ASPINALL, Mr. ANDERSON of Illinois, Mr. YOUNG, Mr. MCCULLOCH, Mr. EDMONDSON, and Mrs. MAY):

H.R. 18798. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 18799. A bill to amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. STEED:

H.R. 18800. A bill for the relief of persons who suffered damages as a result of the sonic boom tests over Oklahoma City, Okla., in 1964; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

565. The SPEAKER presented a petition of Andrew Huggins, Avon Park, Fla., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, August 4, 1970*

The Senate met at 9:30 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

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

Almighty God, whose Word declares "Commit Thy way unto the Lord; trust also in Him and He shall bring it to pass," we now commit ourselves and our Nation to Thee in the faith that "Thou shalt bring forth Thy righteousness as the light and Thy judgment as the noonday."

We ask Thee, O Lord, not to take away our burdens but to give us strength to carry them; not to make our way easy but to make it right.

Through Jesus Christ, our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 4, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 3, 1970, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR THE RECOGNITION OF SENATOR MCINTYRE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the disposition of the reading of the Journal, the distinguished Senator from New Hampshire (Mr. MCINTYRE) be recognized for not to exceed 1½ hours.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the distinguished Senator from Alabama (Mr. ALLEN) completes his remarks, there be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements made during that period.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Wyoming (Mr. HANSEN) is recognized for 30 minutes.

Mr. HANSEN. Mr. President, first of all, let me express my real appreciation to the distinguished majority leader and the distinguished minority leader for their kindness and courtesy in convening early, despite the fact that we have long days, and making it possible for me to speