polluting?

How many are willing to pay for facilities that will clean up their own, or their neighbors' pollution?

In the end, the American people are going to face a clear-cut, but tough choice: stop pollution or stop living.

Here in the Newport-Lake Sunapee area, the people have acted consistently in favor of facilities to clean up water pollution.

New London has a sewage treatment plant, and has approved measures to improve it.

Newport has consistently voted for construction of a sewage treatment plant, and has been delayed for the past several years in shifting federal and state procedures—and by cutbacks in federal funds.

Sunapee is moving steadily toward completion of plans and is struggling now to unravel the red tape of federal and state grants so that it can go to the voters again for approval of a specific bond issue.

Individual organizations, like the Lake Sunapee Protective Assn., have over the years taken strong positions and constructive action to prevent new sources of pollution. Individual business establishments, like Pine Tree Castings, have gone to great expense and trouble to construct their own treatment facilities in order not to become polluters.

The State of New Hampshire has one of the best records in the nation in its antipollution measures. It should. It has a lot to lose. We have air that is among the cleanest in the United States, and we have much pure water left, although even with our good intentions that is dwindling.

President Nixon has urged a massive effort this year in battling pollution. We in New Hampshire, who have so much to lose, ought to let our Congressional delegation know we want that program, and are willing to pay for it—even if it means no supersonic transport plane or a Russian on Mars before an American.

And we ought to check our own actions everytime we pour some pollution into air or the water.

ADMINISTRATIVE PRACTICES OF THE SELECTIVE SERVICE

Mr. KENNEDY. Mr. President, as chairman of the Subcommittee on Administrative Practice and Procedure, I am releasing today a study of the Selective Service System and the subcommittee recommendations for reform. The subcommittee's most important recommendations are that occupational deferments be immediately eliminated by Executive action, and that student deferment in time of war should be terminated by Congress. The subcommittee also urges more uniform application of the present law on conscientious objection and congressional consideration of selective conscientious objection. Finally, the subcommittee calls for complete civilian control of the Selective Service System and the establishment of Selective Service System procedures which meet the norms of due process.

Last September when I first announced that the Subcommittee on Administrative Practice and Procedure would hold hearings on the administration of the Selective Service System, I stated that the hearings were "premised on the assumption that major changes in our draft procedures will be made by Executive action." At the hearings, experts on all aspects of our Nation's draft law, confirmed that vital changes could—and should—be made by the Executive. Time after time they stressed that while it is necessary for Congress to rewrite the draft law, it is equally necessary for the Selective Service System to modify its regulations and practices.

Events since our hearings make the need for administrative changes even more apparent. Newspapers are filled with disturbing stories about the draft. In our newspapers one can read accusations by mathematicians and statisticians that the lottery held in December was not completely random, although it was instituted to insure fairness to all registrants.

One can read that State directors are expressing confusion over the new lottery and voicing the suspicion that by the end of the year all available men will be called, although the Department of Defense stated the last third of the numbers drawn in the lottery would not be reached.

One can read that a Federal judge in New York has accused a local draft board of gross disregard of a registrant's rights.

One can read that the U.S. Supreme Court held that Selective Service regulations on accelerated induction of delinquents were not authorized by Congress.

One can read of a survey showing that 20 percent of local draft boards around the country gave newspaper reporters the wrong answers when asked elemental questions on the draft.

One can read about new books criticizing the system and offering constructive alternatives.

But unfortunately one just cannot read about reforms instituted by the Selective Service System, for despite all the criticism there have been no reforms.

It is time for the executive branch to take immediate action. And to aid the executive branch, the subcommittee has prepared a study of the Selective Service System together with recommendations on administrative improvements.

The study, which the subcommittee is releasing today, outlines the history of the draft in this country, with the view towards better understanding the present system. It then examines how the draft actually works—its makeup and its mechanics—and presents the information obtained from the responses to the questionnaires sent by the subcommittee to the more than 4,000 local boards. Finally, the study reviews the evaluations and criticisms made by several high-level commissions, and highlights hearings on the draft which U.S. Senate committees have held.

But the heart of the study is the recommendations. Based on the testimony at the hearings, the questionnaires, and past examinations of the draft, the subcommittee has outlined a series of recommended reforms designed to produce a system of which we need not be ashamed.

Generally the first contact that a young man has with a Federal agency is when he registers with his local draft board. It is at this point that he must actively fulfill a duty imposed on him by law and declare himself liable for military service. It is at this point that he assumes one of the burdens of citizenship.

But what does the young man discover when he first encounters the Selective Service System? How is the federal system and the duty of citizenship first presented to him?

The young registrant will be given

forms to fill, literature to read, and decisions to make—decisions that will affect an important period of his life—but the advice he receives from the draft board will range from barely adequate to downright misleading. He will be processed by rules, regulations, and policies of which he has little understanding—and a few misconceptions—and he is unlikely to have a knowledge of his rights or options until it is too late.

He will discover that he is one of 2 million young men registering that year, of whom only 250,000 will be drafted into service. He will hear talk among his peers and among older men of 20 or 21 that there are ways to avoid being called—but he may also discover that most ways of "beating the draft" are closed off to him because he cannot stay in school or learn a critical occupation.

He will hear stories about more fortunate registrants reaching the magic age of 26 through student, occupational, and paternity deferments; about tricks or devices to obtain deferments on medical grounds; about registrants in better schools somehow getting into the National Guard; and about other young men with lawyers who somehow succeed in avoiding service. He will also hear about young men who get drafted ahead of their turn because they protest against the system and about others who go to jail rather than serve.

If the registrant requests certain deferments or objects to the way he has been classified, he may see that the local board itself is not clear on what the regulations mean.

If he requests an occupational deferment, he finds there are no clear guidelines and that it is of little importance that someone just like him received a similar deferment from a nearby draft board.

If he requests a conscientious objector classification, he finds that unless he belongs to a particular sect, he has little chance of convincing the draft board of his convictions.

If he is black, Mexican-American or Indian, he is likely to find poor representation of his group among local board members.

If he attempts to bring counsel with him for his personal appearance before the local board, he will find that the lawyer must stay outside.

And if he seeks to appeal his classification within the Selective Service System, he will encounter a system completely unlike the traditional American judicial system.

The Selective Service System must be made to act more equitably and appear more fair to the young registrant, and the subcommittee offers recommendations which it feels will accomplish this.

The premise of these recommendations is that some draft system will continue to be necessary. Until the President's Commission on an All-Volunteer Army reports, and until many important questions on the desirability and feasibility of a volunteer Army can be answered, it must be assumed that some form of compulsory service—and some method of selecting those who will be compelled—will continue.

The first of our recommendations is that most deferments be eliminated.

Testimony made clear that occupational deferments were inherently inequitable since fortunate registrants who had been through school and who had become skilled were favored over the uneducated and unskilled. Witnesses noted that the National Security Council in February of 1968 concluded that neither the Armed Forces nor the civilian economy needed occupational deferments. Hence, the subcommittee determined that the first step to be taken was to terminate occupational deferments—which could be done with no change in existing law.

A more difficult question—and one requiring legislative action—is deferment of undergraduate students. Here the subcommittee points out the inequity of drafting nonstudents in time of war to fight, and perhaps die, while deferring students from service—perhaps until time of peace. The subcommittee urges that when casualties among draftees reaches a certain level, then student deferments should be discontinued. The Congress must closely examine the wisdom of continuing student deferments in peacetime, weighing carefully whether the equity of treating all registrants alike outbalances possible disruptions in the process of education. Many distinguished educators, manpower experts, and student spokesmen have urged abolition of undergraduate deferments, and their arguments should be given close attention.

Finally, the subcommittee sees no need for continuation of fatherhood deferments, since hardship deferments could always be granted in extreme situations.

The subcommittee urges Congress to closely consider expansion of the conscientious objector classification to include registrants who object to a particular war on ethical or moral grounds. Testimony was heard at the hearings on the lack of uniform standards in granting conscientious objector status at the local level, on the large number of appeals taken from denials of conscientious objector status, and on the increasing number of young men who sincerely opposed war, but whose beliefs were not founded on narrow traditional religious grounds. The hurdles facing a young man whose conscience dictates against his participation in a war effort should be examined by Congress, and at the very least, registrants should be afforded clear guidelines, uniformly applied and judiciously reviewed.

Selective conscientious objection will pose many hard questions, chief among them being how to determine sincerity of the registrant. Dr. Kingman Brewster, president of Yale University, proposed that if selective conscientious objectors were assigned duties involving personal risk, at the same proportion as all servicemen faced such risk, few insincere registrants would seek selective conscientious objector status. Such a proposal merits full consideration.

One of the most constant criticisms of the Selective Service system was the lack of uniform national standards. Such standards are necessary before the draft can hope to treat all registrants equitably. The subcommittee recommends two actions that will help the Selective Service system to promote uniformity. First of all, the Selective Service system should follow the practice of other Federal agencies and solicit comments on its regulations before permanent issuance. Second, the quota system should be eliminated. It is evident of late that the establishment of the lottery has placed an increased burden on an already outdated system of allocating manpower quotas to local boards. Previously, some draft boards were required to draft men in lower classifications than other boards because the quota imposed on them did not properly reflect the number of available men. Presently, some draft boards are inducting men with high lottery numbers, while elsewhere registrants with lower numbers are not reached. The Selective Service system has been forced to simulate a national pool by informally imposing a limit on the number to be reached each month. It would make better sense to abandon the State and local quota system altogether and create a national manpower pool.

On the structure of the Selective Service system, the subcommittee urges Congress to give renewed consideration to the recommendations of the Marshall Commission. The report which the commission published in 1967 recommended extensive restructuring of the Selective Service, and action to effect these changes is long overdue. The other structural recommendation the subcommittee makes which could be acted on immediately by the Executive is to insure that the independence of the Presidential Appeal Board from the national headquarters is secured. As the former Chairman of the Appeal Board, Judge Henry J. Gwiazda suggested, the Presidential Appeal Board, contrary to the Executive order establishing it, has become far too dependent on the national headquarters, and steps must be taken to prevent the board of final appeal from being controlled by the office of the Selective Service Director.

The subcommittee makes a series of recommendations which would insure that the system be administered by civilians, that personnel be civil service, that local board members represent their communities, that the local board clerk be more experienced and better paid, that the role of the Government appeal agent be that of an attorney, and that data-processing equipment be used where possible.

The subcommittee, in the area of procedure, recommends first of all that punitive reclassification by local draft boards be terminated. In the past 2 weeks, the U.S. Supreme Court handed down decisions in Gutknecht against United States and Breen against Selective Service Board No. 16 holding that the Selective Service System's induction of delinquents were unauthorized by Congress. The problem has therefore been remedied by court action, but the regulations on delinquency should nevertheless be rescinded immediately.

The subcommittee further recommends extending to registrants the right to counsel, the right to present witnesses, the right to a quorum of local board members on personal appearances, the right to a more liberal reopening of classification, the right to transfer local boards with a shift in permanent residence, the right to personal appearance on appeal, the right to a transcript of his personal appearance, and the right to a written opinion of the local or appeal board. The subcommittee also recommends extending the time limit on return of forms from 10 to 30 days.

The final subcommittee recommendation deals with the means used in a system of random selection. Immediately after the lottery held on December 1, 1969, there was criticism of the way in which the dates were picked. It appeared that far too many of the first 150 dates selected came from the last few months of the year. It was argued that those dates were the last placed in the bowl and that the capsules were insufficiently mixed. The purpose of the lottery was to eliminate any possible bias, and the subcommittee urges selection by computer in the future so that no question of human error can arise again.

In 1814 Daniel Webster stated:

If the Administration has found it cannot form an army without conscription, it will find, if it ventures in these experiments, that it cannot force conscription without an army.

This has not so far proven to be the case. However, when one looks at the growing opposition to the system and at the increased number of young men who risk criminal prosecution and jail sentences to contest Selective Service regulations, one suspects that unless broad reforms are made, Daniel Webster's words may tragically come true.

WHAT PRESIDENTS ONCE SAID ABOUT RACIAL EQUALITY

Mr. BYRD of West Virginia. Mr. President, in the light of the controversy which has developed over Judge G. Harrold Carswell's speech, made in 1948, I ask unanimous consent to insert in the RECORD an editorial by David Lawrence, titled "What Presidents Once Said About Racial Equality." The editorial appeared in the February 9, 1970, issue of U.S. News & World Report.

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

WHAT PRESIDENTS ONCE SAID ABOUT RACIAL EQUALITY

(By David Lawrence)

The controversy recently about Judge G. Harrold Carswell's speech which he made in 1948 in favor of segregation—six years before the Supreme Court ordered desegregation in the public schools—prompts a re-examination of just what was said in public speeches and in utterances of Presidents of the United States on the general subject of racial equality prior to the Courts' ruling in 1954. Here are some extracts:

Thomas Jefferson, in a letter to François Jean de Chastelleux on June 7, 1785:

"I have supposed the black man, in his present state, might not be in body and mind equal to the white man; but it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so."

Jefferson's Autobiography, published in 1821:

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them."

Abraham Lincoln, in a speech at Ottawa, Ill., on Aug. 21, 1858:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Dougals, am in favor of the race to which I belong having the superior position.

"I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas, he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."

Abraham Lincoln, in a speech at Charleston, Ill., on Sept. 18, 1858:

"I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. . . .

"I will add to this that I have never seen to my knowledge a man, woman or child who was in favor of producing a perfect equality, social and political, between Negroes and white men."

Theodore Roosevelt, in his Seventh Annual Message to Congress on Dec. 3, 1907:

"Our aim is to recognize what Lincoln pointed out: The fact that there are some respects in which men are obviously not equal: but also to insist that there should be an equality of self-respect and of mutual respect, an equality of rights before the law, and at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him when compared to his fellows."

William Howard Taft, in his Inaugural Address on March 4, 1909:

"The colored men must base their hope on the results of their own industry, self-restraint, thrift and business success, as well as upon the aid, comfort and sympathy which they may receive from their white neighbors."

Franklin Delano Roosevelt, in a letter to Cleveland G. Allen on Dec. 26, 1935:

"It is truly remarkable, the things which the Negro people have accomplished within living memory—their progress in agriculture and industry, their achievements in the field of education, their contributions to the arts and sciences, and, in general, to good citizenship."

Harry S. Truman, to the Democratic National Convention in 1940:

"I wish to make it clear that I am not appealing for social equality of the Negro. The Negro himself knows better than that, and the highest type of Negro leaders say quite frankly they prefer the society of their own people. Negroes want justice, not social relations."

How many of the foregoing statesmen could be confirmed as Justices of the Supreme Court today if their statements of earlier years such as the above were cited against them by members of the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. TOWER. 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. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, S. 3154.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume its consideration.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Is my understanding correct that the amendment proposed by the Senator from California (Mr. CRANSTON) has been laid before the Senate and is the pending business, and that no time has been used on that amendment?

The PRESIDING OFFICER. The Senator is correct. The Senator from California is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may suggest the absence of a quorum, without the time being counted against either side?

Mr. CRANSTON. I yield.

Mr. MANSFIELD. I ask unanimous consent that the time for the quorum call not be counted against the time on the amendment.

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

Mr. MANSFIELD. This is an important amendment, and I hope attachés will call their Senators and get them here. 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. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. CRANSTON. Mr. President, I yield myself such time as I may require.

I shall not dwell at length on the reasons for my amendment. I presented for the RECORD yesterday a statement outlining in detail why I believe this amendment to be necessary. I believe that the President of the United States, the able and diligent floor manager of this bill, and the Committee on Banking and Currency have really made the arguments for my amendment in the course of what they have said and done in regard to the transportation needs of our country.

I quote first from a statement of the President last August. He sent a message to Congress on August 7, stating:

> I propose that we provide $10 billion out of the general fund, over a 12-year period, to help in developing and improving public transportation in local communities.

Just yesterday, in his budget message, he said we should—

> Assist urban transportation through a 12-year, $10 billion program of grants to communities to modernize and expand public transit facilities and services.

The committee bill itself, on page 12, refers to the need for $10 billion in language which amounts to a preamble, stating:

> Success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a 12-year period to permit confident and continuing local planning, and greater flexibility in program administration.

Elsewhere in the bill, when it gets to the important matter of actually committing funds, the bill retreats from that $10 billion sum in what really amounts to contradictory language, when it states that there shall be provided, by grants or otherwise, amounts aggregating "not to exceed $3,100,000,000." After setting forth the various sums to be authorized in various years, on page 17 and 18 of the bill such as $80 million prior to July 1, 1971, and other years, the language ends with "and not to exceed an aggregate of $3,100,000,000 thereafter," meaning that after talking of the great need for $10 billion, we turn around and do not make that sum available.

Turning to the committee report, on page 7, in a detailed discussion of overall needs for rapid transit, the report refers to the need for $10 billion, and then refers to the fact that this would really amount to $11.8 billion due to inflation. Then it goes on to quote a more recent estimate prepared for the Urban Mass Transportation Administration by the Institute of Public Administration, setting the 10-year requirement as between $28 billion and $34 billion. It then refers back to the fact that perhaps $15 billion is a realistic sum and, in accordance with this bill, says if the Federal Government is putting up two-thirds, $10 billion would be the figure that we return to in terms of the committee report.

I would like to point out that the $10 billion referred to by the President and by the committee as the essential need refers to meeting needs of cities that presently have plans for transportation systems that need funding. It does not cover the needs of the cities that have not gone that far because they have not seen any funds in sight and, therefore, have not developed plans. But the needs are very great in many such communities, and they would carry us beyond the $10 billion figure that, regrettably, is not set forth as a commitment in this bill.

Finally, let me at this point say this: The $3.1 billion which is committed through the pending bill compares to the following needs in just four communities in America:

In the San Francisco Bay area, BART, the bay area rapid transit system, alone has spent $800 million on its own new mass transit system, which is incomplete; and to complete that system will cost approximately $1.5 billion.

In Los Angeles, it is estimated that $2.5 billion is needed for a system that would basically serve only the inner core area of the city.

It is estimated by the New York City Transportation Department that in the next 5 years $1 billion could be spent for public transportation there.

Finally, in a community that every Member of the Senate is familiar with, Washington, D.C., the estimate is that $2.5 billion will have to be spent on the rapid mass transit system.

When those sums are compared and added to all the other needs in many other communities around America, big and small, it is evident how paltry, indeed, and how totally inadequate is the $3.1 billion committed in this bill. I think this demonstrates very clearly the need for $10 billion committed so that communities can make plans and know that the Federal Government means business and is not simply talking airily and loosely when it refers to $10 billion that is needed.

I rest for the moment.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. I am happy to yield.

Mr. WILLIAMS of New Jersey. I will make a statement in response on my own time, but while the Senator has the floor, I should like to ask this question: In San Francisco, the BART system, which the Senator has mentioned is incomplete, although the first stage is about to be completed. Is that correct?

Mr. CRANSTON. That is correct. But other stages lie off somewhere in the future, depending on the systems that bill might make available.

Mr. WILLIAMS of New Jersey. The first stage, as I recall—and I would like to have it more completely described by the Senator from California—does serve San Francisco and the suburbs. It runs out to Oakland, Berkeley, and to the communities north of Berkeley. Is that correct?

Mr. CRANSTON. That is basically correct. There are areas on the east bay side that should be covered, running south.

Mr. WILLIAMS of New Jersey. Is that the area covered by the system which will go into operation in July.

Mr. CRANSTON. Yes. The Senator is basically correct.

Mr. WILLIAMS of New Jersey. Within the last 4 months, I visited the BART system, and it is magnificent. It is certainly a pioneer example of what can be done in mass transportation in this country.

Mr. CRANSTON. Yes; and I am glad the Senator recognizes this. I want to join him in paying tribute to those who pioneered and had the ability to put this together, despite the absence of adequate Federal assistance. But many parts of the bay area remain that are not touched by that system, notably Marin County to the north of San Francisco and San Mateo County. In order to have a complete network, significant sums must be spent to draw those communities in. San Francisco has done what few other communities are likely to be able to do, and that is to put together a system as they have, to the degree that they have accomplished his, with primarily local property owners financing it through a bonding arrangement. The Government of the United States contributed to the tune of 7.5 percent of the cost of the initial effort, but far more is needed there and in many other communities.

Mr. WILLIAMS of New Jersey. For approximately a decade I have supported and introduced legislation that would bring national resources to mass transportation. Many times, people have said to me, "Why is the Federal Government needed? Look at San Francisco. They did it without any Federal money." I have pointed out that perhaps it would have been done anyway by the people of the bay area of San Francisco, but there was Federal money used in some of the early development stages.

However, the fact is that very few communities have been able to go to the electorate and get the electorate to vote for the taxation to pay the entire bill for modern, efficient, and realistically needed transportation systems. Bond issues have failed in Seattle and Atlanta and have not even succeeded in cities such as Los Angeles.

Mr. CRANSTON. I believe one plan was defeated there.

Mr. WILLIAMS of New Jersey. Did it go to the voters?

Mr. CRANSTON. Yes. It was defeated. Many other plans never reached the point of presentation to the voters because of the realization that they were certain to be voted down.

Mr. WILLIAMS of New Jersey. It is my feeling, and I believe it will be proven, that a contribution that can be relied on from the Federal Government will stimulate local spending. Does the Senator agree with me on that?

Mr. CRANSTON. Yes.

Mr. WILLIAMS of New Jersey. I should like to ask two more questions. Does the Senator know how long a time has transpired from the first dream of a rapid transit system for San Francisco to its present stage of near completion?

Mr. CRANSTON. Discussions of the need began right after World War II, and the beginning stages of conversation and planning and conferences started way back then.

Mr. WILLIAMS of New Jersey. Is Los Angeles, which, in common with so many metropolitan areas, is paralyzed in traffic in the peak hours of each day, in the very early planning stages?

Mr. CRANSTON. It has to be said very early, because they really do not know what to do. They are waiting to see what we do with this bill.

Mr. WILLIAMS of New Jersey. When I speak later, I will make the point that the money that will be provided for in this bill is realistic because of the early planning period which covers many years.

Mr. CRANSTON. I agree completely with the approach, and I accept now, after having some skepticism about it earlier, the early amounts earmarked in the pending measure for specific years beginning in fiscal 1971. But I believe that many communities will be very skeptical about their chance of getting significant Federal help on into the future after the planning period has occurred, and because of the years that takes, unless we commit $10 billion in this bill.

Mr. WILLIAMS of New Jersey. One additional observation which I should like to make to the Senator from California is this: This afternoon, an amendment will be offered that will deal with the impact of rapid transit on the environment. I would hope that the Senator from California would be here to describe how a major construction program of rapid transit not only can be developed without hurting the environment that it serves but that it also can greatly improve upon it.

I am thinking particularly of the BART subway line as it comes out of the ground—I believe this is north of Berkeley—and goes overhead, and the park that has been created by that overhead rapid transit line. It really has been transformed from a rundown neighborhood beside a railroad track to a 4-mile-long park. That is what it amounts to. I think that in the debate it might be well for the Senator to describe it.

Mr. CRANSTON. It is exactly that aspect of rapid transit that is one of the reasons I am so deeply devoted to acquiring adequate funds for rapid transit.

Mr. President, I ask unanimous consent that the discussion on that amendment not be charged to the time for discussion on my amendment.

The PRESIDING OFFICER. Is the Senator suggesting that we charge the time to the Senator from New Jersey?

Mr. CRANSTON. Yes.

Mr. WILLIAMS of New Jersey. How much time is it, Mr. President? I am willing to take that much time.

Mr. CRANSTON. It was about 2 minutes, I think. I am concerned that other Senators who may wish to speak for my amendment may not have the time when they get here.

The PRESIDING OFFICER. Without objection, the time will be charged to the Senator from New Jersey.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the President pro tempore (Mr. RUSSELL):

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week";

H.J. Res. 1051. Joint resolution designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes; and

H.J. Res. 1072. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from New Jersey may proceed.

Mr. WILLIAMS of New Jersey. Mr. President, the amendment offered by the junior Senator from California (Mr. CRANSTON) would raise the amount of money which could be obligated for mass transportation without additional congressional authorization from $3.1 billion to $10 billion.

As one of the earliest supporters of increased Federal aid for urban mass transportation, my first inclination would be to support such an amendment. However, after a careful review of our committee's hearing record and the provisions of S. 3154, it is my conclusion that the Cranston amendment should be rejected.

Under S. 3154, the Secretary of Transportation would be given the authority to contractually obligate $3.1 billion during the first 5 years of the program. It is also our intent to obligate an additional $6.9 billion during the remaining 7 years, or a total of $10 billion of Federal aid over the next 12 years.

These figures were not arrived at overnight. They were the result of extended consultations with Secretary Volpe; the Bureau of the Budget; the National Governors Conference; the U.S. Conference of Mayors, League of Cities; the American Transit Association; and the Institute for Rapid Transit. These groups representing all organizations involved with our Nation's mass transit problems have unanimously agreed that the $3.1 billion figure contained in this bill is one which can immediately meet the realistic needs of the Nation's urban areas. In arriving at the $3.1 billion figure, careful consideration was given to the period of time which it takes for a city to decide upon embarking on a transit program and when the actual obligation of funds by the Department of Transportation actually takes place. This timelag, which includes planning, local referendum, and the floating of bond issues, often takes up to 5 years.

My colloquy with the Senator from California developed the fact that this was projected over a much longer period of time in the case of San Francisco than in the case of Los Angeles.

Governor Kirk of Florida speaking for the National Governors Conference clearly stated:

> While I know it is tempting to call for larger expenditures immediately, sound administration dictates that we do not overstep ourselves in the early years. Indeed, I am convinced that the Federal government could not prudently spend any more than the President has asked for in the first year of this program even if they had it.

Carmack Cochran of the American Transit Association, representing all of our Nation's privately owned bus companies after endorsing this legislative approach added:

> We also support the proposed funding schedule which reflects both the time required for the industry to absorb the amount of aid specified and due consideration for the economic health of the nation.

The Institute for Rapid Transit representing the cities of New York, Boston, St. Louis, Chicago, Cleveland, Camden, N.J., Pittsburgh, San Francisco, Philadelphia, and Los Angeles concurred in this opinion.

From those who work on a daily basis with the problems facing our Nation's urban areas, the conclusion is clear: This legislation provides all of the money which can prudently be obligated during the initial years of the program.

However, in the event that the proposed limitation inhibits the orderly development of transit programs, it can be increased. Under this legislation, the Secretary of Transportation is required to submit authorization requests to the Congress not later than February 1, 1972, for fiscal years 1976 and 1977, and subsequent requests every 2 years not later than February 1, for the following 2 fiscal years. That is the entire period of time being considered under this bill. These requests must meet a Federal commitment of not less than $10 billion over the 12-year period. At the same time, recommendations must be submitted for any necessary adjustments in the schedule of appropriations and for liquidation of contract obligations during the first 5 years.

If the fears of the junior Senator from California are in fact true, and more money is needed, appropriate adjustments can and will be made. For the first 2 years, however, the $3.1 billion authorized for contractual obligation is sufficient.

For this reason, Mr. President, I will urge and I do urge this body to reject the amendment offered by the Senator from California.

Mr. CRANSTON. Mr. President, I yield myself 2 minutes to reply to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The Senator from California is recognized for 2 minutes.

Mr. CRANSTON. Mr. President, is it not true, when San Francisco was planning over so many years for a transportation system which has finally been constructed only in part, and through all the years when Los Angeles was planning a system but is not yet able to begin it—and this is happening in other communities around the Nation—that there has been no source of significant Federal funds of the sort that can presently be made available, so that their planning had to be based on what they could do to sell to the local property owners, and so forth, and it would be a totally different situation as to planning, that is, when the bill is enacted into law with whatever sum it needs.

Mr. WILLIAMS of New Jersey. It will be a different situation.

Mr. CRANSTON. I should like to give one example by people responsible for seeking a plan for a transit system, the one in Atlanta, Ga., in which their confidence in planning and their willingness to proceed seriously with their plan is directly related to the question of the Federal commitment to make adequate funds available so that their community, and others, feel that there is enough money for each to give significant funds to build something with, along with their own one-third of that financial obligation.

Mr. WILLIAMS of New Jersey. Atlanta has said that and other cities, have agreed.

Mr. CRANSTON. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York (Mr. GOODELL) is recognized for 5 minutes.

Mr. GOODELL. Mr. President, as a cosponsor of this amendment, I wish to commend my colleague from California (Mr. CRANSTON) for his dedication and concern over the transportation needs of our urban areas.

During the executive session of our committee on this bill, he introduced similar amendments, and I was pleased to support him at that time, as I am now.

The transportation crisis in our urban areas cannot be overemphasized or overdramatized. Our Nation's growing urban population—almost 80 percent of the total—has made demands for urban transportation.

This demand has not been met with service.

State and local governments have not had the financial capacity to meet these expanded needs. The Federal Government has been woefully negligent in providing financial assistance. Before 1964, virtually no funds were expended for urban transit. The 5-year period between 1964 and 1969 produced a Federal commitment of $548 million—a mere token. That sum alone could easily have been applied to the needs of one city.

As a result of this gap between demand and delivery, urban transit companies began deteriorating. Those people most dependent upon city transit for mobility and those who suffer most from its deterioration—the poor, elderly, and infirm—have had to bear higher fares and poorer service.

In addition to deterioration within the city, urban transportation systems have not had the flexibility and capability to serve the ever-expanding suburbs. Lack of efficient, convenient, and economic transportation has forced residents of metropolitan areas to use the automobile. Rather than face the vagaries of commuter rail service, many have chosen to travel to the city via expressway, thereby experiencing the delay and irritation of frustrating traffic jams.

Though certainly more dependable to the commuter, what have been the results of such traffic?

Belching engines produce air pollution. Engine noise produces pollution which disturbs work and leisure. Parking lots, streets, alleys, and auto-related land uses amount to over 50 percent of the precious downtown land in many of our cities. Not only does highway construction eat up scarce urban land which could be used for housing or recreation, but it destroys neighborhoods and causes the relocation of countless families.

In the absence of adequate mass transit, we have become tyrannized by the automobile.

Since 1956, over $16 billion has been provided for the construction of highways. The highway trust fund is still empowered to pour money into more construction.

For the benefit of our cities, which bear the brunt of auto traffic, we must reverse this trend. Mass transit must replace highway transit in our urban areas. An urban registration fee or a congestion tax, levied for city travel during peak hours to automobile owners should be affixed to discourage transportation by automobile.

While discouraging auto traffic, we must seek to make mass transit more attractive and convenient to metropolitan residents. That, I believe, can only be done with a firm commitment of Federal funds to complement the finances of State and local governments.

The Senator from New Jersey (Mr. WILLIAMS), a leader in the field of mass transit, knows better than anyone the time that has gone into the study of such a financial commitment. He, along with other Members of this Congress has proposed a trust fund approach to mass transit financing. After much deliberation, the trust fund has been discarded. It has been replaced in this legislation by "contract authority." I believe this financial mechanism is an acceptable, although not the most preferable, approach to long-term financing. In any event, we have been told that this is the best we can get.

We have also been told that the schedule of expenditures provided for this bill will be adequate to meet the demands of the transit industry. The transit industry claims that its needs, in a 10-year program, would amount to $500 to $600 million a year for the first 2 years, with an annual appropriation of $1 billion thereafter. This bill provides for expenditures of $80 million, $230 million, $400 million, $550 million and $600 million within a 5-year period. Although there is a discrepancy between supply and demand, we are again told this is the best we can get.

We have also been told that the bill provides for a Federal commitment of $10 billion over a 12-year period. It is interesting to note that nowhere in the legislation does there appear language which empowers the Secretary to ask for and obligate the full Federal commitment of $10 billion.

The language, however, does appear in the statement of findings. The committee feels that the rhetoric in this statement is sufficient to assure the continuing Federal commitment of $6.9 billion. Some would have us believe that this language gives the same assurance as the financing provision which authorizes the Secretary to obligate $3.1 billion immediately.

Again, we are told this is the best we can do. We are told that the psychology of inflation requires that government obligations and expenditures be curtailed.

I am tragically reminded of the language in the 1968 housing bill which committed the Nation to the production of 26 million housing units in 10 years or 2.6 million per year. This goal also appeared in the statement of findings of housing legislation. Those figures have appeared in virtually every speech about our housing crisis. In reality, inadequate fundings had made a sham of that goal and currently our housing production has decreased rather than increased since that commitment.

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

Mr. TOWER. Mr. President, I yield 3 minutes on the bill to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 3 minutes.

Mr. GOODELL. We must not allow the same fate to this new urban transit program.

The urban and suburban dwellers, becoming desperate for efficient transportation, do not want a goal or commitment which has good advertising. They, along with the States and local governments, want an action program which will fulfill their transportation needs.

In hearings before our committee, Under Secretary James Beggs, of the Department of Transportation, estimated that transit needs for new and existing facilities over the next decade would total $10 billion. Other witnesses estimated a need of $20 billion. These figures, based on 1969 dollars, do not reflect the annual 8 to 10 percent cost increases that burden construction projects. Estimated needs, could therefore, double by 1980–82.

In face of this enormous need, the legislation provides for a clear commitment of $3.1 billion with a promise—an expectation—of an additional $6.9 billion within 5 years.

Cities such as New York, Philadelphia, Chicago, Cleveland, Boston, San Francisco, Baltimore, Atlanta, Los Angeles, Miami, Seattle have mass transit plans which will require the $6.9 billion for construction. They need full assurance that the funds will be available.

Transit plans cannot be built by expectation.

We cannot afford to accept the promise offered in this legislation.

The Cranston amendment will assure a full Federal commitment of $10 billion. It does not, however, require increased expenditures—it does not require the Government to spend more than it can afford.

It does commit the Department of Transportation and the Congress to a funding process and a clear commitment of $10 billion over 12 years which is absolutely essential for our depressed urban mass transportation.

I urge my colleagues to support this amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I yield 5 minutes or such time as he might desire to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I hope the amendment will be rejected. If it does not meet defeat, I think it will lead to long, protracted, and fruitless debate on this subject.

This matter has been discussed this morning in a rather fully attended meeting of the Appropriations Committee. I want to say frankly that there are a great many members of that committee who do not want to see contractual authority granted the Secretary of $3.1 billion for a period of 5 years.

The Senator from Florida, though he is reluctant to do so, has received assurance from the committee handling the bill that that is the minimum amount needed.

I want to see all the cities that need some assistance for a mass transportation system have an opportunity to get started on their programs. Therefore, I have said I will support the bill in that amount. However, as proposed, with the amendment providing that contractual authority be given to the Secretary to obligate the full $10 billion, I think there will be a long and fruitless fight on this matter.

I think it is very reasonable to suggest that in 5 years, or perhaps earlier, there will be time to see how this program works out. We might want to step it up even before the 5-year period is reached. So far as I am concerned, I think that those who have faith in the program want to see it go forward on the basis of the committee proposal which, I understand, is a compromise of the feelings on the part of various of the members of the committee.

I will support it on that basis, and will oppose it with all the vigor I have if the bill is to provide that the $10 billion may be obligated by the Secretary so that all the Congress can do thereafter is to make funds available year by year.

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

Mr. HOLLAND. I yield.

Mr. TOWER. Mr. President, the Senator knows, I am sure, that in the preamble of the act, we anticipated that over a 12-year period there would have to be ultimately the commitment of $10 billion. However, as the Senator wisely points out, we have adequate time to act on the matter. And it may be that $10 billion will not be enough. It may be that we will have sufficient resources with which to expand on that and do a better job.

Is the Senator aware that for fiscal year 1971, the Government of the United States already has a projected obligational authority of $81,405,000,000?

Mr. HOLLAND. I did not know the exact amount. However, I know that it drastically exceeds the $10 billion mentioned in the bill.

Mr. President, I want to help the cities that are so badly in need. I want to help them get a start. We want to do the reasonable thing. We realize this is a compromise bill as it came from the committee, because the members did not feel exactly alike on how the program should be started. He is assured by the committee that by a large majority they are together on this program and that they feel that this allowance of contractual authority is sufficient to get the program on the road in these first 5 years.

The Senator from Florida will not have the privilege of being on the floor of the Senate after this year but he does not propose to bind the hands of future Congresses in such a way as is proposed by this amendment. Therefore, I strongly urge the Senate to reject this amendment because otherwise we will face a long and fruitless debate, with some doubt as to the form in which the bill may emerge.

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

Mr. HOLLAND. I yield.

Mr. TOWER. The Senator from Florida will be sorely missed when he is not a Member of this body next year.

With the administration opposing extension of this obligation authority, I think the bill would find very rough going in the House of Representatives. I think this would be an exercise in futility, because I am not sure we can keep $3 billion over in the House. They seem to be very economy minded there these days. As a practical matter we had better set our sights on something practical, something which the department said is the extent of what they need, and something which has been endorsed by every organization and trade connected with the bill. We would create the wrong climate for this bill otherwise.

Mr. HOLLAND. Mr. President, I think the Senator from Texas is so right, and I hope his feeling will prevail. I understand my friend, the Senator from New Jersey (Mr. WILLIAMS), feels the same way. Although their approach in committee may have been along different lines, they are together on this compromise bill, as I understand it. If I do not understand correctly I ask that I be advised correctly.

Mr. WILLIAMS of New Jersey. The Senator is correct. It has been a relatively long process of accommodating differing views, although basically the differences were not impossible ones. This bill represents a position of agreement between both sides of the aisle in our committee.

Mr. HOLLAND. Mr. President, I so understand it and I congratulate the Senators for being practical in their approach. I may say, having had some experience in this matter, I know that in raising matching funds cities will have to provide for approval by their people of bond issues, and bond issues which will be adequate to meet the cities' part of any program that is entered into. I realize that some advance contractual authority must be given. It is a matter I have some regret about because I generally do not like that kind of approach. But this is a long-term program in every city. They are not going to accomplish it in any one year or by any one contract.

I think we must go with the wisdom of the committee on this compromise basis, in which most members of the committee, as I understand it, have agreed that this is a program which can succeed and that no smaller program of contractual obligation permitted would have the chance of success.

Mr. WILLIAMS of New Jersey. The amount authorized for obligation was not unanimous within the committee. The two Senators who have spoken in favor of the amendment, the Senator from California (Mr. CRANSTON), who offered the amendment, and the Senator from New York (Mr. GOODELL), had differing views.

Mr. HOLLAND. I can understand that. With the great need in the great cities they represent, I can understand that.

I have no feeling about the matter at all, but I do want to protect the authority of Congress and I want to protect, too, the Nation against incurring debts which may prove to be onerous. We should remember we may want to enlarge this program during the course of the 12-year period covered by the proposed program. There are many options and so many options that may need to be exercised that we should not be tampering with the committee bill at this time.

Mr. CRANSTON. Mr. President, will the Senator yield so that I may request the yeas and nays?

Mr. HOLLAND. I yield.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of New Jersey. Mr. President, the Senator from Florida has expressed with great understanding and eloquence the attitude that I have and that of the great majority of the members of the committee. The money figure in the bill for contractual obligation of $3.1 billion is the figure that is realistic in terms of meeting our immediate needs. The 12-year limit is expressed at $10 billion.

The Senator also recognizes that if the needs can be demonstrated to go beyond this amount the Congress can act and meet conditions as they develop over the years.

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

Mr. WILLIAMS of New Jersey. I yield.

Mr. TOWER. I think we were saying in the preamble of the bill that $10 billion was probably what we expect to be the minimal figure. We have at least $10 billion, so I think we must expect it is going to go even beyond that in due course.

Mr. WILLIAMS of New Jersey. Congress can work its will as the needs and abilities arise because of these biennial reviews by the Congress.

Mr. CRANSTON. Mr. President, I would like to state first that I offered this amendment in committee. It was not dealt an overwhelming defeat. The vote there was 9 to 6. There was substantial support in committee, which encouraged me to introduce the amendment on the floor of the Senate.

I would also like to say to the Senator from Florida, whose judgment I respect tremendously on all of these matters, that this bill does represent in present form a compromise for people on both sides. Originally there was a great desire for a trust fund, analogous to the highway trust fund, instead of the contract obligation funding which is now embodied in the bill. Those who supported the trust fund compromised from what they feel was a stronger binding commitment of money for transportation to the contractual obligation only when they felt that without that compromise they would be unable to get any place.

At the time the trust fund was under consideration, all the organizations referred to by the Senator from Texas, the principal organizations of mayors and city people around the country, were supporting the trust fund approach and supporting with great hope the need for $10 billion committed in that trust fund.

There has been significant support for the $10 billion amendment I have offered. So there are compromises all the way around. There is recognition from the President, through this bill, and the committee report, of the need for $10 billion; and there is the recognition by many that without that sum there will be city after city that will say that we do not mean business and that we engage in rhetoric, and they will feel they will not get the help they need in communities across America.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time consumed be charged to neither side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

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

Mr. CRANSTON. I yield back the time I have remaining.

The PRESIDING OFFICER. All time has been yielded back. On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. MCGEE), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF), is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from Iowa (Mr. MILLER) are detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

The result was announced—yeas 24, nays 62, as follows:

[No. 29 Leg.]

YEAS—24

Bayh	Hartke	McGovern
Byrd, W. Va.	Hughes	Mondale
Case	Inouye	Murphy
Church	Javits	Muskie
Cranston	Kennedy	Nelson
Eagleton	Mansfield	Ribicoff
Goodell	Mathias	Tydings
Hart	McCarthy	Young, Ohio

NAYS—62

Aiken	Fannin	Pell
Allen	Fong	Percy
Allott	Fulbright	Proxmire
Anderson	Griffin	Randolph
Baker	Gurney	Russell
Bellmon	Hansen	Schweiker
Bennett	Hatfield	Scott
Bible	Holland	Smith, Maine
Boggs	Hollings	Smith, Ill.
Brooke	Hruska	Sparkman
Burdick	Jackson	Spong
Byrd, Va.	Jordan, N.C.	Stennis
Cannon	Jordan, Idaho	Stevens
Cooper	Long	Symington
Cotton	Magnuson	Talmadge
Curtis	McClellan	Thurmond
Dole	McIntyre	Tower
Dominick	Montoya	Williams, N.J.
Eastland	Moss	Williams, Del.
Ellender	Pastore	Young, N. Dak.
Ervin	Pearson	

NOT VOTING—14

Cook	Harris	Packwood
Dodd	McGee	Prouty
Goldwater	Metcalf	Saxbe
Gore	Miller	Yarborough
Gravel	Mundt	

So Mr. CRANSTON's amendment was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, we have heard considerable discussion in recent months and years concerning the increasing urbanization of America. Experts have testified before the various committees of this Congress on problems connected with this trend, problems such as pollution, congestion, urban blight, and unemployment in a time of labor shortages. In many cases, these experts pointed out that a lack of adequate transportation in our cities often causes the problems and always accentuates them.

The Urban Mass Transportation Act now before the Senate offers an opportunity to make urban transport more responsive to urban needs. It is a major effort to promote a balanced transportation system in our cities.

I think of a balanced system as one which insures funding for all forms of transportation required to meet the needs of a given urban area. In Seattle, we long ago recognized the significance of balanced transportation planning.

Seattle was the first city to establish a transportation planning design team which included sociologists, economists, architects, and engineers.

Under the leadership of Mayor J. D. Braman, who is now Assistant Secretary of Transportation for Environment and Urban Systems, the city of Seattle proposed a balanced transportation system that included a modern and sophisticated mass transit.

Unfortunately, the bond issue needed to implement this system was defeated in a special election held in the Metropolitan Seattle area. Essentially, the bond issue asked for $358 million as the local one-third share of the cost of the system.

A major argument in opposition to the bond issue was that there was no assurance of continued Federal support of the project, once embarked upon. This apparently caused the defeat of the proposal. No community can undertake the tremendous capital expense required to develop a transportation system without assurance that the Federal share of the money will be forthcoming when needed. The bonding and taxing capacity of our communities cannot carry the load without this assurance.

The pending measure, drawing on the Seattle experience, solves the problem by enabling the Department of Transportation to make a commitment of funds for a 5-year period. This is done through the device of contract authority, which is essential to intelligent long-range transportation planning.

Urban mass transit is far more than a response to congestion. It serves a population segment—the old, the young, the sick, the handicapped, and the impoverished—which virtually has no other means of travel. And it is an important factor in environmental considerations. This is of particular interest to me because I have long been an advocate of antipollution measures. Foremost among my concerns is the role of the automobile in the urban environment.

I understand that present exhaust control devices on cars are only effective at speeds of 50 miles per hour or more. A recent study of New York City traffic showed that cars sat at idling speeds 34 percent of the time, and the rest of the time they averaged only 13 miles per hour. The devices to control exhaust are useless in the city.

An alternative to auto travel in the

cities must be found. It must be efficient, economical, comfortable, and safe—in short, well-planned public transportation.

The proposed legislation offers both large and small cities the opportunity to design a balanced system tailored to individual needs. It provides Federal funds where none are now available. The contract authority gives needed assurance to those communities which must go to the voters and the bond markets to raise their local share.

This bill provides $10 billion to be spent over the next 12 years. With contract authority, it enables the Federal Government to obligate $3.1 billion over the first 5 years.

We are saying in this bill that Congress recognizes the problem, and we are willing to commit national resources to solving it—not just this year, but on an assured basis for several years. We should not delay in making this commitment.

Mr. President, I should like to advise the Senate at this time that the Senate Committee on Commerce has had an opportunity to review the urban mass transportation legislation, S. 3154, which has been reported by the Senate Committee on Banking and Currency. In an effort to expedite Senate consideration, the Commerce Committee did not, however, attempt to assert jurisdiction. An informal review by the members of the Commerce Committee indicated no overwhelming reason for further or more in-depth study by our committee at this time. Those questions which have been raised are resolvable on the Senate floor.

As witness to the Commerce Committee's position on this matter, Mr. President, I ask unanimous consent that my letter to Senator SPARKMAN concerning S. 3154, together with relevant correspondence from Senators HART, SPONG, and TYDINGS, be printed in the RECORD.

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

DECEMBER 22, 1969.

Hon. JOHN SPARKMAN,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to our discussion of December 18, I have circulated to all members of the Committee on Commerce a summary and a copy of S. 3154. None of the Committee members has expressed opposition to the Banking and Currency Committee reporting the bill to the Senate without re-referral to the Committee on Commerce at this time. However, Senators Hart and Spong have reserved their right to ask that the bill be re-referred to the Commerce Committee because of their concern that the bill may not afford adequate protection for the environment. Enclosed is a copy of their letter which I believe is self-explanatory.

Additional questions have been raised by some members about provisions in the bill relating to ancillary facilities and financial assistance. In this connection, it is noted that S. 3154 differs substantially from the approach to these matters contained in the Airport-Airways bill, S. 3108, recently approved by this Committee. These substantive questions are not being insisted upon and as indicated above the Committee does not now seek to have the bill re-referred to this Committee. But each Committee member does reserve the right to raise issues and perhaps propose amendments to the bill after it reaches the Senate floor.

On behalf of myself and the other Commerce Committee members I do wish to make clear that the abbreviated review procedure utilized by this Committee in this instance was solely for the purpose of expediting Senate consideration of the bill. Such action is not intended to and should not be interpreted to in any way vitiate, lessen, or derogate from the legislative jurisdiction of this Committee.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., December 22, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Having reviewed the provisions of S. 3154, the Urban Mass Transportation Assistance Act of 1969, we find ourselves with reservations as to the adequacy of the environmental safeguards contained therein. We intend, therefore, to explore with the Floor Managers of the bill the possibility of strengthening these safeguards. We are hopeful that we will be able to arrive at mutually agreeable language. Should our hopes prove unfounded, however, we may then ask you to request a referral of the bill to the Commerce Committee.

Sincerely yours,

WILLIAM B. SPONG.
PHILIP A. HART.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., December 23, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee, Washington, D.C.

DEAR WARREN: I am writing you concerning the consideration by the Commerce Committee of S. 3154, the Mass Transit Bill. First, I want to express my strongest agreement with you that the need is overwhelming for coordinated transportation planning and supervision by Congress and that such coordination should be assumed by the Commerce Committee. I hope that in the near future the Committee will be able to explore the urban mass transit problem in depth.

Second, I do not object to the measure that is before us, S. 3154, nor our present informal consideration of it. However, I express this approval with the *caveat* that I hope we will not be precluding efforts in the future to do more in this area for the hard-pressed cities.

As you may know, I am a strong supporter of the trust fund concept for mass transit. I repeatedly testified in favor of this proved method of financing transportation systems this past session and expressed my regret at its rejection by the present Administration.

I hope our Committee will join forces with those who have backed this more realistic and efficient mode of funding urban mass transit.

Sincerely,

JOSEPH D. TYDINGS.

Mr. CASE. Mr. President, I shall vote for the pending mass transportation authorization bill, S. 3154.

The measure does represent a step, though an uncertain one, toward providing mass transit with a source of long-term, high-level financing it requires to make an impact on our congested urban areas.

I am concerned that the method of financing chosen, known as contract authority, may not provide even the $3.1 billion authorized in the bill, let alone the $10 billion commitment the measure promises.

Contract authority is not a new concept. Under it the Federal Government obligates itself financially and then, in effect, draws checks on the Treasury to pay the bills.

This approach assumes the Appropriations Committees of the Congress will routinely approve the drawing of the checks.

However, it does not always work that way. The Appropriations Committees, on whose shoals many an excellent Federal program has foundered, have not hesitated to place limitations on the use of contract authority, or to cut it back.

Indeed, in a number of our new housing programs, home ownership and rental assistance, for example, the authorization act specifically provides that the amount of contract authority allowed is subject to the actions of the Appropriations Committees.

The precaution of getting the approval of the Appropriations Committees before incurring obligations may spare these programs the fate of urban renewal. In 1966, after urban renewal had incurred $3 billion in obligations, its contract authority was restricted so that it can no longer obligate more than it receives in appropriations.

The restriction was ordered by the Appropriations Committees.

I hope this will not happen to S. 3154, but there is no denying that it is a possibility. This is why my own preference is for a mass transit trust fund, a concept which has been used so successfully in building our Nation's highways.

Unlike the Federal highway trust fund, the contract authority provided in S. 3154 can claim no exclusive source of revenue. It must rely upon appropriations from General Treasury revenues for which there is always fierce competition. To put mass transit in the position of competing with such entrenched programs as defense and public works, to name only two, is to put it at an immediate disadvantage.

I regret neither the administration nor the Senate Banking and Currency Committee adopted the trust fund concept for mass transit.

While we should not give up the fight for a mass transit trust fund, the need for improved urban transportation is urgent and the pending bill will strengthen the existing program.

Mr. President, the superiority of the trust fund approach over contract authority was discussed during last year's mass transit hearings before the Senate Subcommittee on Housing and Urban Affairs. A colloquy between Senator PROXMIRE and Transportation Secretary Volpe on this matter is most illuminating and I ask that the excerpt I have extracted from the hearing transcript be printed in the RECORD.

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

Senator PROXMIRE. Mr. Secretary, what position does this put the Appropriations Committee in? Are you telling us if we pass this bill as you have recommended it the Appropriations Committee is bound and determined to appropriate every single penny that is provided here, that the administration is then in a position to go out and obligate the Federal Government to the full extent of the authorization and the Appropriations Committee has no discretion, as far as the Appropriations Committee is concerned they might as well go out of business and they are there to rubberstamp what the Authorization Committee has done and what the Administration Committee recommended in the bill?

Secretary VOLPE. No. That is not correct, Senator. The fact is that by having to come to the Congress, either on an annual or biennial basis, for the liquidation of those funds the Appropriations Committee has surveillance over our operations. They could at any time, as they can in the highway trust fund, even though some people claim the highway trust fund is sacred, limit future year obligations. Nothing in any legislation that I am aware of could prevent the Congress, through the Appropriations Committee, from doing this. So that the Appropriations Committee would have an overview of our operations and be able to certainly see to it that our work was carried out to the satisfaction of the committee we certainly would not have carte blanche for a period of 5 years or 10 years without any oversight on the part of the Appropriations Committee.

Senator PROXMIRE. That is an excellent answer. You hit it exactly on the nose. You have a clear understanding of what would happen.

In other words, the Appropriations Committee would keep the word that is implicit in this bill. You obligate it. The Appropriations Committee would liquidate that obligation. But the committee subsequently would make it crystal clear that that is it. Subsequent appropriations would have to proceed at whatever level the Appropriations Committee decided was feasible and appropriate and, therefore, you won't have anything like the kind of assurance you have in the trust fund. Nothing like it. In fact, on the basis of my experience in the Appropriations Committee, I have been on it 5 or 6 years, there would be a likelihood when the President puts the squeeze on the budget that comes from all the pressures we live under to cut spending wherever we can, there would be tremendous pressure to hold down expenditures in this mass transit area and to cut them down far below the authorization level.

The chairman is right in pointing out that this has been our experience not only in water pollution, but in many, many other areas where they are controllable. Urban renewal is another striking example.

Secretary VOLPE. The only difference, if I may, Mr. Senator, is that you have a situation here which is exactly the same as the highway trust fund even though this is not a trust fund.

You have a commitment here and it would take—really you could call it negative action on the part of the Appropriations Committee and the Congress to reduce the amount that had been provided for, for those years.

In other words, I think the cities and the communities that we would be doing business with would have knowledge of a continuing program unless the Congress took negative action.

This is true in the highway program also. The Congress could take negative action.

Senator PROXMIRE. It could, but what has been the experience? What is the practical effect of the——

Secretary VOLPE. The experience has been that the Congress has continued the program at the levels that were set out in the original bill.

Senator PROXMIRE. Exactly; the trust fund has been an assured regular source of substantial funding, far more I am convinced than it would be if it were under the Appropriations Committee annual appropriations with contract authority. No comparison. There just isn't any question.

We have provided too much that way in my view and the view of some Members of the Congress. We haven't debated it because this is all automatic, we have provided too much money really in terms of priorities for the highways. They are a marvelous investment. Great achievement for the country. We want to proceed with our highways. But we recognize other priorities. We have gone ahead much faster than we would have, absent that trust fund.

Secretary VOLPE. I talk on this subject before many audiences. One of the real points I make is that although the highway program has been an excellent program, even though there have been some who have criticized it overall, when you take the magnitude of that program, the world's largest public works project in the history of the world, I would say overall, that it has been a fine example of constructive building for our Nation.

Senator PROXMIRE. And it has been based on the trust fund. That is the reason it has gone through. That is an excellent statement supporting the trust fund concept.

Secretary VOLPE. That is true, Senator. I would add this, however, we have not done a comparable job. There is a complete imbalance in the amount of money we have expended for highways as contrasted to public transportation. We spend approximately as much in 6 weeks on highway spending as we have spent in the last 6 years for public transportation.

As I pointed out in my statement, we propose providing five times as much spending in the succeeding 5 years as has been provided in the previous 5 years.

Senator PROXMIRE. That is the trouble. This method of financing does nothing to change that emphasis. If we follow this method of financing provided in this bill, it seems to me, we will continue with that kind of disparity. The only way to solve this problem is to provide for the same kind of financing for mass transportation that you have for the highways. Then you will have a chance to get it.

There are several ways you can do it in addition to the auto excise tax. That is one way. Another way is to take part of the gasoline tax.

I just can't believe we will go on forever building these highways. There comes a point when we have the entire country. There is nothing left for farmland. Everything is under concrete.

We may not be moving quite that far, so far, but we are moving awfully fast. And the gasoline revenues are expanding. We are going to have to reduce this tax. I would hope that we might consider as we reduce this tax, and others, that we consider using part of the reduction for mass transportation.

Mr. TYDINGS. Mr. President, I am sure all Senators who have contact with our large cities, know that the transportation systems in our urban centers are in a state of chaos and in some areas approaching total collapse. Neglect, lack of planning, dwindling financial resources, the dominance of the automobile are a few of the factors that have led to this deplorable and alarming situation.

But rather than dwell on the failure of the past, let us concentrate on the challenge of the present. A few undeniable realities must shape our response to this crisis:

First. The urban mass transit situation is rapidly deteriorating.

Second. Highways cannot possibly solve this mass transit problem.

Third. Because of high capital costs for transit and low city incomes, Federal money is the only realistic source of funding.

Fourth. Long leadtimes for planning and construction require immediate action.

Fifth. Local commitments of planning, of construction and of financing depend upon a definite, total commitment of Federal financing.

It is for these reasons that I have supported, the trust-fund approach to funding mass transit systems—I think we should transfer the spectacular success of financing our highway program to our urban transit efforts. Unfortunately, administration opposition to this trust-fund idea has dealt a severe blow to an opportunity to solve this problem in a proven and effective manner. So it is with disappointment that I support S. 3154, the yearly authorization bill, because it is second best.

As I said in a letter to Secretary Volpe on August 11, and as I testified before the Banking and Currency Subcommittee, S. 3154 does not provide enough money for realistic mass transit funding; it does not provide a sufficiently firm commitment of resources to allow communities to move forward with financing; and it does not provide for a proper share of government responsibility with its two-thirds formula of Federal support.

I remain at a loss to understand why the Federal Government should underwrite 90 percent of our Interstate Highway System, yet only pay for two-thirds of mass transit costs.

S. 3154, as it presently stands, is simply inadequate. For example, Baltimore's $1.7 billion rapid transit system is stalled, awaiting a realistic Federal commitment so it might move forward with its financing. More than anything else, we need this commitment. Here is a city with a serious problem that has been met with foresight, with planning, and with local commitment; but the continued failure of like action in Washington threatens to kill the whole program.

This administration measure is inadequate. Since the promise of Federal help in 1964, 6 years later the President is asking for the pitifully low sum of $80 million for fiscal year 1971. That is not enough money to fund one program in one city for 1 year. Let us be clear, although there has been grand talk of $10 billion for mass transit, the hard-pressed cities will receive—if the appropriation does not further cut the sum—only $80 million in 1971.

The cities of the Nation are being shortchanged and ignored by an administration that refuses to change its priorities to fit the needs of the 1970's. As I have said before, until we can cut the excess in the Pentagon budget, our needs at home will remain unsolved.

Mr. HART. Mr. President, on behalf of myself, the Senator from New York (Mr. GOODELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Virginia (Mr. SPONG), and the Senator from Indiana (Mr. HARTKE), I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 16, lines 19 and 20, strike "or has afforded the opportunity for such hearings," and insert in lieu thereof, the following: "has afforded adequate notice of such hearings,".

On page 16, line 25, after the period insert the following: "The notice required by this subsection shall include a concise statement of the proposal for which the application is made and may be published in a newspaper of general circulation in the State or locality to be served, and shall be published in the Federal Register, and for the purpose of this sentence the Administrator of the General Services Administration shall accept and publish any such notice. Hearings need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant economic, social or environmental interest in the matter requests a hearing."

On page 19, after line 12, insert the following:

SEC. 5. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that urban mass transportation projects for which Federal financial assistance is provided pursuant to section 3 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 Health, Education, and Welfare, Housing and Urban Development, and Interior and with the National Environmental Quality Council with regard to each such project that may have a substantial impact on natural resources including, but not limited to water and air quality, peace and tranquility, and fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social or environmental interest and that the environmental considerations identified at the hearing have been adequately dealt with in the project application. The Secretary shall not grant financial assistance under section 3 for any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located.

"(c) If opposition to any application for assistance under section 3 is raised in the hearing before the State or local public agency, or in any communication to the Secretary, on the grounds that the environment would be adversely affected by the project to which the application relates, the Secretary shall not approve the application, unless he finds in writing after a full and complete review of the record of such hearing and of the application, that (1) no adverse environmental effect is likely to result from such project, or (2) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct a hearing, including adequate notice to interested persons, on the environmental issue raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

On page 19, line 13, strike out "5" and insert "6".

On page 20, line 15, strike out "6" and insert "7".

On page 21, line 3, strike out "7" and insert "8".

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield myself 5 minutes.

Mr. President, when the Committee on Banking and Currency was considering the bill that is now before the Senate, it advised the chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), of the proposals that were before the Banking and Currency Committee and inquired as to whether any suggestions or concerns were in the minds of any members of the Committee on Commerce. Our able chairman, Senator MAGNUSON, saw that each of us on the Commerce Committee had the copies of the reference made by the Banking and Currency Committee.

The Senator from Virginia (Mr. SPONG) and I replied to the Committee on Banking and Currency, saying that some of us might have some reservation with respect to improving the procedures intended to avoid environmental damage as contained in the bill. We studied the bill and advised further that we would endeavor to work out with the able chairman, the Senator from New Jersey, some modifications. I believe that this has been accomplished.

Mr. President, although S. 3154 includes a provision to strengthen the environmental safeguards of the Urban Mass Transportation Act, it unfortunately takes only limited strides in this direction. The provision merely requires that a State or local agency which applies for Federal assistance consider environmental questions at public hearings held prior to its application. There is no requirement that the answers to those questions be considered in approving Federal money for the projects.

In light of the Nation's critical need to protect its resources and environment from additional unnecessary intrusions, that procedure seems clearly deficient.

Therefore on behalf of myself and Senators GOODELL, KENNEDY, SPONG, and HARTKE I offer an amendment which would require the Secretary of Transportation, in the case of any application which involves damage to the environment, to search for alternatives which might eliminate or minimize that damage and, in the end, to approve only that alternative which is best from an environmental standpoint.

Mr. President, we recently witnessed a tug-of-war between the Departments of Transportation and Interior over the construction of an airport which if completed would have disastrously affected the ecology of the Florida Everglades.

The purpose of our amendment, the substance of which I expect to introduce when we consider other Federal transportation programs, is to assure that in the future Federal departments will work together in protecting the environment.

Given the extreme gravity of our environmental problems, we ought at least to make certain that in Federal programs administrative agencies are cooperating to minimize environmental damage.

Under our amendment, the Secretary of Transportation, before approving any urban mass transportation project, would be required to go on record as finding either: First, that no adverse environmental effect is likely to result from the project, or, second, that there exists no feasible and prudent alternative to such effect and that all reasonable steps have been taken to minimize it.

It is further proposed that the Secretary must make this determination either on the basis of the record of the preapplication hearing required by S. 3154 or, if that record is inadequate, on the basis of a new hearing which he shall conduct.

Since, under this scheme, the local hearing is to be the major vehicle for the presentation of environmental objections, it is essential that adequate notice of hearings be required. Otherwise, views of persons with significant environmental interests may be excluded from the record and, as a result, from consideration by the Secretary. Persons to whom notice must be provided ought to include not only residents of the locality to which the application relates, but also national conservation groups which have played a valuable role in environmental preservation throughout the country.

In order to insure that these groups will be aware of and able to participate in all hearings concerning mass transportation applications, it is proposed that any State or local agency holding such hearings be required to publish notice thereof in the Federal Register. Although this is a stringent requirement it is essential for an effective airing of complaints.

Environmental objections may also be raised, under the proposed amendment, through prescribed consultation procedures. It is proposed that with respect to each project that may have a substantial impact on the environment, the Secretary shall consult with the Secretaries of HEW, HUD, and Interior and with the National Environmental Quality Council before approving any application for such project. The expertise of these agencies should be useful to the Secretary in determining whether environmental objections raised at the State or local hearing have merit and whether there are other objections which do not appear in the hearing record.

The purposes of this amendment are essentially: First, to insure ample opportunity for environmental specialists in and out of the Federal Government to consider the environmental effects of federally financed mass transportation projects, and, second, to insure that no Federal funds will be spent on any such project whenever a feasible alternative exists which might inflict less damage on the environment.

To illustrate, the amendment would

rule out approval by the Secretary of an environmentally destructive rail system when a similar system routed or constructed somewhat differently might reduce the total environmental damage. It would also prohibit Federal spending on any bus project which did not require that buses acquired under that project incorporate the latest developments in pollution-control technology. It should be made clear that mere compliance with the Department of Health, Education, and Welfare's mission control standards would not, under the amendment, be sufficient justification for the Secretary's approval. If more effective pollution-control devices were available and could be reasonably installed, even devices meeting those standards would be unacceptable.

Mr. President, I feel that acceptance of this amendment by the Congress is urgent. The fight against pollution may be the most important battle this country has ever fought. The administration of Federal programs provides the Federal Government with an excellent opportunity for asserting leadership in the conduct of that battle. It is an opportunity which we simply cannot afford to neglect.

I hope very much that the committee would consider accepting the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. I yield myself 5 minutes.

I wonder if we could amplify exactly the meaning vis-a-vis the responsibility of the Secretary under this amendment. The objective here is the same as that in the bill. This, of course, puts additional requirements on the Secretary. I wonder if we could, for the record, understand what steps the Secretary would follow and the objective—the finding that he must make and on what criteria.

Mr. HART. Mr. President, reference to section 14(b) of the amendment is the place we should start. The Secretary would have submitted to him the hearing that is now required by the bill. He would be directed not to grant assistance to any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment, in the interests of the community in which the project is located.

Subsection (c) of section 14 considers the situation in which opposition has been raised. In that case, the Secretary shall not approve the application unless he states in writing that a review of the record of the hearing shows no adverse environmental effect likely to result, or that no feasible or prudent alternative exists, and that all reasonable steps have been taken to minimize the effect of unavoidable damage.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. WILLIAMS of New Jersey. It then comes, finally, to a requirement that the Secretary find no adverse environmental effect is likely to result from the project being considered, or that no feasible and prudent alternative exists to such effect, and that all reasonable steps have been taken to minimize such effect. Those are the operative words of the Senator's amendment.

Mr. HART. They are. One might say there is a lack of clarity. What I think we seek to do, and this admittedly assumes the Secretary in question to be a prudent man, is to indicate our concern but not to attempt to handcuff the exercise of a rational judgment.

Mr. TOWER. Mr. President, I concur with what the Senator is trying to do, but I wonder whether there are not already adequate provisions in existing law to insure that what the Senator wants done will be done.

Mr. HART. I wonder whether the Senator from Texas could indicate where, in existing law, he would feel comfortable that we have, in fact, assured against grants which would substantially damage the environment when, by adoption of this amendment, we could provide a practical alternative as to the course to be followed.

Mr. TOWER. Mr. President, in the authorizing act for the establishment of DOT the Secretary is directed to make a special effort to preserve the natural beauty of the countryside, public parks, recreation facilities, water and wildlife refuges, and so forth. Let me say that I do not believe the Department has a firm position on this. They probably do not have any strong opinion one way or the other. I am wondering how far we should go in offering piecemeal legislation on matters affecting perhaps a number of departments which have already currently passed the Environmental Quality Act which established an Environmental Quality Commission to look into the matter and make recommendations for broad and comprehensive legislation to the administration on this. In other words, whether we should take a rifle shot at each department when a shotgun would get the whole thing.

Mr. HART. Well, my response would be that we are now at that moment when we are in the process of authorizing substantial funds. While none of us would want to get in the way of that environmental council, I would hope that the Senator would agree that this is the time when, prudently, we may sharpen up a little the requirements, before this money is handed out.

Mr. WILLIAMS of New Jersey. Mr. President, it seems to me that we have reached a point in our Nation's history where we should relate our actions to what it does to the environment. Certainly, where we have major new construction, it seems to me to be logical to do, as the Senator does with his amendment, to deal with the examination of what the projects, would do to the environment, and to protect the environment from abuse.

Mr. HART. I thank the Senator from New Jersey.

Mr. TOWER. Mr. President, I am prepared to accept the amendment.

Mr. WILLIAMS of New Jersey. I also am prepared to accept the amendment with enthusiasm.

Mr. HART. Mr. President, if I could take 1 minute now, I want to thank the able Senator in charge of the bill and would hope very much that this will establish a pattern that will attach to others of our authorizing legislation in any of these areas where this kind of environmental damage might be minimized if not eliminated. I thank them very much.

Mr. HARTKE. Mr. President, as a cosponsor of the amendment, I would like to endorse everything the Senator from Michigan has said.

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

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

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time to be consumed be charged to neither side.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. TOWER. Mr. President, I mean with the time to be equally charged to both sides on the bill.

Mr. BYRD of West Virginia. I do not object.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLLIAMS of New Jersey. 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. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from West Virginia (Mr. RANDOLPH) such time as he may need.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I thank the able Senator in charge of the bill. I believe that we are reaching final passage, perhaps not too long from now.

It is vital to reemphasize the importance of providing the people of this Nation not with one form of transportation but every conceivable and realistic means of transportation. The economic, social, and cultural growth of the Nation will be facilitated if we can develop these many forms of transportation at maximum capability. As chairman of the Committee on Public Works and its Subcommittee on Roads, I think that I have had an exceptional opportunity to view the overall surface transportation requirements of our expanding population, and to participate in the drafting and passage of legislation designed at least in part to meet these needs.

For those who look to urban mass transportation as an alternative to highways, let me state—I said this is in colloquy with the Senator from New Jersey (Mr. WILLIAMS) on yesterday—most emphatically that the realities clearly demonstrate the essentiality of both.

I would remind those persons—and I am not referring to Members of the Senate—who think only in terms of fixed transit facilities, that for people living in the majority of American communities, improved bus service is the best means of providing mass transportation service. Bus service is the realistic union of our transit and highway programs.

There are more than 260 standard metropolitan statistical areas in this country. These are cities of more than 50,000 people. Most of these communities are too small for subway systems. Most of them are suffering from deteriorating bus service. Bus systems are going out of existence. Communities and city governments are not able to operate them. The majority of public and privately owned bus companies are fighting to survive the pressures of rising costs. These rising costs have forced reductions in service which in turn have caused reduced ridership. It is incumbent on us to enact legislation which will break this vicious circle.

During this session the Congress will consider the Federal Highway Act of 1970, and it will, I am sure, extend the life of the highway trust fund. During this session of the 91st Congress, we shall also enact a new airport and airways program paid for by an airport trust fund. Yesterday, in the colloquy with the Senator from New Jersey, we explored the difficulties of creating a special mass transit trust fund.

Mr. President, the need is imperative. The promise of the Congress to millions of Americans and to hundreds of American communities must be honored. We must provide them the wherewithal to render transportation service essential to wholesome community development.

The Senator from Michigan (Mr. HART) was referring to the environment. Certainly this is a very important matter. I think we must have sufficient additional revenues provided over the life of the authorizations provided in S. 3154 if we are to insure the funding.

We cannot greatly dilute the limited funds now available for highways and which may become available for airport construction to include mass transit funding. I am, however, firmly convinced that the people of the United States are willing to pay for the development of this vital element of our transportation system. The facilities now available are inadequate to meet our present needs.

I think it was Abraham Lincoln who said well over 100 years ago that we need to think anew, we need to act anew, we need to disenthrall ourselves. And he said that the dogmas of the quiet past were inadequate for the problems of the then stormy present. What he said then is true today in reference to the transportation problem. As we think of the mobility of the people of this country, we cannnot wed ourselves to one form of transportation.

Lincoln said we should disenthrall ourselves. It is not a matter of one form of transportation against another. There is a need for creative, resourceful thinking on the part of the Members of the Senate toward a commitment to all forms of transportation feeding into a unified pattern.

So, I am convinced, as I indicated, that people are determined to have mass transit as a part of our transportation system.

All of the roads, airports, and subways which we are currently planning are absolutely minimum requirements for meeting forecast population and economic expansion over the next decades.

The existing highway program, the recommended airport and airways program, and the mass transit program envisioned by S. 3154, will provide us very little more than the barest necessity for the real transportation needs of 1985. There is not much we can do to relieve the congestion which we are experiencing now. We will have to do everything we are planning on doing to insure that the congestion does not become worse as people move from one point to another, and goods are shipped from one point to another.

I close with the thought that perhaps Members of the Senate will want to give more attention to these matters in the coming weeks and months. Conferences are being held with many Members of both the Senate and the House on the fairness and the feasibility of developing an overall transportation fund capable of meeting air, highway, and mass transportation needs perhaps this year in the Congress.

Regardless of the outcome of those conferences the desire is to put forth a definitive legislative proposal. I emphasize that the transportation investments that we as a Congress and we as an American people make in the next 5 years will to a very considerable degree determine how well we can solve the problem of future urban and rural development in this country.

We must, of course, create and construct the facilities of transportation to move the products and people of an expanding economy.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to state the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 20, line 14, strike out the quotation marks and insert the following: "Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

Mr. COTTON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. COTTON. Mr. President, this is a very simple amendment. It merely provides for situations in which there is travel from one State into a large metropolitan area situated in another State.

It is perfectly natural that I have in mind, the large number of commuters into the city of Boston from the bigger cities in my own State such as Manchester and Nashua which are only a few miles from the Massachusetts line.

It is highly improbable that at any time in the immediate future my State will have the occasion to seek mass transit within its own borders. But it is highly desirable with respect to, say, a city which is only a few miles from the Massachusetts border. My amendment would permit what I understand to be the present administrative practice that "pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

In other words, if a State has commuters going across the line into a large metropolitan area in an adjoining State, provided it is in a compact approved by Congress and approved by the Secretary, it may contribute a portion of the Federal funds it would receive under this act so that State may be included in the mass transit system of a neighboring State. I have no doubt there are a number of other cities in the United States in a similar situation. I can think of several Indiana communities almost adjacent to the city of Chicago. There is the case of Kansas City, Mo., and Kansas City, Kans.

I have called this amendment to the attention of the managers of the bill, both the majority side and the minority side. The only question they raise is whether it is necessary. They feel it is now the practice. However, I believe we are blazing a new trail here and passing major legislation. I would hope they would accept this amendment and take it to conference because it would make it official and preserve and protect the rights of States, like my own, in the event we wish to participate, and enter into a compact approved by Congress and approved by the Secretary.

Mr. WILLIAMS of New Jersey. Mr. President, first I wish to say that in committee we were familiar with the commuting pattern between the southern part of New Hampshire—the cities of Manchester and Nashua—into Greater Boston. We discussed the opportunity for New Hampshire communities to be included in the program that we have before us today. I know the junior Senator from New Hampshire raised the issue in committee and we discussed it. It was my feeling that the program was available under existing law, but it seems to me that if there is any ambiguity—and there must be some or the senior Senator from New Hampshire would not be raising the question as he has—I would want to make certain that in this particular kind of situation the State of New Hampshire could be part of the program. I support the measure.

Mr. TOWER. Mr. President, the Department has informed me its current policy and practice is to so regard interstate authorities that have been created by compact; but I think it would obviate any doubt, and the Department informed me they have no objection to this language being in the bill.

Mr. COTTON. This would provide that future compacts, where they do not now exist, would be approved by Congress.

Mr. TOWER. Yes. Mr. President, I wish to say to the distinguished majority manager that I am willing to accept it.

Mr. WILLIAMS of New Jersey. Mr. President, congressional attention to the problems of mass transportation began one decade ago. I was the author of a bill considered in the Senate. The first feeling of confidence I had that it might be favorably acted upon was when the late Senator from New Hampshire, Styles Bridges, supported the legislation. I am most gratified that the great men of New Hampshire are continuing to show their concern for people who have to move from one area to the other by means of mass transportation.

Mr. COTTON. Mr. President, I thank the Senator for his reference to Senator Bridges, whose name and tradition are very dear to all of us in New Hampshire and in this body. I also thank the Senator from New Jersey and the Senator from Texas for their willingness to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. COTTON. I yield back my time.

Mr. WILLIAMS of New Jersey. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire—putting the question.

The amendment was agreed to.

Mr. BAYH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 20, after line 14, insert the following new section:

"SEC. 6. The Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), is amended by adding at the end thereof a new section as follows:

"'Opportunities For Lower Income Persons In Connection With Assisted Projects.

"'SEC. 16. The Secretary shall—

"'(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under this Act be given to lower income persons residing in the area of such project; and

"'(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.'"

On page 20, line 15, strike out "6" and insert "7".

On page 21, line 3, strike out "7" and insert "8".

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, today I am offering an amendment to S. 3154, a bill to provide long term financing for expanded urban public transportation programs and for other purposes. My amendment would provide for maximum feasible utilization of lower income persons and small business concerns in areas of projects assisted by provisions of the Mass Transportation Act of 1964. Adoption of the amendment would be consistent with existing policy requirements for federally assisted projects administered by the Secretary of Housing and Urban Development.

The proposed amendment would require the Secretary of Transportation to provide to the greatest extent feasible, opportunities for training and employment of lower income persons arising from the planning and implementation of any project assisted under the Mass Transportation Act of 1964. The proposed amendment would also require that the Secretary of Transportation award to the greatest extent feasible, contracts for work performed under the act to business concerns located in or owned in substantial part by individuals residing in the area in which the assisted project is performed.

A similar provision which was introduced by the Senator from Illinois (Mr. PERCY) and adopted in the 1968 Housing and Urban Development Act was limited to areas affected by projects involving federally assisted housing. I subsequently offered a bill—S. 2610—which was accepted as an amendment to section 3 of the 1968 HUD Act to extend such opportunities for employment and small business to HUD-assisted programs of urban planning, development, redevelopment or renewal, public or community facilities, and new community development. Senator PERCY was instrumental in advocating and securing adoption of my bill by the Subcommittee on Housing and Urban Affairs of the Banking and Currency Committee. Passage of the measure has been accompanied by action within the Department of Housing and Urban Development to develop standards and procedures for implementation of the department's responsibilities under section 3.

The combined impact of programs administered by the Departments of Transportation and Housing and Urban Development can and should play an increasingly important role in the economic viability of our urban centers of population. Projects assisted by these Departments generate manpower needs that can be provided in great part by lower income residents of such areas.

Demands for greatly increased participation in the construction trades have been voiced clearly in cities such as Chicago, Seattle, Pittsburgh, St. Louis, Philadelphia, Cleveland, Boston, and recently in the District of Columbia. In addition the Department of Labor has implemented policies to increase minority participation in Federal construction. Congress must continue to pursue those legislative remedies that will repair the economic damage inflicted by generations of minority exclusion and exploitation.

Increased need for consultant, planning, research, design, construction, and material supply services is generated also by HUD and DOT programs. Certainly our concern for the development of minority enterprise should include the opportunity for development of businesses to provide such services, and share in the billions of dollars to be expended for urban development and transit during this decade.

It is my sincere hope that the Senate will agree to this amendment as an expression of our continuing resolve to guarantee all our citizens full participation in the economic life of this Nation.

Mr. President, I am suggesting that as far as low-income families and low-income oriented business contractors are concerned who live in these areas, that they should be treated in the same way in the allocation of resources and contractural operations for transportation as we are now doing in connection with federally assisted projects administered by the Secretary of Housing and Urban Development.

My amendment would add section 16, reading as follows:

OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

SEC. 16. The Secretary shall—

(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under this Act be given to lower income persons residing in the area of such project; and

(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

This would give attention to those people who live in these areas so that they may have a piece of the action, if in the opinion of the Secretary it is feasible, in order that black capitalism could have a more meaningful part.

Mr. TOWER. Mr. President, is the copy of the amendment which the Senator read the only copy available?

Mr. BAYH. Yes, it is.

Mr. TOWER. We have not had time to examine the amendment. Since this bill is a product of compromise and has been worked out in consultation among majority and minority members and the Department, I would like to have an opportunity to examine this proposal. It has not been printed and there has not been notice given of it. We have considered some amendments which were not in committee but adequate notice was given and we knew what they contained. This matter is new to us, and I wonder if the Senator from Indiana would give us an opportunity to have copies made of the amendment, without in any way prejudicing his rights.

Mr. BAYH. I am not trying to put anything over on anyone. I have been conducting hearings in Roanoke, Va., on behalf of the new Disaster Relief Subcommittee.

Mr. TOWER. I am sure the Senator is not trying to do that, but under the circumstances, where the Senator has been attending to other matters, we did not have an opportunity to consider this amendment.

Mr. WILLIAMS of New Jersey. Would the Senator clarify the amendment for me? The Senator did refer to section 3 of the Housing Act of 1969.

Is the language of this amendment the same language that is found in the Housing Act? Of course, there the act is concerned with employment opportunities for lower income persons in connection with housing projects. Is the same language and approach used in this amendment to apply to mass transportation?

Mr. BAYH. It is.

Mr. WILLIAMS of New Jersey. As a matter of fact, as I read it rapidly, the language is the same. Is that right?

Mr. BAYH. The language is almost identical, except changes made to conform with the Transportation Act language, whereas the previous one dealt with HUD authority. Members of our staffs have communicated. If I have not been properly diligent in communication at the senatorial level, I apologize.

Mr. TOWER. Mr. President, I think in all probability I would have no objection to the amendment. Would the Senator care to withdraw the amendment, without prejudice, so that it could be reintroduced, in order to give us a few moments to study it?

Mr. BAYH. Would it perhaps be more appropriate to keep it before the Senate so that others can consider it, rather than to withdraw it?

Mr. TOWER. I was hoping that, by unanimous consent, the Senator could have it set aside.

Mr. BAYH. Very well. Why not set the amendment aside by unanimous consent and proceed to other amendments? I so request, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is temporarily laid aside.

Mr. WILLIAMS of New Jersey. Mr. President, on the bill, I yield such time as he needs to the Senator from Missouri (Mr. EAGLETON).

AMENDMENT OF THE RAILROAD RETIREMENT ACT OF 1937 AND THE RAILROAD RETIREMENT TAX ACT—REPORT OF A COMMITTEE—SUPPLEMENTAL AND MINORITY VIEWS (S. REPT. NO. 91-650)

Mr. EAGLETON. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment in the nature of a substitute, the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, and I ask unanimous consent that I be permitted to file a report no later than midnight tonight. I also ask unanimous consent that the report be printed together with the supplemental views of the Senator from Rhode Island (Mr. PELL) and the minority views of the Senator from Illinois (Mr. SMITH).

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Missouri.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from New Jersey yield me 1 minute?

Mr. WILLIAMS of New Jersey. I yield.

Mr. MANSFIELD. Mr. President, it is the intention of the joint leadership, from now on, to object to interruptions by unanimous-consent requests or otherwise in the discussion of a bill, under the Pastore rule.

I am delighted that the distinguished Senator from Missouri has reported this bill from the committee. It is long overdue, and will take some strain off us as far as mail is concerned. However, I believe each Senator has a letter stating that the rule of germaneness will be enforced and that we will have 3 hours, after proceeding to the consideration of the unfinished business, for use only and entirely on that bill or other matter.

This statement is to serve notice that any further unanimous-consent requests of any kind which will interrupt the germaneness of the discussion will be objected to.

I would hope that Senators would go along with the joint leadership in this respect and not impose on the manager of the bill or any other Senator with interruptions.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

Mr. BYRD of Virginia. Mr. President, I support the Urban Mass Transportation Assistance Act. I believe it is important that efficient systems of mass transit be developed in our metropolitan areas.

Overcrowding of our highways not only creates delays, but also raises the level of air pollution. We must act to meet these problems.

Furthermore, many of our citizens who need to move about in urban areas cannot afford automobiles. Safe, convenient, low-cost mass transit is the only sensible answer for these people.

In recent years I have been particularly impressed with the scope of the problem we face in the Washington metropolitan area.

I am delighted that a start at last has been made on the construction of the much-needed rapid transit system for Washington. I strongly support the metro subway system.

But I have become convinced, after observing the growing congestion in the northern Virginia suburbs, that it will be necessary to furnish some form of rail transportation in the area before completion of the metro lines, which will not be completed in the fringe areas for at least 10 years.

Last month I spoke on the floor urging that efforts be launched to provide rail transit, using existing lines, in the immediate future. I am happy to report that a preliminary meeting, laying plans for that effort, has been held in my office, and that planning work is going forward.

I hope and trust that the pending legislation will help provide much-needed, short-run improvements in the Washington transportation system. Prompt action is vital if we are to avoid strangling traffic jams in this region.

AMENDMENT NO. 477

Mr. GOODELL. Mr. President, I call up, on behalf of myself, Senator CRANSTON, and Senator JAVITS, my amendment No. 477.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment (No. 477) as follows:

AMENDMENT No. 477

On page 17, beginning with line 19, strike out all through line 10, on page 18, and insert the following:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in the following amounts:

"(1) An amount of \$3,100,000,000 shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed \$80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of \$310,000,000 prior to July 1, 1972, not to exceed an aggregate of \$710,000,000 prior to July 1, 1973, not to exceed an aggregate of \$1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of \$1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of \$3,100,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(2) In addition to the amount made available for obligation under paragraph (1), an amount of \$6,900,000,000 shall become available for obligation on July 1, 1975, and shall remain available until obligated. For the liquidation of obligations incurred under this paragraph, the Secretary shall submit authorization requests as prescribed in subsection (d) of this section."

Mr. GOODELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

Mr. GOODELL. Mr. President, I yield myself 5 minutes.

Section 3(c) represents the heart of this legislation. It will enable the Secretary of Transportation to make long-term financial commitments which is essential for the planning and coordination of urban mass transportation.

My amendment would make the provision stronger. In addition to the $3.1 billion contract authority with a 5-year expenditure schedule of $1.9 billion, my amendment would give the Secretary authority to obligate $6.9 billion in fiscal year 1976.

I believe my amendment is an important and acceptable improvement in the legislation.

It provides, first of all, for a clear commitment of $10 billion to be spent over a 12-year period. Second, it makes such a commitment without having an inflationary effect upon the budget. A sum of $6.9 billion would be deferred and deducted from the fiscal year 1976 budget.

In addition, since it provides for a $10 billion commitment in two stages—1970 and 1975—any changes in needs or trends in the transit industry can be replaced in later obligations or by legislative changes.

The language of section 3(d) enables the Secretary to make biennial authorization requests. If my amendment is accepted, these authorization requests will become schedules of expenditures for the liquidation of obligations. The Secretary will be able to submit realistic requests, based on his experience and knowledge of the program as it proceeds, with the assurance that he has the authority to contract for the $6.9 billion.

Mr. President, we know what the urban transit needs will be 5 and 10 years from now. We know that a bare minimum of $10 billion will be needed by 1982 for new and existing systems.

With the language of S. 3154, we do not know the Federal Government is preparing to match its words with action. My amendment will clarify the commitment and make it possible for us to meet the urban transit needs of the next decade.

In testimony before our committee, Dr. William Ronan, chairman of the Metropolitan Transit Authority in New York State and president of the Institute of Rapid Transit, submitted a preliminary study of the capital requirements of the rapid transit industry for 1970–79.

I ask unanimous consent to submit that information for the RECORD.

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

Summary 1970–79, capital requirements of the rapid transit industry—preliminary

[In millions]

Transit system	
Existing rapid transit systems (New York, Chicago, Boston, Philadelphia, Cleveland, South Jersey, San Francisco):	
Modernization	$2,594
New facilities	5,396
Total	7,990
Existing commuter railroad systems (New York, Philadelphia, and North Jersey):	
Modernization	880
New facilities	428
Total	1,308
New rapid transit operations (Seattle, Los Angeles, Baltimore, Atlanta, Pittsburgh, Miami, Minneapolis-St. Paul, Washington)	8,410
Grand total	17,708

1970–79 CAPITAL REQUIREMENTS OF THE RAPID TRANSIT INDUSTRY—PRELIMINARY SUMMARY

[Dollar amounts in millions]

Existing rapid transit							Existing commuter railroads					
	Cost for modernizing existing plant			Cost for new rapid transit facilities			Data on new facilities			Rolling stock requirements		
City and operating agency	1970–74	1975–79	Total	1970–74	1975–79	Total	Number of new lines	Miles	Number of stations	Replacement cars	New cars	Total
Massachusetts Bay Transportation Authority, Boston	$147		$147	$471.0	$166.0	$637.0	4	34.5	29	170	246	416
New York City Transit Authority	600	$500.0	1,200	600.0	700.0	1,300.0	12	52.8	40	1,600	400	2,000
New York Commuter Railroad	319	138.0	457	105.0	240.0	345.0	3	12.0	2	725	260	985
Southeastern Pennsylvania Transportation Authority	60		60	156.0	30.5	18.7	3	14.1	18	100	125	225
Southeastern Pennsylvania Transportation Authority Commuter Railroad	89	9.2	98	79.4	3.2	83.0				175	28	203
Cleveland Transit System	11	35.0	46	200.0	35.0	235.0	2	20.0	18.20	70	100	170
Chicago Transit Authority	342	695.0	1,037	1,142.0		1,142.0	7	74.0		970	400	1,370
Delaware River Port Authority, South Jersey	3		3	61.0	59.0	120.0	3	66.0	18		80	80
New Jersey Department of Transportation Commuter Railroad	325		325							450		450
Port Authority Trans-Hudson Corp	70	31.0	101									
Bay Area Rapid Transit District				400.0	1,375.0	1,775.0	5	155.0			800	800
Total, commuter railroad			800			428.0						
Total, rapid transit			2,594		5,396.0							
Total			3,474		5,824.0							
PROPOSED RAPID TRANSIT OPERATIONS												
Washington Metropolitan Area Transit Authority						$2,445.0	8	97.2	86		811	811
Seattle						385.0	47					
Southern California Rapid Transit District				$335.0	$2,179.0	2,514.0	5	89.4	67		756	756
Metropolitan Transportation Authority, Baltimore				600.0	1,100.0	1,700.0	6	71.0	63		[1] 120	[1] 120
Metropolitan Atlanta Rapid Transit Authority, Atlanta				135.0	609.0	744.0	2	30.0	32		130	30
Port Authority of Allegheny County, Pittsburgh				229.0		229.0	3	29.0	22		175	175
Metropolitan Transportation Authority, Miami						340.0	4	24.0				
Twin Cities Area Metropolitan Transit Commission				53.0		53.0						
Total						8,410.0						
Grand total						17,708.0						

[1] 1st phase only.

Mr. GOODELL. Mr. President, the study shows that New York City, parts of Pennsylvania and New Jersey, Cleveland, Ohio, and Chicago, Ill., will rely on funds between 1975 and 1979 to modernize existing facilities. For many, this includes the much needed modernization of commuter lines. Proposed transit systems in such cities as Washington, D.C., Seattle, Wash., Los Angeles, Calif., Baltimore, Md., Atlanta, Ga., Pittsburgh, Pa., Miami, Fla., and the Twin Cities in Minnesota are dependent upon funds over the 10-year period for completion of their operations.

These States and cities must be assured, beyond any doubt, that the funds will be forthcoming. Only with such assurance can they continue to contribute the local financial share and continue with their transportation programs.

I am hopeful my colleagues will support this amendment. I understand the Department has not opposed this amendment, and I believe it is a major improvement in the legislation.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from Texas such time as he may need.

Mr. TOWER. Mr. President, the Goodell amendment, providing that an additional amount be made available after July 1, 1975, in the amount of $6.9 billion, is, of course, very similar to the Cranston amendment.

I think the arguments against both these amendments are somewhat parallel. If the Cranston amendment had been adopted, it would have forced the $10 billion of new budget authority to appear in the 1971 budget even though the expenditures were limited. The President has attempted to trim the budget substantially, as shown in today's papers, and it is the administration's feeling that this would yield inflated budget figures at a time when there is an attempt to exercise fiscal restraint.

The bill presently provides that, beginning November 1972, the Secretary shall return to the Congress biennially and request such additional authority as necessary for years after 1975. It appears to me that gives him enough leadtime.

The legislation expresses the intent of Congress to expend $10 billion over 12 years, but we should enter into this program with some caution, since it is a new program, and give the Secretary necessary discretion in determining whether it is needed, or, indeed, whether it is adequate.

I hope we will accept the same argument as applied on the Cranston amendment and that the amendment on the part of the Senator from New York will be defeated.

Mr. WILLIAMS of New Jersey. I yield myself 4 minutes.

Mr. President, the Senator from New York has proposed that this legislation be amended in its financing provisions to increase the aggregate obligation in section 3(c) to $10 billion.

There are good and substantial reasons not to alter this very important legislation in this manner. Careful consideration should be given to them.

There is no need to obligate $10 billion now. That is not to say that $10 billion is not needed. It is needed. It may well be that $10 billion is not enough to build the bus, rapid transit, and subway systems our cities presently need.

The committee report accompanying this bill places our total national public transportation needs at between $28 and $34 billion over the next 10 years. It is most important, however, not to confuse total transit needs with the need to obligate now.

The bill presently provides for the obligation of $3.1 billion during the first 5 years with instructions to the Secretary to submit authorization requests to the Congress every 2 years beginning in February 1972. As the distinguished Senator from Mississippi (Mr. STENNIS), chairman of the Transportation Appropriation Subcommittee so ably stated yesterday, up to $100 billion may be needed over the next 20 years. The biennial review contained in this legislation gives the Congress ample opportunities to consider whether to make the funds available. Therefore, obligating all funds in advance would in my opinion be unwise and should not be done if only to permit the Congress the meaningful review and appraisal it should have on a periodic basis.

In addition, despite the careful estimate of our national rapid transit needs, responsible transit experts agree actual needs will not be known until after the passage of this legislation. Firm decisions and plans to build high-cost transit facilities will only develop after the availability of Federal matching funds is assured.

Clearly a $3.1 billion obligation with biennial review is called for, not the $10 billion obligation proposed in the amendment.

The obligation of $3.1 billion for public transportation improvements has a substantial and immediate impact on the Federal budget. This is particularly true at the present time when there is extreme national concern over inflation. An increase in the $3.1 billion obligation at this time by an additional $6.9 billion limits the President and the Congress since in the future these funds would not be available for other purposes. The amendment provides no advantages to the program while posing serious disadvantages to executive management and congressional review.

This legislation is the first substantial, long term Federal commitment to build efficient mass transit systems. It is long overdue. The hour is late. We must not jeopardize this legislation with an unwise, untimely overcommitment of resources.

In this connection, I notice that the senior Senator from Florida is present. He made all of these points most expertly during the debate on the amendment offered by the distinguished present occupant of the chair, the Senator from California (Mr. CRANSTON). The Cranston amendment was of the same genre, so to speak; I do not believe I need repeat the arguments offered to that amendment. They apply here, and I trust that the Senator from Florida will now reiterate the statements he made earlier.

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

Mr. WILLIAMS of New Jersey. I yield.

Mr. HOLLAND. In the first place, the Senator from Florida is not an expert in this field, though he appreciates the kind references of the Senator from New Jersey.

The Senator from Florida knows that a large number of Senators would object very greatly to giving contractual authority, even if some of it were deferred as proposed by this amendment, so that, in the next 12 years, all Congress would have to do would be to appropriate funds to meet new obligations incurred at the sole discretion of the Secretary, whoever he might be. I have no complaint to make of the present Secretary whatsoever; I simply object to that way of doing things.

I say to my distinguished friend from New York that, having been in conferences over a period of many years with Members of the other body, I know that I am correct in saying that they have an even greater objection at that end of the Capitol than we do here to the granting of these huge blocks of contractual authority, whereby the executive department can make in advance obligations binding for a long period of years on Congress, so that all Congress needs to do is appropriate the money when the time comes.

I hope that my distinguished friend will not insist upon this proposal, because I think even if he were successful, he would find that he would have made this bill much less acceptable to the House of Representatives. I am basing my statement on what I know, because I have run into this same feeling time and time again in conferences with Members of the House.

I certainly shall not reiterate all the arguments that I made before, but I do hope the amendment will not be insisted upon, and that if it is insisted upon it will not be agreed to.

Mr. GOODELL. I yield myself 3 minutes.

Mr. President, I served as a Member of the other body for almost 10 years. I am well aware of their attitude on this type of thing, as well as other things. We are never going to change them without this body striving to give some leadership on what is necessary.

We are talking about a minimal need for the next 10 years of $10 billion, and we are talking about long term planning requirements. I have made it clear, in the committee and here on the floor, that from my viewpoint, the preferable way to meet the problems of mass transportation is through a trust fund comparable to the interstate highway trust fund. That has worked extremely well in a comparable situation, where States and localities must make long term commitments in advance, and they know there will be money to meet those demands.

We have been through this routine of making a commitment in the preliminary finding of a committee or in the preliminary finding of legislation, and not delivering on that commitment. The best example is in the area of housing, where, over the last 20 years, in virtually every housing bill passed by Congress, we have recited, at the beginning, a commitment to what is needed and what we intend to do in the next 6 years, the next 10 years, or the next 20 years. But the money has never been forthcoming to deliver on those commitments.

I think it is imperative that we at least take the step of seeing to it that by 1975, the money we say will be committed will be available for obligation.

I would prefer the trust fund route, and I have pressed for that in the committee. I now recognize that we do not have the votes for a trust fund that would combine mass transit and various highway projects so that we could have coordinated and sensible planning of urban transportation. That is regrettable. In fact, it is tragic that we cannot do that.

I commend the committee for having taken at least one step to meet the realities of the situation by providing for limited contract authority. But I think we should go further than the committee bill. My proposal is not the Cranston proposal; it is a substantial modification of the Cranston proposal.

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

Mr. GOODELL. I yield myself 1 additional minute.

For those who are concerned about the inflationary impact of the Cranston proposal, my proposal would be less inflationary. It clearly provides, however, that we will deliver on the commitment of $10 billion over the next 12 years, and it provides that the obligational authority will be made available in fiscal year 1976.

I urge my colleagues not to vote on the basis of what the other body will demand. We are independent bodies, and we certainly will never improve the situation if we obeisantly lie down and say, "That is the way they demand it, and we will go along." I think it is time that that practice was changed, so that we could have an orderly planning process in mass transportation.

This bill, as it now stands, goes part way, and my amendment would carry it to a more realistic commitment of $10 billion over the next 12 years.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from New York yield back his time?

Mr. GOODELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New York (Mr. GOODELL). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

On this vote, the Senator from Maryland (Mr. MATHIAS) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Maryland would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 16, nays 67, as follows:

[No. 30 Leg.]

YEAS—16

Bayh	Hart	Percy
Brooke	Javits	Ribicoff
Case	Kennedy	Schweiker
Church	McGovern	Scott
Cranston	Mondale	
Goodell	Nelson	

NAYS—67

Aiken	Fannin	Montoya
Allen	Fong	Murphy
Allott	Fulbright	Muskie
Anderson	Griffin	Pastore
Baker	Gurney	Pearson
Bellmon	Hansen	Proxmire
Bennett	Hartke	Randolph
Bible	Hatfield	Smith, Maine
Boggs	Holland	Smith, Ill.
Burdick	Hollings	Sparkman
Byrd, Va.	Hruska	Spong
Byrd, W. Va.	Hughes	Stennis
Cannon	Inouye	Stevens
Cook	Jackson	Symington
Cooper	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Tower
Curtis	Long	Tydings
Dole	Magnuson	Williams, N.J.
Dominick	Mansfield	Williams, Del.
Eagleton	McClellan	Young, N. Dak.
Eastland	McGee	Young, Ohio
Ellender	McIntyre	
Ervin	Miller	

NOT VOTING—17

Dodd	McCarthy	Prouty
Goldwater	Metcalf	Russell
Gore	Moss	Saxbe
Gravel	Mundt	Talmadge
Harris	Packwood	Yarborough
Mathias	Pell	

So Mr. GOODELL's amendment (No. 477) was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. TOWER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 470

Mr. PERCY. Mr. President, I call up my amendment No. 470, and ask that it be stated.

The PRESIDING OFFICER (Mr. BELLMON in the chair). The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT No. 470

On page 19, line 4, after "SEC. 4." insert "(a)".

On page 19, between lines 12 and 13, insert the following:

"(b) Section 5 of such Act is further amended by inserting '(a)' after 'SEC. 5.' and by inserting at the end thereof the following subsections:

" '(b) Notwithstanding any other provision of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to pay the interest on and to discharge obligations on securities, equipment trust certificates, or otherwise incurred in the acquisition, construction, reconstruction, and improvement of facilities and equipment use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may only be made under this authority where the Secretary determines that failure to make such a grant will (1) in all probability force the termination of all or a significant part of the transportation service, or (2) seriously affect adversely the welfare of a significant number of lower income persons who are dependent upon the transportation service.

" '(c) To finance the grants under subsection (b) of this section, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $500,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $25,000,000 prior to July 1, 1970, which amount may be increased to not to exceed an aggregate of $75,000,000 prior to July 1, 1971, not to exceed an aggregate of $150,000,000 prior to July 1, 1972, and not to exceed an aggregate of $250,000,000 prior to July 1, 1973. Sums so appropriated shall remain available until expended.' "

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

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. PERCY. Mr. President, the purpose of the amendment is to provide authorization for the Secretary to make grants to States and local public bodies and agencies thereof to pay the interest on and to discharge obligations on securities, equipment trust certificates, or otherwise incurred in the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may only be made under this authority where the Secretary determines that failure to make such a grant will, first in all probability force the termination of all or a significant part of the transportation service, or second, seriously affect adversely the welfare of a significant number of lower income persons who are dependent upon the transportation service.

In other words, if the Secretary determines that a rapid transit system may fail unless a grant of this type is made, he may make such grant, or, second, the Secretary determines, without making such a grant, that the welfare of a significant number of low-income persons dependent upon the transportation service will be seriously affected.

Mr. President, I realize that it would be much more desirable to hold hearings on an amendment that introduces a new principle or concept, but the truth of the situation faced by the CTA in Chicago, and certain other cities also, was not apparent at the time we had hearings.

The purpose of the amendment is to say merely that we are not going to reward those who have waited for Federal funds to buy equipment, but will take into account the fact that many rapid transit systems actually made the initial purchase of its equipment, yet declining revenues, increased operating costs, passenger service falling off, have not enabled them to pay the interest on meeting the obligations.

So what we are trying to say here is that we want not only to build up new systems but we want to take into account that it would be a great deal easier to save the present failing systems rather than look only into new equipment and see what can be done to restore to a healthier condition existing transit systems until such time as the full force and effect of the pending legislation can be taken into account.

I was most interested in a section of the colloquy yesterday, engaged in by the Senator from Mississippi (Mr. STENNIS), chairman of the Appropriations Subcommittee.

He said:

I can also support some mass transit, if it is going to be conditioned in a city where it really needs the money for the poor people to get to and from their work. I would rather set it up on a program of that kind than just have these mass transportation grants to these cities.

Later, he said:

If it is for poor people who cannot pay their way, that is one thing, but I think that cities like Jackson, Miss., or any of the rest of them, as a general proposition should be able to take care of their own mass transportation costs. That has been my position on these bills all along.

Mr. President, so that the main thrust of one portion of the authority granted to the President can be to save systems which could fail, or substantially increase costs to lower income people, and thus drive them off the lines.

In Chicago, it looks like we will be faced with a 50-cent fare which, with Kansas City, would be the highest in the country. In other words, a dollar a day for low-income workers. We know what this does. Every time we raise the fares in a mass transit system, it drives away more passengers and adds to the initial operating costs which remain very much the same.

That drives the low-income workers back to the highways which are already congested and overcrowded. They buy second-hand jalopies, with six or more crowding in. The air is polluted from engines that need reconditioning on ever more crowded highways, adding to the public confusion and higher costs, and lessening the use of public transportation.

I believe in the spirit of what the Senator from Mississippi (Mr. STENNIS) was talking about when he mentioned doing something to help the lower income people.

I believe it is exceedingly important that we also take into account the fact that many jobs exist in the midst of unemployment and that public transportation is not available and it ought to be kept running if it is available for people to travel from the inner city into the outlying areas where these jobs have moved. This is again an investment in people to keep them occupied.

I think also that while we are making a huge investment in air pollution, we should take a good look at the fact that we know that automobiles are the largest polluters of all. We have seen mass transportation facilities fail, and a large number of people have been forced over to automobile transportation, again clogging the traffic and polluting the air.

It would be much more simple to save the large transportation systems which cannot operate efficiently at the present time. It is my contention that it would be much easier to conserve and preserve than to build anew. And we seem to be responsive to the need by being willing to make grants for new facilities in rapid transportation systems, but we seem to be somewhat reluctant to save the systems now operating in a failing condition.

It is for this purpose that an amendment of this type was offered. Consideration should be given to the area of responsibility served in this area of need.

I point again to my city of Chicago which is so typical of the problems existing in Kansas City and in other communities, notably in New York City.

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

Mr. WILLIAMS of New Jersey. I yield.

Mr. TOWER. Mr. President, this is an extreme situation that has come to our attention recently. I think the thing that alerted the attention of the Senator from Illinois to it was the very critical situation existing in the CTA. That was subsequent to the committee consideration of the bill. Unfortunately, there has been no opportunity to hold hearings on this matter or to get administrative reaction or anything of that sort.

I think the proposal has fine merit. I think it is worthy of consideration. I think that perhaps if it were introduced in the form of separate legislation, we would hold hearings on it at an early date.

I for one would be glad to cooperate in every way I could if this were to be introduced as separate legislation, to make sure that hearings were held. This is a matter that had not come to my attention before, and something should be done about it. It makes good sense to me that we should invest a little money to save a failing system rather than to let one fail and then have to start over from scratch again.

Mr. PERCY. Mr. President, that would have been the kind of action I would have preferred. I would have much preferred to take it up in the usual manner so that we might have hearings and cities could appear and explain their plight.

I would like to have the director of the CTA explain why they are going to have a $22 million deficit this year, and what chance they will have, if they continue to get equipment grants, of attracting passengers back and working their way out of an operating deficit. However, in lieu of not having had that information at the time the hearings were held, I did not have the foresight to prepare this type of amendment.

I should like to hear from the manager of the bill as to whether he feels that hearings can be held at an early date, say, in 30 or 45 days, if at all possible.

It is a critical situation that we are facing. It would help a great deal if we could have such hearings. And I would be happy at an early date to introduce this proposal as a bill so that hearings could be held.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. WILLIAMS of New Jersey. Mr. President, I would be prepared to vote on the pending amendment right now. And I would vote for the amendment. It is a most critical problem which the transportation industry must have assistance in meeting—Federal assistance. I have examined it over the years, and we all hear about it daily. I have introduced a bill, S. 676 to cope with this problem.

However, we could not practically deal with this problem in our committee hearing along with the matter involved in the pending bill at the same time.

I would welcome it if the Senator would introduce his proposal as a bill. I will press for hearings. And I believe that the committee schedule is such that we would have these hearings in March.

Mr. HOLLAND. Mr. President, I did not hear the Senator.

Mr. WILLIAMS of New Jersey. I said that I support the Senator from Illinois in his proposal and hope that we can have hearings before the Committee on Banking and Currency on this proposal.

Mr. PERCY. I think hearings would be much preferable. I did pick figures out of the air. I would rather do it on a much more scientific basis, knowing what the need is and then devote our attention to the principles involved in the pending bill.

Mr. President, because of the very fine support and encouragement I have received for my proposal and the assurance of the committee that very early hearings will be held on the matter, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WILLIAMS of New Jersey. Mr. President, I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. MAGNUSON. Mr. President, the Senate Commerce Committee has been holding a number of very important hearings relating to pollution and the role, as has been so well pointed out by the Senator from Illinois, of the automobile in pollution.

We have been hoping that we can have a low-emission automobile.

I am sure the Senator from New Jersey and the Senator from Texas are familiar with the fact that the Government is the largest purchaser of buses, automobiles, and everything else. The legislation would provide for standards for a low-emission automobile.

So the committee instructed me to ask the managers of the bill about the matter, because Secretary Volpe, in a speech a week ago, said that the urban mass transit bill "provides for such things as new turbine buses, which practically eliminate the sort of air pollution we get today from conventional buses."

I hope that statement was accurate.

Any funds in this bill used to purchase buses should be used to purchase only those buses which are smogless. Such a policy will improve the health of the people in our cities and make buses more attractive modes of urban transportation.

I have introduced a bill, S. 3072, that requires the Federal Government, when purchasing vehicles for its own use, to purchase nothing but smogless or low-emission vehicles. I believe that the Federal Government has an obligation to stimulate innovative development and production by creating, here and now, a consumer demand for smogless cars, trucks, and buses.

This is why I believe Federal dollars in support of urban mass transportation should also be directed toward low-emission technology. It may cost the Government a few more dollars to provide cities with smogless buses, but the returns in terms of clear skies and public acceptability will be well worth the additional investment.

My question is: Does the urban mass transit bill, as Secretary Volpe suggests, direct Federal funds toward the purchase of only low-emission or smogless buses?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 2 minutes.

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

Mr. WILLIAMS of New Jersey. I would say that it certainly does where the low-emission bus is available and where the technology is available. It would certainly have to follow that this would be the choice because under the bill as it was and under the bill as it has been amended by the Hart amendment. There is a clear demand that decisions be made wherever possible to eliminate and reduce air pollution and its adverse effect on the environment.

Mr. MAGNUSON. Would it not also follow that if an urban center presented a plan which involved the most modern technology on smogless low-emission vehicles as against a center which presented a plan for the old conventional buses, the Department of Transportation would encourage the plan of those striving for clean air?

Mr. WILLIAMS of New Jersey. I am certain the Department would do that. The bill, as it deals with the area of pollution and environment, makes it the clear congressional intent to do that.

Mr. MAGNUSON. I appreciate the colloquy I have had with the Senator on this subject. The word might be passed on to those companies which manufacture these buses that will be used under this very important bill so that they might come up with ideas to help the cities do a better job in connection with clean air and the environment.

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

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 1 minute.

Mr. President, I regret I did not say this earlier. I do wish to thank the Senator from West Virginia (Mr. RANDOLPH) for his excellent statement and the experience and expertise he brings to this debate. He is the chairman of the Committee on Public Works and he is well aware of the transportation needs of all our cities. In the months ahead I hope to continue to work with him not only in connection with mass transportation legislation but on all transportation legislation effecting our Nation.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum, with the time to be equally charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. 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. BAYH. Mr. President, I ask that my amendment again be made the pending business.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 20, after line 14, insert the following new section:

"SEC. 6. The Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), is amended by adding at the end thereof a new section as follows:

" 'OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

" 'SEC. 16. The Secretary shall—

" '(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under this Act be given to lower income persons residing in the area of such project; and

" '(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.' "

On page 20, line 15, strike out "6" and insert "7".

On page 21, line 3, strike out "7" and insert "8".

Mr. BAYH. Mr. President, as I said earlier, prior to the amendment being laid aside, the amendment would seek to provide in the Mass Transportation Act almost the same, identical language which is already incorporated in the Housing and Urban Development Act. It would simply say to the Secretary that "to the greatest extent feasible" opportunities be made available for those citizens and businesses located in the affected area.

I have been advised by the distinguished chairman and the ranking minority member of the committee that some question has been raised about the ability to administer this particular type of request in a transportation bill compared with how it would be administered in the Housing Act. I must be frank to agree that there would be a different problem. We are here concerned about a metropolitan area, one centralized area, where there is a transit system originating in passing through a low-income area, then goes into another part of the city.

I personally believe that the proposed language would give to the Secretary great leeway to administer this measure. I would like to see the Senate proceed to find a way to deal with the problem of making more business opportunities available to those who live in underprivileged areas.

I wish to give one example of the kind of injustice to which I refer. I am certain that not a Senator here has not had a similar experience. As an example, I refer to the central city of Indianapolis, where a main throughway went through the city. It split the black community into two equal parts and created great havoc. Walls were built up with dead end streets, resulting in considerable inconvenience. What had been inadequate housing before was torn down. The injustice was compounded by the fact that those who were suffering this inconvenience could not see a black face out there working on that job. There was not a black contractor who could qualify to even haul dirt from the highway site.

There has been a great deal of talk about black capitalism in this body, and there are probably 100 different definitions in this Chamber. However, to most of us this means creating an environment and opportunities which would give those who are presently in a state of disinvolvement with the economy and our society an opportunity to be where the action is.

This measure would merely provide that, to the greatest extent feasible, the Secretary should take these factors into consideration for job opportunities, training opportunities, and contractual opportunities; that when a project of this type as provided for in the act, is built in a community, an effort will be made to give full opportunities to citizens who live in the area.

I do not know if the chairman would care to comment on the amendment at this time or not or whether the ranking Republican member would care to comment on it.

Mr. TOWER. Mr. President, I certainly agree with the objectives of the Senator from Indiana. When the Senator first presented the proposal, at first blush it looked like something we could take now, but after talking to some people I have come alive to the difficulties presented with highways on the one hand and a long string of railroad tracks on the other hand. Many bugs could be brought out in executive session.

Therefore, it occurs to me that if the Senator from Indiana will introduce a separate bill embodying the provisions of the amendment, we could have hearings and come up with legislation that would seek to accomplish the objectives of the Senator from Indiana.

Mr. WILLIAMS of New Jersey. I certainly supported this most needed legislation when it was included in the Housing Act. I am personally wholly committed to the objective.

I cannot commit the committee that would handle the matter if it were submitted as a bill and referred to the committee. However, I would certainly support the legislation and urge the chairman of the committee to have prompt hearings. It seems to me it would be more efficient to consider this matter in hearings together with another transportation bill that we hope to have hearings on in March.

I suggest to the Senator that his proposal could have even greater meaning, force, and beneficial effect if it did have the foundation of good hearings before the Senate acts. I would certainly advance that recommendation to our committee.

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

Mr. BAYH. I yield.

Mr. JAVITS. Mr. President, I had a great deal to do with the amendment which has been discussed, the substance of which is contained in the housing bill. I do not know whether I proposed it. I had in mind offering such a proposal to this bill, but when I heard the Senator from Indiana was going to do it, I was glad to defer to him.

Apparently the managers of the bill feel it raises considerable procedural and administrative difficulties.

Because I am so much with him in this matter, may I suggest to the Senator from Indiana that he forego his effort here considering that we will be having hearings on manpower training and the manpower bill in due course in the Committee on Labor and Public Welfare and that this subject ties in to various aspects of the poverty program. The Senator from Indiana really is not jeopardizing anything, because he will have adequate opportunity to look at the context of the other bills which can also properly apply to this measure insofar as they relate to manpower and work problems.

We can benefit by studying it from the point of view of how it is working out in the housing field. I would like very much to help the Senator in any way he wishes me to. At that time we can work it out so that the proposal may appear in another bill which would effect the end objective in which I so much join with the Senator from Indiana. So I do not think the Senator from Indiana is losing anything if the proposal is not locked into the bill.

Mr. BAYH. Mr. President, I welcome the suggestion, comments, and support of the Senator from New York. He has been a leader in this field, and was instrumental in getting the previous legislation incorporated into the Housing Act. The Senator from New York and the senior Senator from Illinois are well aware of the problem we are trying to deal with and have been very helpful to me in this.

If it is the opinion of the Senator from New York, as well as that of the Senator from Texas and the Senator from New Jersey, that the best course of action would be to introduce a bill, perhaps this should be done jointly. I would be honored to share in this attempt with the Senator from New York and others. Then, pursuant to the discussion with the Senator from New York, hearings could be held either here or in the committee to which the Senator just referred.

Mr. JAVITS. Mr. President, if the Senator will yield, it may be better to attack this problem generically in a labor or manpower bill than to attach it specifically to this measure. That is my suggestion.

Mr. BAYH. Perhaps it is to be expected, but I was somewhat surprised to find that certain people and groups were against this proposal. I thought we had gone long past this point with respect to national policy, to which we agreed in heated discussions not too many months ago. It was decided we would try to give these unfortunate people opportunities and jobs, and that perhaps the best way to deal with poverty was to let a man stand on his own two legs and provide for himself.

Since a similar provision was added to the HUD bill, I did not think there would be opposition to including it in the mass transportation bill. There is opposition and concern. It is the general consensus of those who are more familiar with the legislative hurdles than I am that we would not be retreating too far if the amendment were withdrawn at this time.

Therefore, Mr. President, I ask unanimous consent to withdraw the amendment and will pursue other legislative recourse.

I thank the Senator from New Jersey for this courtesy.

The PRESIDING OFFICER. The Senator may withdraw an amendment. The amendment is, therefore, withdrawn.

Mr. ALLOTT. Mr. President, I ask unanimous consent that we may have a short quorum call, after which I may be recognized to proceed with an amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that the time be charged to both sides on the bill.

The PRESIDING OFFICER. The time is to be charged on the bill. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. 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. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. As I understand the provisions of the unanimous-consent agreement, I have 30 minutes on this amendment. Is that correct?

The PRESIDING OFFICER. The Chair is informed that when the Senator offers his amendment, there will be 30 minutes on each side.

Mr. ALLOTT. I thank the Chair.

I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 20, line 13, strike out the period and insert in lieu thereof the following: "and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States, but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception."

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, if I may have the attention of Senators, I do not intend to speak too long on the amendment.

I suppose the question must occur in people's minds why the Senator from Colorado, whose State is relatively, except for one or two places, in good position with respect to mass transportation problems, is so interested in this matter.

It so happens, Mr. President, that during the last 10 years my assignments on the Appropriations Committee, first to the Independent Offices Subcommittee, of which I still have the honor to be ranking member, and then subsequently to the Transportation Subcommittee, have placed a great deal of information and testimony at my disposal, which has convinced me, over a period of time, that this is an area with problems which we have to attack and solve.

I well know the feelings of some people about these programs, and it would perhaps be easy for me to take a purely parochial, or I might even say provincial, position, and say that since the State of Colorado will not be the first one up to bat in this program, therefore I am opposed to it and I am going to vote against the bill and against the whole matter.

However, I have become convinced, from my studies and the almost endless hours that I have spent in committee in the last 10 years upon this and allied subjects, that this is an area where something has to be done. For in my opinion, the problems of the big cities, the so-called problems of the ghettoes and all of the associated problems, including access and ingress and egress for work, will never be solved unless we solve our mass transportation problem.

I would not necessarily try to uphold the hands of the people who have operated our mass transportation systems, because I do not think they have been, as a whole, operated with the greatest imagination and the greatest vigor possible. When the committee reported this bill, after holding extensive hearings, it included, on page 20, line 8, a proviso for a discretionary fund of 15 percent. The distinguished Senator from Wisconsin yesterday offered an amendment to reduce that fund to 1.5 percent, and in the colloquy which followed, I offered an amendment by way of a substitute to change the 1.5 percent to 5 percent. Because of the precedents of the Senate and the vote on the unanimous-consent request, the matter was not really discussed for the information of the Senate at the length it should have been. So the amendment of the Senator from Colorado was defeated, and then the amendment of the Senator from Wisconsin was agreed to, which changes the figure in line 8, page 20, from 15 percent to 1.5 percent.

Mr. President, it would be very easy to line up and count votes on account of the big States and the little States and that sort of thing. From a population standpoint, mine is one of the smaller States. From an area standpoint, it is one of the larger States. But I am required to and do look at this matter as a matter of national interest. I do think that we have to solve our urban transportation problems, and if it so happens that California, Illinois, Ohio, Pennsylvania, New Jersey, and New York are the most critical of those areas where help is needed, that should not, in my opinion, diminish my interest in this subject by one iota, because I am here as a Senator for the whole United States. It is in that sense that I approach the matter, not in a parochial or provincial sense at all, because our State will be interested in these funds, and perhaps secure help, only after those five or six main States have received whatever benefits may accrue to them.

I have proposed this amendment, Mr. President, to which I hope Senators will give serious consideration, because I simply do not believe that a 1.5-percent discretionary fund provides the Secretary of Transportation with the leeway that he needs in the control and disposition and use of this fund, if it is to be used wisely.

I think everyone will recall that the bill provides that the discretionary funds are available only after a State has exceeded or is up to the point of 12.5 percent of the total fund. My amendment is a very simple one, and very easy to understand. It simply adds to the bill, on line 13, page 20, after striking out the period the following language: "and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section" and that includes the whole section "has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States," and then a third proviso: "but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception."

Mr. President, the maximum amount involved would be only 25 percent of the 6 percent. In other words, it is theoretically possible—and this argument will undoubtedly be made by the distinguished Senator from Wisconsin—that all of the 1.5 percent would go to one State, and then they could also get 1.5 percent under this 6-percent arrangement, which, with the basic maximum of 12.5 percent, would mean a total of from 14 percent to 15.5 percent.

That is theoretically possible, but when you have six such huge States as I have enumerated, which are vitally interested in this program, I do not believe any such theoretical situation as that will ever occur.

So, simply stated, the amendment would permit, when these conditions have been met, an additional set-aside of 6 percent for discretion of the Secretary, when these States have reached their 12.5 percent, to permit him to do the job, and no job then would be sacrificed because of the artificial restrictions which are placed in the bill.

Mr. President, I sincerely hope that the distinguished chairman of the committee and the distinguished ranking minority member, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. TOWER), will find themselves in a position to accept this amendment. The Secretary, in a conversation with him today, has assured me that the 1.5 percent simply does not give them the leeway to manage the fund on a sensible and satisfactory basis.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I yield 10 minutes to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, this amendment has come up because the Senator from Colorado (Mr. ALLOTT) and a number of us were really very much concerned after yesterday's contretemps on the question which Senator ALLOTT propounded about the viability of this program.

There are lots of games that can be played on parliamentary floors, and often are; but we ought to have the wit and the ability at least to do effectively what we wish to do. I could understand it, though I do not agree with it, if there were opposition to any such program as this in respect of Federal assistance for mass transportation altogether. But apparently the majority of the Senate, Congress, and the country, I think quite rightly, have crossed that bridge.

This is an on-going program which we feel should be carried on in the national interest. But if we are going to carry it on, then let us carry it on intelligently, and let us not apply to it parochial standards which, after they became general, could become very embarrassing.

For example, how many States get the benefit of the subsidies for growing cotton or not growing cotton, or for growing wheat or not growing wheat, or some other commodity? And what States get the particular benefit of ship subsidies? And so on and so forth.

We are running a country. We are not running a particular State or a particular city or a particular province. That is the case here. Certainly, the great, congested metropolitan areas are the ones that are suffering, and we are giving relief because we feel that, in the national interest, they should get some relief.

We are not kidding ourselves about the fact that this is a matter of great importance to essentially rural States which do not have the massive congestions which are associated with the major cities and the major States that have been named.

This comes, properly, from Senator ALLOTT; and I think it is significant that he has done his thinking upon this because it is dictated by his experience in the appropriations process. I have been a member of the Appropriations Committee, also, and there one learns a sense of practicality about how you actually have to run a fund in order to make it come to the maximum usefulness.

We are trying to help these transportation systems with some element of flexibility so that money is not used improvidently where it is not needed, or is not needed on as high a priority, or is not ready to be received. That point was brought out in the discussion yesterday.

So in redrafting the amendment—Senator ALLOTT was kind enough to talk with me and others about it—we did try to take into account some of the arguments that were made with respect to this matter, so that no one State could get an undue windfall and so that smaller States and individual communities, which also might have urgent needs, would not be deprived.

I think the amendment, in its present language, takes a balanced approach to this situation; and, as Senator ALLOTT has explained, it contains a number of conditioning criteria. It requires a determination as to the accomplishment of the fundamental purpose of the act. It requires, also, that the distribution of this fund shall not prejudice or delay pending projects of other States; and then it puts another limitation upon the amount of the 6 percent which can be used in any one State, bringing the aggregate which any one State can get at the extreme—and that would apply to only one State—down to a total of 15½ percent. It seems to me that that gets very close to the concept which was debated here yesterday.

This is at the urgent request of the Secretary of Transportation, who has to administer this bill and make it work and make it produce results.

I respectfully submit that it is all right to shut our ears to special pleading, but we cannot shut our ears to special pleading from those whose ox is being gored. This measure is designed to help in this particular respect the great congested transportation cities of the country. Here we have the representation of the Secretary, himself, of a member of the Appropriations Committee who lives with these problems and has no personal interest in it for his State, as well as the urging of States like my own, that, at the very least, we need some flexibility in this situation. It has been hedged in by Senator ALLOTT, I think, with all the reasonable safeguards that anyone could ask.

Mr. President, in my judgment, there was a majority here yesterday for a measure of this type, some alleviation from the rigors of the strict 12½ percent rule. Unfortunately, those who manage the bill on the floor were bound by what the committee had said. Now they have had an opportunity overnight to consider whether there was overriding justice in not sticking strictly to what the committee had said. Some of the others did not quite appreciate how urgently the Secretary felt that this was essential to his administration of the act.

This is the first opportunity we will all have to make the decision strictly on the merits, and I hope very much that the Senate will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I understand that the manager of the bill, in view of the fact that I oppose the amendment and he favors it, will permit me to handle the time in opposition to the amendment.

Mr. WILLIAMS of New Jersey. That has been done.

Mr. PROXMIRE. I yield myself 10 minutes.

Mr. President, the advocates of this amendment argue that unless we adopt the amendment, we are following a parochial policy, a policy of unfairly limiting the amount that would be available to the bigger States which need mass transportation most urgently.

I submit that all we have to do is to take a look at the record, the experience we have had under the present law, and recognize that what the present bill does, as amended yesterday by the Proxmire amendment, is to retain precisely the same principle of allocating a discretionary amount as we have had in the past for the big States when they suffered under this program.

The fact is that six States, with 32 percent of the population, got 76 percent of the money. The fact is that the bill, as now amended, will still permit the big States to get 12.5 percent of the total amount—one State. That means that they could get $387 million and, in addition, they could receive 1.5 percent of the fund or another $46.5 million if the Secretary of Transportation felt that that State had urgent need for it.

While it is true that there may have been some confusion yesterday, the fact is that there was a decisive 2-to-1 vote against a very similar amendment which would have increased the fund available, at the discretion of the Secretary, by fourfold—$46.5 million, which I provide, to approximately $186 million.

Mr. President, would it not seem more sensible, in view of the experience we have had in the past with a very small number of large States, with a minority of the population receiving most of the funds, for us to try this measure for 2 or 3 years to see how it works? Then, if the Secretary of Transportation feels that experience has demonstrated to us that he needs more flexibility, that the situation in California, New York, and Illinois is so urgent that he has to have this additional discretion, it seems to me that 2 or 3 years would give us an opportunity to determine whether or not this argument is valid and correct.

What we have done here, however, is to quadruple the amount of money available for mass transportation. It would increase fourfold the discretionary fund, and it seems to me that we have gone very far in providing a substantial increase in mass transportation funds for the big cities that will need it.

I should like to invite the attention of the Senator from New York and the Senator from Colorado to a phrase in the Javits-Allott amendment to which both distinguished Senators have referred——

Mr. JAVITS. Mr. President, will the Senator yield for a correction?

Mr. PROXMIRE. Let me say to the Senator that this is the Allott amendment, but the copy I have has Senator JAVITS' name on it. I understand that both Senators collaborated in drafting this amendment.

Mr. JAVITS. He just had my advice, nothing more.

Mr. PROXMIRE. Both Senators spoke in favor of it. I suppose we can call it what we want.

Mr. ALLOTT. I was happy to have his advice.

Mr. PROXMIRE. In the latter part of this amendment, the language is as follows: "and shall not prejudice or delay pending projects of other States."

This seems to be a safeguard against the Secretary preventing some of the other States, such as Florida, Georgia, Virginia, Wisconsin, and so forth, from getting their share. But I invite the attention of the Senators to the fact that this refers to pending projects. It does not refer to future projects. So that if there are States which have projects in the future, we feel they should be funded, not pending, but future projects. Under the language of the amendment, there would be no restrictions on the Secretary still providing funds to the larger States which already would have at least 12.5 percent before they would have to resort to the discretionary fund.

One of the strongest pleas for this bill is that it is a national bill, not a parochial one. It is not a bill for New York or California, but for all the States. This is a bill drafted to permit the States which previously have not been able to take part in mass transportation programs in any significant extent to take part for the first time, because privately owned transit systems are under this bill enabled to receive grants. This means that States which did not have more than a fraction of 1 percent, or did not have any funds before, will now be able to take part.

Why, therefore, is it not logical to provide the same kind of guidelines we have had in the past which have enabled the big States to get most of the money but would still provide reasonable safeguards so that the other States would be permitted to get a small share rather than the Allott amendment which would give the large States an even greater share.

I hope that the amendment offered by the Senator from Colorado, and supported by the Senator from New York, will be rejected.

Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. WILLIAMS of New Jersey. Mr. President, yesterday, on a similar amendment offered by the Senator from Colorado, I voted in opposition. I did so because I supported what I thought was the wise decision of the committee to bring about a 15-percent discretionary fund. This fund would give the Secretary the flexibility that he should have in order to move into these critical areas where the transportation situation is desperate.

The Senator from Colorado did not prevail yesterday. I was one of the reasons why he did not prevail.

Now, having lost what I thought was the best at this halfway house, I will now rest and with enthusiasm support the amendment.

Mr. ALLOTT. I thank the distinguished Senator.

Mr. TOWER. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. Mr. President, I yield 2 minutes to the Senator from Texas.

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

Mr. TOWER. Mr. President, I can only second what the distinguished Senator from New Jersey has just said. I am one of those who voted against it because I thought we would be adhering to the position of the committee. I was wrong.

I now rise with great pleasure at the opportunity now to have a second run at it and report, in this particular instance, that the Senator from Colorado has a most constructive amendment, and one which maintains adequate safeguards for the small States who have not yet, to date, been denied any funds because of a paucity of funds resulting from the big States gobbling it all up. It just has not happened.

So that I hope the amendment of the Senator from Colorado prevails, and I shall support it.

Mr. ALLOTT. I thank the Senator very much.

Mr. President, how much time remains to me?

The PRESIDING OFFICER. Eleven minutes remain to the Senator from Colorado.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield to me?

Mr. ALLOTT. I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, it seems to me that the Senator from Wisconsin, himself, has made the very best argument for the bill, as it is a fact that the States with one-third of the population—a relatively small number of States but with very large populations—are to be the principal beneficiaries of the bill. Of course, if that measure were applied to other types of help and subsidy which Congress gives, we would find larger States with smaller populations.

We must make this plan congenial so that it can operate effectively for larger and smaller populated States. It has been in effect since 1964. It is not a new program. We have learned something about how to run it. One of the things we have learned is the need for a certain relative flexibility in this particular measure. We are doing this for 5 years, not just for today. The kind of flexibility we should have is 15 percent. Now we have this level of 7.5 percent, taking 1.5 percent of the Senator from Wisconsin's, that is hedged in without any restrictions, which I understand perfectly and accept, and the 6 percent if this amendment is adopted, which has limits to the amount that can go to any one State. Also, there are certain very strong conditions placed upon the administrator in determining when to use this 6-percent discretionary fund. But because the administrator himself feels that he needs at least this much, in order to do the job which Congress has charged him with doing, it seems to me, under those circumstances, that those in favor of the legislation who want it to work, and want the program to be successful, should get together on it.

Finally, the Senator from Wisconsin says a State can get only 1½ percent on his amendment and 1½ percent on this amendment. But only one State can get that. That is it. Other than that one State, the limit is the 1½ percent to another State which would come out of the Allott amendment. There is a sharp restriction upon what can go to any one State.

Mr. PROXMIRE. Mr. President, I am happy that the Senator from New York called my attention to this point. I hope that he will correct me if I am wrong, but I had originally assumed that this was a 6 percent discretionary fund available to the Secretary of Transportation. Now I see that the language is an additional 6 percent. This means 6 percent in addition to the 1½ percent?

Mr. JAVITS. That is correct.

Mr. PROXMIRE. So that it is 7.5 percent.

Mr. JAVITS. That is correct.

Mr. PROXMIRE. Then we really are taking money that otherwise might be available for future projects for the 44 or 45 States that are not in it in a big way.

Mr. JAVITS. I think that the Senator is being a little unfair to the amendment in picking up the words "pending projects." There is no intention to confine it to the pending projects.

Mr. PROXMIRE. That is what the amendment says.

Mr. JAVITS. I agree, but there is one other matter, though. It was not my thought and I doubt it was the thought of the Senator from Colorado, to freeze the situation as it is now. As I saw it, when we talked about it, what was troubling the Senator from Wisconsin yesterday was the extent of the flexibility in the fund, and the necessity of not prejudicing any small State that was really ready and could use the money to be provided by this fund. And that was the intention of this amendment. Therefore, it is the desire—and I believe the Senator from Colorado would agree with me on that—not to freeze the situation as it is now, in using the words "pending projects"—but rather "pending projects at any time" during the operation of the measure.

Mr. PROXMIRE. I would not object to the latter increase, which is more generous, "pending projects at any time," say a year from now or 2 years from now. I am talking about, however, projects which may not be immediately funded, but which may be prospective future projects, which seem, by implication, to be ruled out here. I am particularly concerned about that 6 percent. As I recall it, the Senator from Colorado offered an amendment for 5 percent and this goes to 7½ percent which is 50 percent more of a big State grab than the amendment which the Senate rejected yesterday by a 2-to-1 vote.

Mr. ALLOTT. Let me say, for the sake of the legislative history, that I would have no objection to striking the word "pending." But I do believe that the word "pending" as used here means pending as of the time a particular decision is made in the future. Certainly, in my own mind, I do not use the word "pending," or interpret it any other way. This is important to the legislative history. I would not use it in the sense of putting a time limit down now as to projects which are pending at this time.

Mr. PROXMIRE. Yes. I am glad to get that reassurance from the Senator from Colorado and the Senator from New York. I still think it is a legitimate concern about projects in the States which may be displaced by having this discretionary fund allocated to California, New York, Illinois, and Massachusetts, which may have some very urgent projects.

It is a national program, and we have found that a number of small cities have taken advantage of it. As a matter of fact, if one looks at California, he will see that the smaller cities there have taken greater advantage of it than have the larger cities.

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

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, it seems to me that it would be almost impossible to have any other definition. How in the world could the Secretary have a criterion concerning a prospective project which might be in someone's mind.

Mr. PROXMIRE. The big States have their projects pending. I think the Senator took care of this rather well when he made his first disclaimer that we do not mean to imply pending as of now.

Mr. JAVITS. Mr. President, what would the Senator say if the word were stricken and we would just say "project." It seems to me that we could not put it any simpler than that.

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

Mr. ALLOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. Mr. President, I think that to strike the word "pending," particularly since we have defined the area in which it would be, it would be pending within the frame of time when the decision has to be made by the Secretary, would do a disservice, because a project in another State might be nothing but a dream in a man's mind. And frankly I do not want to put anything that indefinite or irrelevant in the pending bill.

Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. GRIFFIN. Mr. President, I thank the Senator for yielding. I take only a moment to associate myself with the amendment and to indicate my support for it and to commend the distinguished Senator from Colorado for offering the amendment.

I think the arguments have been stated very well by both the Senator from Colorado and the Senator from New York.

Some reference was made to the fact that the amendment offered yesterday by the Senator from Colorado was rejected. I am one of those who voted against the amendment at the time. I see now that I should have voted for it.

I was exercising a choice between the committee language which provided for 15 percent, which would have been much better.

However, I think as between what we have now and the very limited discretionary authority that would be in the bill as the result of the amendment agreed to earlier, that had been offered by the Senator from Wisconsin, we certainly must do something about it.

I indicated my support, and I hope that those who made a mistake yesterday in voting against the amendment of the Senator from Colorado will see the light and vote for it.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

Mr. PROXMIRE. Mr. President, I may say to the Senator from Michigan that the amendment that has been agreed to and is now in the bill is no more restrictive than the present law. As a matter of fact, since it has almost four times as much as the present law's provision for $12.5 million and my amendment provides a discretionary fund of $46.5 million. So, obviously it is not highly restrictive.

Whereas the amendment which the Senate opposed on yesterday had a 5-percent discretionary fund, this proposal provides a 7½-percent discretionary fund—50 percent larger.

Mr. ALLOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. Mr. President, first of all, the distinguished Senator from Wisconsin does not apparently place much emphasis on the fact that this activity has never been really adequately financed. This is the first attempt to do so. This is what we are trying to do at this time.

In addition, there is one other significant factor when we bat around these figures. If one refers to pages 17 and 18 of the bill, he will find that those amounts when they become available are relatively small in the first year and do not get to significant sums until 1975.

So we will have 3 or 4 years to try this, and I can assure the Senator that if we find that the discretionary fund is not being used properly, the Appropriations Committee will see to it that there are such restrictions put on it in the light of this particular legislation that they will not be used improperly.

Mr. BROOKE. I support the amendment offered today by the able senior Senator from Colorado (Mr. Allott) which would have the practical effect of increasing the discretionary fund available to the Secretary from 1½ percent—approved yesterday by a vote in this Chamber—to 7½ percent. Originally I supported the committee's recommendation for a 15-percent discretionary fund, and previously voted against both efforts to reduce this authorization.

Present law—section 15 of the Urban Mass Transportation Act of 1964, as amended—limits the allocation of Federal funds that may be made available for projects in any one State to 12½ percent of the aggregate authorization. At the present time, taking into account the additional authorization of $300 million made by the Congress last year, the State limitation is $145.6 million. Essentially this means that when Federal grants to assist capital investment projects in any State total $145.6 million, no further grants can be made in the State until the Congress has provided additional funds.

Some relief has been provided in the past, by the discretionary fund from which the Secretary may approve additional allocations. But California has already drawn $8.7 million from this discretionary fund to afford temporary relief to that State. And two additional States, Massachusetts and Illinois, have come close enough to the ceiling to require contemplation of delving into this fund in their behalf as well.

To remedy this and similar situations and to assure continuity of Federal support, the proposed Urban Mass Transportation Act of 1969 as reported from the committee would have allowed the Secretary to draw upon a new discretionary fund equal to 15 percent of the authorized program. This plan was adopted by the administration at the suggestion of the National League of Cities, and it has been overwhelmingly endorsed by the governors and mayors conferences as well.

Program experience thus far supports the view that the proposed discretionary fund would permit substantially greater program flexibility without seriously reducing the effectiveness of the overall State limitation. Under the expanded program of mass transportation approved by the committee, it is likely that applications to support larger and more costly fixed rail systems will be forthcoming from a number of cities. Combined with other grants within the States, this may well push several States to the 12½ percent maximum funding authorization. Without the discretionary fund, some of the projects in each of these States will have to be either postponed or cut back. With the fund flexibility, even if several States need to use it, ample funds will remain, especially to cover all reasonable projects in smaller cities with non-rail-type transit systems.

The argument advanced yesterday by the distinguished Senator from Wisconsin (Mr. Proxmire) that nearly all the money could go to a very few of the larger States, is true as a statistical exercise. But as a practical matter it is not likely to occur. In reality, no Secretary of Transportation would make the mistake of supporting such an obvious inequity.

This is not to deny that the larger allocations from the urban mass transportation funds will go to the States having the largest cities and the largest urban population. This is the very nature of the program—it is an urban public transportation assistance program. But equally important to bear in mind is the fact that Federal aid is available to all urban places, and by far the majority of projects to date have been made to cities of less than 1 million people.

In view of the diverse needs exhibited by the various States, and in view of the tremendous economic and social impact which improved and efficient urban mass transportation can provide, I urge that some reasonable discretion be provided to our Government to distribute these funds. I urge that the amendment of the senior Senator from Colorado (Mr. Allott) be adopted.

Mr. ALLOTT. Mr. President, if no other Senator wishes to speak, and the Senator from Wisconsin is willing, I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Colorado. On this question 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 Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Rhode Island (Mr. Pell), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Montana (Mr. Metcalf) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Vermont (Mr. Prouty) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

The result was announced—yeas 55, nays 31, as follows:

[No. 31 Leg.]

YEAS—55

Allott	Griffin	Pearson
Baker	Gurney	Percy
Bayh	Hansen	Randolph
Bellmon	Hart	Ribicoff
Bennett	Hatfield	Russell
Boggs	Hruska	Schweiker
Brooke	Inouye	Scott
Case	Jackson	Smith, Ill.
Cook	Javits	Sparkman
Cooper	Jordan, N.C.	Stevens
Cotton	Jordan, Idaho	Symington
Cranston	Kennedy	Talmadge
Curtis	Magnuson	Thurmond
Dole	Mathias	Tower
Dominick	McClellan	Williams, N.J.
Eagleton	McIntyre	Young, N. Dak.
Ervin	Miller	Young, Ohio
Fannin	Murphy	
Goodell	Muskie	

NAYS—31

Aiken	Fong	Moss
Allen	Fulbright	Nelson
Anderson	Hartke	Pastore
Bible	Holland	Proxmire
Burdick	Hollings	Smith, Maine
Byrd, Va.	Hughes	Spong
Byrd, W. Va.	Mansfield	Stennis
Cannon	McGee	Tydings
Church	McGovern	Williams, Del.
Eastland	Mondale	
Ellender	Montoya	

NOT VOTING—14

Dodd	Long	Pell
Goldwater	McCarthy	Prouty
Gore	Metcalf	Saxbe
Gravel	Mundt	Yarborough
Harris	Packwood	

So Mr. Allott's amendment was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS and Mr. TOWER moved to table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The committee amendment is open to further amendment.

If there be no further amendment to be proposed, without objection the committee amendment in the nature of a substitute, as amended, is agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I ask for third reading.

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

The bill was read the third time.

Mr. MURPHY. Mr. President, today, we have a very important measure before us, the Urban Mass Transportation Assistance Act of 1969. I strongly support the bill and urge its prompt enactment.

It was in 1956 that President Eisenhower urged the construction of the Nation's Interstate Highway System. This system, of which over one-half is completed, has provided the Nation with an outstanding system of roads. It has substantially strengthened our Nation, improved our economy, and benefited our people. The Interstate System will long stand as a monument to the vision of President Eisenhower. This system has made possible the great mobility of our people who are able to travel quicker, easier, and with greater safety as a result.

Given the congestion and transportation problems confronting the country today, one shudders to think of how bad the situation would be if we did not have the Interstate System.

The urban congestion with the accompanying hours wasted in travel and the contamination of our urban environment has resulted from many factors such as:

First, more people: The population of our metropolitan areas was 113 million 10 years ago; in the next 10 years, the population of these areas is expected to increase to 172 million, an increase of 52 percent over the 1960 figure.

At the present rate of population growth we can expect in 30 short years a country of 300 million Americans, 90 percent of whom will reside in the cities.

Second, more cars: The number of automobiles in the Nation are expected to grow even more rapidly than our population. There were 74 million motor vehicles registered in the country 10 years ago; in the next 10 years the number of vehicles will increase to 120 million or a 62-percent increase over the 1960 registration figure. This results from both the expansion of automobile ownership among American families—79 percent of the American families owned an automobile in 1968—and the growing number of two-car families—26 percent of our families owned two cars in 1968. By the year 2000 the Banking and Currency Committee estimates that there will be 75 million passenger cars in urban areas alone.

Third, more miles traveled: Even more dramatic than the increase in population and the growth in motor vehicle registration is the dramatic projected increases in miles traveled by all vehicles in urban areas. Ten years ago the figure was 332 billion miles; 10 years from now the estimate is 770 billion miles, an increase of over 130 percent since 1960.

Given this population growth and the increased urbanization, one might have expected increased use of public transportation. As we know, such has not been the case.

We are told that there are many reasons for the decline in the use of public transportation among which include:

First, the convenience and privacy of the automobile which is available at our door whenever we want it and ready to take us wherever we want to go.

Second, the movement from the central city to the suburbs. Our people, rather than being concentrated on or near major road arteries in the downtown city, are now dispursed and scattered in low-density housing in suburbia; third, the imbalance of support for our transportation systems; and fourth, the general deterioration of our central cities as well as the rising crime rates within many of them.

The decline in the number of passengers has been one of the main problems of mass transportation in the country. President Nixon, in his August 7 transportation message, described the mass transportation situation in the Nation as follows:

In the last thirty years urban transportation systems have experienced a cycle of increasing costs, decreasing funds for replacements, cutbacks in service and decrease in passengers. Transit fares have almost tripled since 1945; the number of passengers has decreased to one-third of the level of that year. Transit industry profits before taxes have declined from 313 million in 1945 to 25 million in 1967. In recent years 235 bus and subway companies have gone out of business. The remaining transit companies have progressively deteriorated. Today they give their riders fewer runs, older cars and less service.

The interstate road system in 1965 helped the Nation to meet the transportation needs of its growing population. Without the Interstate System our roadways would be, not merely congested, but paralyzed. But to paraphrase Alice in Wonderland, "we have been building as fast as we can to stay even." Illustrative of this is the fact that one-half of the central business district in my city of Los Angeles is diverted to highways, streets, parking lots.

It is time in my judgment, for the Nation to shape a balanced transportation system. I believe that President Nixon's transportation message proposing a $10 million, 12-year program to "make public transportation an attractive alternative to the private car use" will be recognized as containing the same vision, the same foresight as President Eisenhower's Interstate System of the fifties. Clearly, our transportation system has not been balanced in the past as illustrated by the fact that total Federal expenditures on mass transportation since 1964 were less than the Federal expenditures on urban highways in a 2-month period. A further illustration of this imbalance is the fact that in 1969 there are 55 employees in the Urban Mass Transportation Agency compared with 5,500 in the Federal Highway Administration.

Mr. President, thus, if we are to give State and local governments the options they need to shape the total transportation system that best serves their citizens, we must and should enact this bill, the Urban Mass Transportation Assistance Act of 1969. Governor Reagan and other State and local officials have written to me with respect to this measure. They have endorsed it and have called for both greater efforts and resources for mass transportation and, importantly, assurances that there would be a firm commitment of continued Federal support. In other words, we must devise a program that does for mass transportation what President Eisenhower's Interstate System has done for our road system. President Nixon has done that in the bill before us providing contract authority to put public transportation on the same sound, long-time footing as was the highway program. S. 3154, as reported:

Declares the congressional intent to provide $10 billion over the next 12 years for expanded mass transportation programs;

Provides $3.1 billion for contractual obligations available immediately. Appropriations, however, to liquidate the contractual obligations would be progressively increased from $80 million in fiscal year 1971 to $1.86 billion at the end of fiscal year 1974. Thereafter the limit would be a maximum $3.1 billion;

Requires additional authorization request every year until 1978 to make certain that Federal commitment is met or exceeded;

Authorizes 10-year loans for land acquisition to help meet the problem of rising land costs and speculation; and

Changes the $12.5 million discretionary fund in the 1964 Mass Transit Act to a fund made up of 15 percent of the aggregate amount of funds authorized under this new program.

This latter provisions would have been very important to California since we have reached the maximum limit. I was, therefore, exceedingly disappointed that the Proxmire amendment deleting this provision was adopted yesterday. I was pleased that the Senate just adopted the Allott amendment, reversing the unwise action of yesterday, and increasing the discretionary funds somewhat.

I have supported the extension of the mass transportation program both in 1966 and 1968. I am pleased today to strongly support this substantial commitment by the Federal Government toward a "balanced transportation system." There are many positive benefits that should flow from the enactment of this legislation including, first, in the words of President Nixon, the making of "public transportation an attractive alternative to the car"; second, helping many of the Nation's low-income citizens who do not own an automobile to have adequate transportation as well as access to jobs, many of which have moved to the suburbs; third, helping the two out of five senior citizen households who lack an automobile and thus are adversely affected by the congestion and inadequate transportation system that exists; and fourth, helping to end the pollution of our cities in which the automobile in many cases is the principal culprit.

President Nixon in his state of the Union address rightfully gave great attention and emphasis to the quality of American life. He rightly denounced and pledged an end to the growing menace of pollution. This bill can help contribute to the enhancement of our total environment as well as to the reduction of pollution from automobiles in our cities. I, of course, am very proud that probably the most advanced mass transportation system in the country that will be inaugurated in one of the world's favorite cities, San Francisco, Calif., in late 1971 or early 1972. This 75-mile system will tie together the bay area communities, shrinking traveltime among them. For example, the traveltime between Oakland and San Francisco will be cut from the present 45 minutes to 9 minutes. Evidence that I have seen indicates that the system is going to be of great economic benefit to the city and the surrounding cities and communities as well as to the citizens of that beautiful part of a beautiful State.

In addition, there are other illustrations that mass transportation systems will work. In San Diego, another great and beautiful city in California, the introduction of 100 new federally financed buses was followed by an increase of 13.4 percent in transit riding between 1967 and 1968. Thus, we in California are looking forward to participating in the program and we are convinced it will be of great benefit to both California and the country.

One final example of mass transportation systems that are working is the Metroliner. From all reports I have seen, this is a success, also.

Thus, Mr. President, I believe this bill will be an important measure, not only to my State of California, but for the entire Nation. It is a fitting proposal to make us ready for the growth and challenges of the seventies.

Mr. SCOTT. Mr. President, I welcome this opportunity to support S. 3154, the Urban Mass Transporation Assistance Act of 1969. Congress, with this bill, has the opportunity to initiate a comprehensive, ongoing program of Federal assistance for the expansion and improvement of urban mass transportation systems. S. 3154 will provide a means of vastly improving the quality of urban life. For with greatly improved public transportation will come also the opportunities, incentives, and capabilities of finding solutions to other major urban problems as well.

To meet this challenge, S. 3154 will commit the Federal Government to a $10 billion expenditure for urban mass transportation over the next 12 years. Long-term Federal funding will be assured by keeping this program on a continuing 5-year basis. In the first 5 years alone, a total of $3.1 billion will be specifically authorized for obligation by means of contractual obligation, and this obligational authority will become immediately available upon enactment. Thus, our States and cities will be able to undertake, with assurance, the construction of new and improved mass transportation facilities.

It should be emphasized that State and local governments, including certainly those in Pennsylvania, have acted, and will act, to meet their share of this need. However, the financial burden cannot be met by the States and cities alone. Current mass transit funding at the Federal level, amounting to $175 million annually, is simply too small to meet the vast capital requirements for improvements needed in metropolitan regions throughout the Nation.

The Philadelphia and Pittsburgh metropolitan areas, the two most densely populated areas of my Commonwealth of Pennsylvania, serve to illustrate this point. For these two cities alone, it has been estimated that a minimum of $470 million in assistance from the Federal Government will be required in the next decade for capital improvements to bus and rail transportation systems. New systems, incorporating new concepts and innovations, are planned. Total costs, including State and local shares, may well exceed $700 million. Not only in these cities, but in cities throughout the Nation, the voters will want to know that the Federal Government is willing to contribute. And they will want assurance that Federal commitments will be fulfilled.

S. 3154 will overcome two serious deficiencies in existing Federal law. The $3.1 billion, immediately authorized for obligation, will help to bring our transportation system into balance. Cities, large and small, will benefit from a more meaningful level of funding.

Of vital importance also is the fact that Federal assistance will be available on a long term continuing basis. For only with the assurance of continuity can local authorities proceed with confidence to undertake major projects of several years' duration.

Mr. President, the share paid by local governments in such projects comes usually from the issuance of general obligation bonds approved by the voters through referendum. This method of local share financing, however, is meaningless without a long-term commitment on the part of the Federal Government. In recent months, large rapid transit construction projects in Seattle, Atlanta, and Los Angeles have been narrowly rejected by the voters at the polls. In each case, local experts have attributed the failure of the bond issue to the uncertainty of Federal aid. Citizens who seemed otherwise willing to tax themselves to the limit for a needed improvement were simply unwilling to gamble on the uncertainty of continuing Federal support.

The transit industry has to maintain long-range plans; it needs to anticipate urban growth and mobility requirements. Nor is this need for advance planning limited to multimillion-dollar construction projects. It is equally important in all-bus operations, which must adjust complex schedule and route structures to conform to changing patterns. Advances in transit technology must be coordinated with highway construction plans which require both years to build and major capital commitments.

Improved public transportation is vital to the survival of urban communities. The problem is not technological, alone. Public transportation operators, public officials and industry have the plans, the hardware and the productive capacity at their disposal to begin now.

The immediate problem, Mr. President, is money. Local communities and States are making massive commitments on their own. What is needed is a major commitment by the Federal Government. S. 3154 meets this need, and I urge its enactment.

Mr. WILLIAMS of New Jersey. Mr. President, I yield back my time on the bill.

Mr. TOWER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill is yielded back.

Mr. MANSFIELD and other Senators requested the yeas and nays on passage.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Rhode Island (Mr. PELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Rhode Island (Mr. PELL), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 84, nays 4, as follows:

[No. 32 Leg.]

YEAS—84

Aiken	Griffin	Moss
Allott	Gurney	Murphy
Anderson	Hansen	Muskie
Baker	Hart	Nelson
Bayh	Hartke	Pastore
Bennett	Hatfield	Pearson
Bible	Holland	Percy
Boggs	Hollings	Proxmire
Brooke	Hruska	Randolph
Burdick	Hughes	Ribicoff
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Schweiker
Cannon	Javits	Scott
Case	Jordan, N.C.	Smith, Maine
Church	Jordan, Idaho	Smith, Ill.
Cook	Kennedy	Sparkman
Cooper	Long	Spong
Cotton	Magnuson	Stennis
Cranston	Mansfield	Stevens
Curtis	Mathias	Symington
Dole	McCarthy	Talmadge
Dominick	McClellan	Thurmond
Eagleton	McGee	Tower
Eastland	McGovern	Tydings
Fannin	McIntyre	Williams, N.J.
Fong	Miller	Williams, Del.
Fulbright	Mondale	Young, N. Dak.
Goodell	Montoya	Young, Ohio

NAYS—4

Allen	Ellender
Bellmon	Ervin

NOT VOTING—12

Dodd	Harris	Pell
Goldwater	Metcalf	Prouty
Gore	Mundt	Saxbe
Gravel	Packwood	Yarborough

So the bill (S. 3154) was passed, as follows:

S. 3154

An act to provide long-term financing for expanded urban mass transportation programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that new directions in the Federal assistance programs for urban mass transportation are imperative if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved; and that success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended by—

(1) redesignating subsection (c) as subsection (e); and

(2) striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within 30 days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within thirty days thereafter the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased which have maturity dates in excess of forty years.

"(d) Any State or local public body or agency thereof which makes applications for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall certify to the Secretary that it has held public hearings, has afforded adequate notice of such hearings, has considered the economic and social effects of the project for which application for financial assistance is made and its impact on the environment, and has found that the project is consistent with any plans for the comprehensive development of the urban area. The notice required by this subsection shall include a concise statement of the proposal for which the application is made and may be published in a newspaper of general circulation in the State or locality to be served, and shall be published in the Federal Register, and for the purpose of this sentence the Administrator of the General Services Administration shall accept and publish any such notice. Hearings need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant economic, social or environmental interest in the matter requests a hearing. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the certification."

SEC. 3. (a) Subsection 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended by—

(1) striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1 1975 and not to exceed an aggregate of $3,100,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1969. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

SEC. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following sentence: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

SEC. 5. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that urban mass transportation projects for which Federal financial assistance is provided pursuant to section 3 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 Health, Education, and Welfare, Housing and Urban Development, and Interior and with the National Environmental Quality Council with regard to each such project that may have a substantial impact on natural resources including, but not limited to water and air quality, peace and tranquility, and fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social or environmental interest and that the environmental considerations identified at the hearing have been adequately dealt with in the project application. The Secretary shall not grant financial assistance under section 3 for any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located.

"(c) If opposition to any application for assistance under section 3 is raised in the hearing before the State or local public agency, or in any communication to the Secretary, on the grounds that the environment would be adversely affected by the project to which the application relates, the Secretary shall not approve the application, unless he finds in writing after a full and complete review of the record of such hearing and of the application, that (1) no adverse environmental effect is likely to result from such project, or (2) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct a hearing, including adequate notice to interested persons, on the environmental issue raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

SEC. 6. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"SEC. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter the contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made on or after July 1, 1970, under section 3 for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under subsection 4(c), except that 11½ per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated; and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States, but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

SEC. 7. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

SEC. 8. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1969".

The title was amended so as to read: "A bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes."

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make any necessary clerical and technical changes in the engrossment of the bill (S. 3154). I also wish to thank all of the Senators who participated in the debate on this most important legislation, especially the junior Senator from Texas (Mr. TOWER), and the senior Senator from Florida (Mr. HOLLAND).

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

Mr. MANSFIELD. Mr. President, the Senate's overwhelming adoption today of the urban public transpotration measure is an accomplishment in which we may all take great pride. The outstanding job done by the distinguished Senator from New Jersey (Mr. WILLIAMS) in guiding this very important and innovative bill through the Senate deserves special commendation. Senator WILLIAMS' expert and expeditious handling of the transportation bill played no small part in the thorough and thoughtful debate during the past 2 days. We are greatly indebted to Senator WILLIAMS, to the able chairman of the committee, the distinguished Senator from Alabama (Mr. SPARKMAN), and to the Senator from Texas (Mr. TOWER), the ranking minority member of the Housing and Urban Affairs Subcommittee. They together joined in a cooperative effort that was indispensable to the success of this measure.

I would like to recognize, also, the many other Senators whose thoughtful views and approaches to this grave problem of urban transpotration contributed greatly to the debate. Senators CRANSTON, PROXMIRE, ALLOTT, and HART are all to be commended in this respect. There are others also and for the part they played in bringing this measure to such overwhelming approval they deserve the highest commendation of the Senate.

AMENDMENT OF THE FEDERAL CREDIT UNION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 512, H.R. 2. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

SECTION 1. Section 2 of the Federal Credit Union Act (12 U.S.C. 1752) is amended by striking out paragraphs (2) and (3) thereof and inserting:

"(2) the term 'Administrator' means the Administrator of the National Credit Union Administration;

"(3) the term 'Administration' means the National Credit Union Administration; and

"(4) the term 'Board' means the National Credit Union Advisory Board."

SEC. 2. The Federal Credit Union Act is further amended (1) by changing "Director" to read "Administrator" each place it appears therein; (2) by changing "Bureau of Federal Credit Unions" to read "National Credit Union Administration" each place it appears therein; and (3) by changing "Bureau", each remaining place it appears, to read "Administration".

SEC. 3. Section 3 of the Federal Credit Union Act (12 U.S.C. 1752a) is amended to read:

"CREATION OF ADMINISTRATION

"SEC. 3. (a) There is hereby established in the executive branch of the Government an independent agency to be known as the National Credit Union Administration (hereinafter referred to as the 'Administration'). The Administration shall consist of a National Credit Union Advisory Board (hereinafter referred to as the 'Board'), and an Administrator of the National Credit Union Administration (hereinafter referred to as the 'Administrator').

"(b) The Administrator shall be appointed by the President, by and with the advice and consent of the Senate. He shall be the chief executive officer of the Administration and shall serve at the pleasure of the President.

"(c) The Board shall consist of a Chairman and one member from each of the Federal credit union regions to be appointed by the President, by and with the advice and consent of the Senate. The Chairman shall be appointed from the country at large and shall serve at the pleasure of the President. In making appointments to the Board, the President shall consider, along with other relevant criteria, the experience of the person to be appointed in the credit union movement.

"(d) The term of office of each member of the Board, other than the Chairman, shall be six years. However, the initial terms of the members first taking office shall expire as follows: one on December 31, 1970, and one at the end of each succeeding calendar year thereafter. Of the members so appointed, the President shall designate one to serve as Vice Chairman for a term expiring upon the expiration of his term as a member, or upon the expiration of the then current term of the Chairman, whichever is earlier. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman. Any member of the Board may continue to serve as such after the expiration of his term of office until his successor has been appointed and has qualified.

"(e) The President shall call the first meeting of the Board, and thereafter the Board shall meet on a quarterly basis, and at such other times as the Chairman or the Administrator may request, or whenever one-third of the members so request. The Board shall adopt such rules as it may see fit for the transaction of its business and shall keep permanent and complete records and minutes of its acts and proceedings. A majority of the voting members of the Board shall constitute a quorum. The Board shall advise, consult with, and give guidance to the Administrator on matters of policy relating to the activities and functions of the Administration under this Act. The members of the Board shall be entitled to receive compensation at the rate of $75 for each day engaged in the business of the Administration pursuant to authorization by the Chairman, and shall 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.

"(f) The financial transactions of the Administration shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the Administration are kept."

SEC. 4. Section 21 of the Federal Credit Union Act (12 U.S.C. 1766) is amended by adding at the end thereof a new subsection as follows:

"(i) In addition to the authority conferred upon him by other sections of this Act, the Administrator is authorized in carrying out his functions under this Act—

"(1) to appoint such personnel as may be necessary to enable the Administration to carry out its functions;

"(2) to expend such funds, enter into such contracts with public and private organizations and persons, make such payments in advance or by way of reimbursement, and perform such other functions or acts as he may deem necessary or appropriate to carry out the provisions of this Act; and

"(3) to pay stipends, including allowances for travel to and from the place of residence, to any individual to study in a program assisted under this Act upon a determination by the Administrator that assistance to such individual in such studies will be in furtherance of the purposes of this Act."

SEC. 5. (a) Section 5108(c) of title 5 of the United States Code (relating to the classification of positions at GS–16, 17, and 18) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (9) a new paragraph as follows:

"(10) the Administrator of the National Credit Union Administration may place a total of six positions in GS–16 and one position in GS–17 in the National Credit Union Administration."

(b) Section 5315 of title 5 of the United States Code (relating to positions at level IV of the Executive Schedule) is amended by adding at the end thereof the following:

"(92) Administrator of the National Credit Union Administration."

SEC. 6. (a) All functions, property, records, and personnel of the Bureau of Federal Credit Unions are transferred to the National Credit Union Administration created by this Act.

(b) The Director of the Bureau of Federal Credit Unions in office on the date of enactment of this Act shall serve as acting Administrator of the National Credit Union Administration pending the appointment of an Administrator in accordance with section 3 of the Federal Credit Union Act as amended by this Act.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, will the majority leader yield to me briefly?

Mr. MANSFIELD. I am happy to yield.

Mr. GRIFFIN. Mr. President, I have asked for this time to inquire of the majority leader whether he might indicate what is expected for the rest of the day.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. Mr. President, I take this time to inquire of the majority leader what the plans are for the rest of the day, and for the rest of the week, if he can tell us?

Mr. MANSFIELD. Mr. President, it is my understanding that an amendment will be offered to the pending bill by the distinguished Senator from Utah (Mr. BENNETT). The Senator from Utah and the chairman of the committee, the distinguished Senator from Alabama (Mr. SPARKMAN) have agreed not to bring up the bill this evening, which might run us into a late hour because of the fact that the distinguished senior Senator from California (Mr. MURPHY) has a speech which he wishes to make and has been waiting patiently to make. They have agreed to, and the joint leadership has acquiesced in, a unanimous-consent request, as follows:

I ask unanimous consent that, at the conclusion of morning business tomorrow, and after conclusion of the opening statements on the bill, there be a 1½-hour limitation on the Bennett amendment, the time to be equally divided between the Senator from Utah (Mr. BENNETT) and the Senator from Alabama (Mr. SPARKMAN), or whomever they may designate, and that there be a limitation of 1 hour on the bill.

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

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That, effective on Wednesday, February 4, 1970, at the conclusion of routine morning business, and after the opening statement during the further consideration of the bill, H.R. 2, an act to amend the Federal Credit Union Act, debate on the amendment to be offered by the Senator from Utah (Mr. BENNETT) be limited to 1½ hours to be controlled by the Senator from Utah and the Senator from Alabama (Mr. SPARKMAN) or their designees.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders.

Mr. MANSFIELD. So there will be no further votes tonight. Following the disposition of H.R. 2, it is intended to proceed to the consideration of Calendar No. 627, H.R. 514, an act to extend programs of assistance for elementary and secondary education and for other purposes. It is my understanding that this measure will take some time. There will be no filibuster, I have been informed, but there will be extended debate.

It is a possibility that the Senate may meet this Saturday, depending on events. If we do come in on Saturday, there will at least be a live quorum call, and it is hoped some votes as well.

THE ALABAMA SHERIFFS' BOYS' RANCH

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article that has been called to my attention by Mr. J. Edgar Hoover, the Director of the FBI, entitled "An Organization With a Heart," written by J. Wilson Baker, sheriff of Dallas County, Selma, Ala., and published in the FBI Law Enforcement Bulletin for February 1970.

The article deals with a boys' ranch which the Alabama sheriffs have been sponsoring for several years. It is most successful. Certainly it can be a partial solution to some of the troubles that we have today with delinquents, and make real men out of such boys instead of having them run wild. I believe everyone will enjoy reading this brief article.

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

AN ORGANIZATION WITH A HEART

(By J. Wilson Baker)

For 30 boys, a sprawling 700 acres of fields, pasture, and timberland in south Dallas County is home—just about the finest home a boy could have. These boys live at the Alabama Sheriffs' Boys Ranch, where they are helping to prove the sheriffs' credo that "It is easier to build a boy than to repair a man."

The ranch project was adopted by the Alabama Sheriffs' Association in 1960, but it was not until October 1966 that the first two boys moved in. During those years of waiting, the sheriffs had to lay a sound foundation for their project—and they had some rough obstacles to overcome.

First they had to win the support of the residents of the rural communities near the site they had selected for the ranch. Some of the people were bitterly opposed to having "a bunch of tough juvenile deliquents" moving in as their neighbors. Even when the local people were assured that the ranch would in no way be a reform school and that no boys with criminal records would be living there, they still were not very happy. Now that they have become familiar with the program and have met the boys, the neighbors at the boys ranch are among the institution's most enthusiastic boosters.

After winning the support of the community, it was necessary for the sheriffs to acquire adequate land, raise the funds needed for construction of buildings and for long-range care of the boys, employ and train a staff, and begin clearing the site.

Each sheriff began spreading the story of the proposed ranch in his own county and soon the public contributions started coming in—enough to acquire the land and to complete the initial all-purpose building.

In this first building, constructed to conform to the sloping terrain, are a large family room with an open fireplace, dining room, kitchen, pantries, rooms (not dormitories) for the boys, and quarters for the houseparents.

The first two boys—not bad boys, not boys in trouble, but troubled boys who needed the security of a home with adults to provide love, guidance, and discipline—arrived in October 1966.

By Christmas enough boys had arrived to have a big celebration. For some of the boys, it was their first real Christmas. With the help of visiting sheriffs, they went into the woods and cut their own tree, a giant cedar, which they set up by the fireplace in the family room. The sheriffs' wives helped with the decorations.

Sheriffs and their families from throughout the State paid preholiday visits to the ranch and brought with them gifts for the boys, contributions for the ranch building fund, farm implements, building materials, household items, bicycles, clothing, books, and other things needed at the ranch. That first Christmas set the pattern for the others to follow.

Now there are 30 boys between the ages of 10 and 17 living at the ranch. There is a waiting list with more than 200 names of boys who need the type of care the ranch provides.

"We're proud of our boys, and we're pleased with the progress Boys Ranch is making," says Don Acton, administrator for the ranch, "but when I look at that waiting list and realize how great the need is, I know that we must not be satisfied until these boys—and other boys like them—have a decent place to grow up."

Boys at the ranch have horses of their own and they are responsible for the care of the animals. They also have dogs, cats, and other pets, including calves in the herds of purebred cattle grazing on their pastures.

Each boy has definite chores assigned to him, and each learns to work on his own, as well as in groups. It is not "made" work. They do work which is essential to the welfare of the entire ranch. They string fences, plant crops, bale hay, tend shrubs and flowers, clear land, cut wood, assist in construction work, care for their own rooms, and help with whatever their houseparents ask them to do.

Schools, once somewhat reluctant to enroll the boys, now welcome them as students, and their names appear on honor rolls (there is supervised study at the ranch every night during the school year), on football rosters, in musical groups, and in other school and community activities.

These fortunate boys, the ones the ranch is able to provide a home for, are chosen on the basis of need. To be admitted, a boy must be recommended by the sheriff or a juvenile court official from his home county. Then, with the aid of the Alabama Child Welfare Department, members of the admissions committee of the Board of Trustees of Boys Ranch study each case and make the final decisions on which boys can come immediately to the ranch and which must wait a little longer.

"It's never an easy decision," Acton says. "The great danger is that while he's on a waiting list, before we can do anything to help him, a boy may get into serious trouble. That's why it's urgent for us to get more money so that we can expand our program and take care of more boys. We here at Boys Ranch know it's easier to build a boy than to repair a man."

OIL IMPORT CONTROLS

Mr. MURPHY. Mr. President, full discussion of public issues is always desirable, always to be encouraged. Yet it seems to me that the longer consideration of proposed changes in oil import controls goes on, the further it gets from the real issue.

I have been conscientiously trying to follow both sides in this discussion, as, I am sure, have my colleagues and other concerned Americans. And I feel that many must share my feeling of bewilderment about the course of this debate.

Getting back to basics, why was the oil import control program established by President Eisenhower? Why was it maintained in effect by Presidents Kennedy and Johnson? Why is it being continued by President Nixon, pending his own conclusions from the Cabinet-level review of the program, which he initiated soon after taking office?

When President Eisenhower issued the proclamation that imposed mandatory oil import controls in 1959, he gave this explanation of his reasons:

> The new program is designed to insure a stable, healthy industry in the United States capable of exploring for and developing new hemisphere reserves to replace those being depleted. The basis of the new program . . . is the certified requirements of our national security which make it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States.

Has anything happened since 1959 to make a viable domestic petroleum industry less essential to the Nation's military and economic security?

INTERIOR DEPARTMENT'S VIEW

Let me reply to this question by quoting from the report of the Department of the Interior to the Cabinet Task Force on Oil Import Control. The Interior Department said:

> Our national requirements for petroleum are large and increasing each year; by 1980, United States needs will exceed 19 million barrels a day. Efficient distribution of this tremendous volume of liquids requires that our daily needs be meet through a continuous flow of gasoline, aviation fuels, burning oils and other products from wellhead, through refineries and distribution systems, to consumers' tanks. A serious interruption of this flow would very quickly result in curtailed deliveries to consumers. With proper advance planning, the loss of 10 percent of our petroleum supplies could be accommodated by rationing, but a more severe interruption would soon create fuel shortages which would seriously interfere with industrial production, with essential transportation of goods and workers, and with military operations.
>
> Unfortunately, interruptions of world flows of petroleum do occur—at least six instances can be cited since World War II—and emergency planning must provide for such contingencies. By whatever means chosen, the security of supply to meet 90 percent of demand must be assured.

DEFENSE DEPARTMENT'S REPORT

The strictly military reaction to this same question was contained in the report of the Department of Defense to the Cabinet Task Force. Let me quote the Defense Department's response:

> The very chance of success or failure in any conflict hinges on oil. As a matter of fact, the most striking point of commonality between the major weapon systems of the military departments is the thirst for oil. Subsonic tactical aircraft are being replaced by supersonic fighters which burn two to three times as much fuel per hour as the jet fighter used in the Korean conflict. The continuing mechanization of Army equipment and greater mobility of its troops assure a steady increase in its fuel requirements. While some Navy ships are now propelled by nuclear power, it will be many years before there is any appreciable decrease in the Navy's petroleum requirements.

The Defense Department's report also said:

> U.S. domestic petroleum capability must be available to meet military need in case normal foreign sources are denied. These denials can take many forms. For example, a denial of a supply source in a normally friendly country, which may not at the time be in sympathy with our cause, can be just as final as the destruction of those sources by enemy action.

Many other statements in the report reinforce those just quoted, but these excerpts should be enough to bring out the point. The military necessity of an assured petroleum supply must be kept in the forefront of any discussion of oil import controls if that discussion is to follow responsible lines.

If we were talking about the Nation's food, there would be no debate, no dispute about the importance of an assured supply. But in these days of mechanized agriculture, crops cannot be planted or harvested without oil. And neither can the products of our farms be transported to consumers without petroleum. Our Nation now depends upon oil and gas for three-fourths of its energy. Without this energy it would be immobilized, paralyzed, unable to defend itself or to maintain a peacetime economy. This is the central issue of the oil imports discussion.

THE QUESTION OF COSTS

I do not deny that costs are a legitimate part of this discussion. I am willing to talk costs and to have opponents of the program freely talk costs. But let us keep the discussion within the realm of logic. Let us not indulge in mathematical melodramatics. It seems to me that this cost question was fairly and intelligently presented by Under Secretary of the Interior Russell E. Train in an address before the American Petroleum Institute last November 11.

Secretary Train pointed out that there is a distinction between the cost of the oil import control program to the consumer and its resource cost. He explained that the consumer cost is "measured by the increased price the consumer of oil products must pay because of the existence of an oil security program." He said:

> The resource cost, measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States.

Secretary Train continued:

> In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as seven bil-

lion dollars based on 1975 use rates, compared with resource cost of about one billion dollars annually. But it is this lower figure—the net cost to the nation after all the transfers from one American pocket to another have been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security.

I think when the cost factor is presented in these complete and balanced terms, the issue is brought into clear focus—the stakes are plainly shown. And if I know the American people, I am convinced that they would never want to gamble with their security, their freedom, their country's independence on foreign policy, or its defense capability for the short-term promise of cut-price foreign oil.

Let us explore this matter of low-cost foreign oil. It is a fact that imported oil costs considerably less to produce than the output of our domestic fields. Oil from the Middle East, for instance, can be delivered to the east coast of the United States for about $1.25 a barrel less than our domestic output. On the west coast the price differential between domestic production and imports from overseas is somewhere between 75 to 85 cents per barrel.

The chief reason for this price differential—very simply—is that the oil fields of the Middle East are enormously more productive than anything yet developed in the United States. An average Middle Eastern well produces between 5,000 to 10,000 barrels of oil a day. Using my own State for a comparison: Average daily production per well in 1968 was less than 25 barrels.

In short, foreign oil is cheaper because foreign fields just happen to be larger and more prolific. It is an accident of geology that no one can do anything about. But if a change in U.S. policies prevented large numbers of domestic producers from continuing to operate in the face of foreign competition, then we might see some sharp changes in the price of imported oil.

The price now being charged is a competitive price. It is a price meant to look attractive in comparison with what is charged for our domestic output. But if that domestic output started to shrink significantly, what would happen to the price of foreign oil? What would happen if that imported oil no longer had to compete with domestic output, but was the bulk of the petroleum available to meet the energy needs of the American people?

LOSS OF BARGAINING POSITION

John G. Winger, vice president of the Chase Manhattan Bank, addressed himself to this question in a recent memorandum. Mr. Winger's estimates were based on an anticipated change in the oil import control program that would depress the price of domestic crude oil by 30 cents per barrel. Such a price change, he estimated, would reduce the domestic industry's expenditures in the search for oil and gas by some $50 billion over the next 11 years. That is, according to his calculations, instead of spending $70 billion on this search in the United States between now and 1980, the industry would be in a position to spend a maximum of only $20 billion.

Mr. Winger went on to say:

> There is a long standing direct relationship between capital dollars devoted to the search for oil and gas and the amounts of each actually found. And if spending were curtailed as indicated, the domestic industry's ability to satisfy the nation's needs would decline at a precipitous rate. By 1980, the industry would be able to produce no more than 32 percent of the nation's requirements for oil. Conceivably, the other 68 percent could be imported—but surely at much higher prices than now.

He elaborated on the significance of this in these words:

> Together, the United States and Western Europe comprise 70 percent of the Free World's market for oil. Although Western Europe has always been largely dependent upon outside sources, it has had the United States to fall back on in the event its usual sources were cut off. And it has had to do this twice in the past thirteen years. But, if the United States were to become only 32 percent selfsufficient by 1980, the two regions together would be dependent upon foreign sources for more than three-fourths of their oil supplies. A development of that sort would provide a small number of producing nations with a tremendous bargaining advantage. And they could name their own price. But we should also be mindful that an unfriendly nation could easily destroy the producing ability of the major foreign oil sources and thereby cut both the United States and Western Europe off from most of their oil supply. A devastating blow could be dealt to both regions without direct military action being involved.

Kenneth E. Hill, senior partner of Eastman Dillon, Union Securities & Co., also expressed the view that any significant relaxation of oil import controls could lead to an increase in the cost of foreign oil. This is how he described the situation in testifying before the Senate Subcommittee on Antitrust and Monopoly on May 27, 1969:

> As the U.S. became increasingly dependent on foreign petroleum, due to the decline of its own industry, the cost of this overseas oil would inevitably increase. The foreign producing countries already have an organization formed for the purpose of getting higher prices for their oil. This Organization of Petroleum Exporting Countries—or OPEC—has been somewhat frustrated to date by the fact that the U.S. is not dependent on its member countries for oil. But as our domestic industry declined in productive capacity, I believe the demands of OPEC would go up . . .
>
> Our dependence on foreign governments for our oil would take away much of our initiative in foreign policy. Our expenses in buying this oil—at a price that would rise in proportion to our dependence on it—would mean a steady drain on our economy. The balance of payments problems that have given our government trouble in recent years would be enormously magnified by the consequences of ending import controls.

The balance-of-payments aspect of the issue was also brought out in a letter recently sent to President Nixon by 80 Members of the House of Representatives. This letter, which expressed strong support for the oil import control program, said:

> Oil imports now constitute the largest commodity deficit item in our balance of trade, totalling $2.6 billion annually. If the import level is increased, the serious balance of payments problem will be further aggravated.

Testifying before the Subcommittee on Antitrust and Monopoly on May 29 of last year, Capt. Theodore Sanders Stern, U.S. Navy, retired, shed some light on another problem that would arise with increasing dependence on foreign oil. He said:

> If the United States becomes overly dependent on foreign oil, it will lose not only its economic option, but its political, diplomatic, and military options, as well. It would hardly be in our national interest to have no other choice than to fight.
>
> It is worth noting here that some of the dollars we allegedly would save by importing cheap foreign oil would have to be spent to protect our foreign sources and facilities. The greater the dependency, the greater the need to show the flag in areas we are dependent on. If we increase our dependency, it stands to reason that we will have to multiply costs of this kind also.

THE "HIBERNATION" THEORY

Some opponents of the existing program of oil import controls have suggested what looks like a simple solution to the whole issue. They advocate relaxing import restrictions and bringing in floodtides of foreign oil, meanwhile keeping the domestic producing industry in a state of hibernation. Should an emergency arise, advocates of this theory believe the domestic producing industry could be awakened and put back to work to meet the crisis. This plan may sound fine in theory; in practice it just would not work.

A domestic oil producing industry cannot be turned on and off like a faucet. There are complex technical reasons that make this impractical. Idle equipment in producing fields would deteriorate so it could no longer be used. Billions of barrels of oil would be lost in the ground because recovery was either technically or economically impossible.

Furthermore, people who work in the oil industry have to eat and pay their bills just like the rest of us. If domestic oil fields were closed down in favor of foreign imports, these highly trained and skilled petroleum production workers would be forced to find new careers in other lines of activity.

So if we had to revive our domestic oil production in an emergency—we would have to start from scratch. New workers would have to be recruited and trained in the techniques of oil exploration, development, and production. This in itself would take months and perhaps years of time. More years and many billions of dollars would be consumed in finding and developing oil fields to make up the reserves that were lost in the ground, or never discovered, in the dormant period. This in itself is quite a factor because it takes from 3 to 7 years—typically—to develop an oil discovery into full production.

Emergencies do not normally give that much advance warning. Most of us remember how quickly the country had to mobilize after the Pearl Harbor attack.

Considering the importance of petroleum energy to the United States, our thoughts should logically be directed to strengthening, and encouraging the domestic oil and gas producing industry.

But instead, the whole tendency seems to be for cutting it down, weakening and hindering its efforts to do the job needed by and for the American people.

The tax reform bill enacted in the first session of this Congress adds about half a billion dollars a year to the petroleum industry's tax bill. In the early stages of formulating this legislation, the chairman of the House Ways and Means Committee went on record with a warning that the combination of higher taxes and a relaxation of oil import controls could have serious consequences. I quote directly from the telegram Congressman MILLS sent to the Task Force on Oil Import Control last July. He said:

> If, at the same time Congress is reducing depletion allowances, it develops that imports of oil are increased, the combination of the two could be injurious to the development of further reserves in the U.S.

I believe this warning should be noted by all who have a responsibility for or are concerned about the military and economic security of the United States.

DEMANDS UPON THE INDUSTRY

Amid all the controversy about the petroleum industry these past months, one indisputable fact stands out. The fact is that America's petroleum producers face their greatest challenge in finding and developing the oil and gas reserves needed by the American people for the 30 years remaining in this century.

According to Interior Department estimates, domestic demand for oil and gas will increase by 100 percent between now and the century's end. The U.S. Geological Survey reports that we have huge undiscovered petroleum resources within our boundaries to meet the projected rising demand. But this oil and gas must be found before it is of any use to the consuming public. And finding and developing these reserves will require an enormous capital investment.

In the July 1969, Energy Memo, published by the First National City Bank of New York, Edward Symonds, senior economist, wrote:

> Looking ahead, it appears that oil companies may have to spend as much as $8,000 for every additional barrel/day of demand in the non-communist world. This would give rise to an estimated investment of over $200 billion to provide for the additional demand expected to arise over the next 11 years. This would be equivalent to as much as one-fifth of the total new financing by private industry in the United States. The need to meet such heavy capital calls will have far-reaching implications for the economy as a whole. It will also present a real challenge to company managements in devising a balanced financial package for the future.

Governmental policies that ignore the economic demands now facing the petroleum industry could hardly be considered practical or realistic. Policies formulated in disregard of the factual situation would disserve the Nation's consumers fully as much as they would hinder the performance of a vital enterprise.

SIGNIFICANCE TO CALIFORNIA

Let me be frank to admit that I have particular reasons for being concerned about the future of the domestic oil producing industry. California ranks third among all 50 States in oil production and second in refining. Furthermore, my State leads the Nation in oil consumption—meaning that Californians would be hardest hit by any disruptions of supply that could result from excessive dependence on imported oil.

I have no hesitancy in discussing my State's economic interest in preserving a healthy domestic oil producing industry. After all, Senators who have been most vocal in attacking oil import controls have been equally outspoken in advocating restrictions on imports that compete with their local industries. If they fail to see the inconsistency of their stand, it is very plain to the rest of us.

The issue of import controls is, as I have said, first and foremost a national security matter. But it also deeply involves the economies of some 32 petroleum producing States, including my own. The oil industry in California employs some 151,000 men and women in all its branches, with an annual payroll of more than a billion dollars.

Petroleum is produced in 32 of my State's 58 counties, and the industry's annual capital expenditures for exploration and production now amount to almost $200 million in California alone. Another $440 million is spent annually on production supplies and equipment in just this one State.

During 1968, bonuses, rents, and royalties paid by California's petroleum industry to Federal, State, and local governments and to private citizens added up to almost $622 million.

These figures make it clear that any policy changes with adverse effects on the petroleum industry are bound to have an impact on California's economy. We are going to be hurt by the provisions affecting petroleum and other mineral production in the new tax law. We, and the other oil producing States, are in no position to shake off another hard blow from a major change in the oil import control program.

THE TARIFF PROPOSAL

This does not mean I oppose any alteration in present oil import policies. I would support proposals that would strengthen and improve the program. But the ideas now being publicly discussed—and advocated to the President of the United States—go in the opposite direction. They would weaken and undermine the oil import program and, doing so, would weaken and undermine the domestic petroleum industry.

I refer particularly to proposals to substitute a system of tariffs for the present oil import controls. According to published reports, the idea of this tariff plan is to regulate—indirectly—the price of domestic crude oil. We have already had almost 16 years' experience with Federal regulation of natural gas prices—and the result is a potential critical supply shortage. So now it is being advocated that the same shortsighted policy be extended to crude oil. And from it we can expect the same kind of results.

Petroleum producers are still feeling the effects of a decade-long cost-price squeeze that has seriously retarded exploratory drilling and new discoveries. Instead of seeking to alleviate this problem, there seem to be strong tendencies to aggravate it—to intensify the economic pressures on oil and gas producers. One example of this tendency is found in the petroleum provisions in the tax bill enacted last year. Another example is this current proposal to substitute a system of tariffs for the present oil import control program.

The whole theory of using tariffs to put a ceiling on domestic crude oil prices appears completely unrealistic when there is no ceiling at all on producer's costs. These costs have been rising sharply year after year while crude oil prices have been in a slump and natural gas prices have been under Federal restrictions. It would seem to be a matter of elementary economics that people will not invest in petroleum exploration and production if cost-price relationships are such that they have a better chance of finding a pot of gold at the end of a rainbow than of making a profit in oil or gas.

Certainly it seems that the small producers, who are now just getting by with marginal wells, would be run out of the oil business entirely by this price-fixing tariff plan.

Some other persuasive objections to this proposal were outlined by Walter J. Levy, a well-known oil economist, in an interview that appeared in the New York Times of December 14. Mr. Levy was quoted as saying:

> Any approach to import policy has inevitably to resolve several key questions. First, the relative proportions of foreign and domestic oil that are deemed to be compatible with national security. Second, the distribution of total imports as between more and less secure sources of supply—in the short run as regards current supplies and in the long run as regards future productive potential.
>
> Third, the level of domestic crude-oil prices that would support exploration incentives, such that domestic crude oil reserves will continue to be found and domestic productive potential will continue to be maintained.
>
> To achieve these security goals by a tariff system would require a finely tuned mechanism, continuously administered so as to respond both to foreign and domestic oil costs, prices, transportation charges, exploration incentives and results, including those that are independent of the effects of United States tariffs as well as those that are generated by the tariffs themselves.
>
> It is basic to a tariff concept that you find a figure that through the market mechanism will assure the desired result, in this case security and low cost oil.
>
> In the case of the oil industry, there are far too many variables. To think that a magic figure can be arrived at is self deception.

THE PRICE FALLACY

Mr. President, the heart of the dispute over oil import controls, when we come right down to it, is the mistaken belief that domestic petroleum energy costs more than imports. The fallacy of this was revealed in the previously mentioned letter supporting the oil import control program, sent to President Nixon by 80 Members of the House of Representatives. On the subject of price this letter said:

The petroleum industry now markets more Btu's in the form of natural gas than in the form of liquid petroleum. The combined wellhead price of these two products, on a crude oil equivalent basis, is less than $1.90 per barrel. This is lower than the cost of imported oil or natural gas from any source of the world.

Any weakening of oil import controls is sure to have extreme repercussions on the already alarming gas supply situation. Gas is often found in the course of searching for oil. Moreover, about one-fourth of gas production comes from oil wells. So if a change in import controls depresses domestic oil exploration and production, the gas supply pinch will grow that much tighter. This would be particularly unfortunate at a time when the people of my State and others are greatly concerned about air conservation. The public would not take kindly to being denied—by mistaken governmental policies—the contribution natural gas can make to cleaner air.

ALASKA IN PERSPECTIVE

Finally, there is one other misconception about the domestic petroleum situation that needs to be clarified. This is the matter of Alaska. Some people seem to feel that the whole question of import controls has been made academic by the discoveries recently reported from the 49th State. In point of fact, the Alaskan discoveries illustrate the value of an effective and economically sound oil import control program.

The search for new reserves would never have been carried to such an expensive and frustrating environment as Alaska's North Slope except for the present system of oil import restrictions. If there were no quotas to limit foreign oil imports, oil companies would have gone abroad to look for new fields instead of battling the climate, topography, and other challenges that Alaska presents. And if oil import controls are scrapped now, or the system is put on a basis that distorts its purpose, such a change could retard further intensive development of Alaska's potential reserves. Ending oil import controls would make the Middle East, North Africa, and other parts of the globe look much more inviting for oil exploration than the treacherous Arctic tundra.

Many impressive estimates have been offered about how much oil may be available in Alaska. But estimates and speculations will not turn the Nation's wheels or heat its homes. Estimates of the potential of Alaska's North Slope indicate that when this area is in full production—somewhere around the middle of the decade—its output will supply only about 10 percent of the Nation's requirements. Much more exploration is needed in that State and elsewhere in the United States to give the American people an assured future supply of oil and gas for normal and emergency needs.

With the right governmental policies, this search will go on. But misguided policies could bring to a halt the urgently needed effort to replenish and enlarge domestic oil and gas reserves. Then the American people would be forced into increasing dependence on oil produced many thousands of miles from their shores in lands that have been torn by conflict since the dawn of history.

I concur with a resolution on oil import controls recently adopted by the Interstate Oil Compact Commission, including this specific statement:

Maintenance of an effective Oil Import Control Program based on a quota system, fairly administered, without exceptions, continues to be most essential in order to protect national security and to serve consumers and the U.S. economy with increased assured supplies of domestic oil and gas at attractive prices.

I also agree with the commission's expressed opposition to "the use of any import tariff system or combination of a tariff quota system, as either would lead to impairment of the ability of the U.S. petroleum industry to serve the interests of this Nation."

Mr. President, only two of the world's major powers are now in a position to be self-sufficient in petroleum energy. These two powers are the United States and the Soviet Union. It is hard to imagine a more flagrant strategic, political, or economic blunder than to adopt a policy that would eliminate the United States from this list, leaving Russia alone and supreme in its energy independence.

Reason, judgment, ordinary prudence demand that we follow the only sane and sensible course by maintaining the kind of domestic oil producing industry that can keep our country and its people economically and militarily secure.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION

Mr. STENNIS. Mr. President, last week, I submitted an amendment No. 462 to H.R. 514, which is the Elementary and Secondary Education Act. I now wish to submit the same amendment in general substance, but with slight modifications. But I wish to offer it with an additional number, because I also have quite a number of additional cosponsors.

I submit the amendment now to H.R. 514 on behalf of myself and Senators RUSSELL, HOLLINGS, TALMADGE, EASTLAND, ERVIN, HOLLAND, ELLENDER, JORDAN of North Carolina, THURMOND, ALLEN, TOWER, SPARKMAN, GURNEY, MCCLELLAN, and LONG.

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

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

AMENDMENT No. 481

On page 45, between lines 4 and 5, insert the following new section:

"DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

"SEC. 2. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

"(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose, provided that nothing contained in this Act or any other provision of federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal on tomorrow morning, the able majority leader, the Senator from Montana (Mr. MANSFIELD), be recognized for not to exceed 30 minutes.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 54 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, February 4, 1970, at 11:30 a.m.

NOMINATIONS

Executive nomination received by the Senate February 3, 1970:

ASSISTANT SECRETARY OF TRANSPORTATION

Robert H. Cannon, Jr., of California, to be an Assistant Secretary of Transportation, vice Secor D. Browne, resigned.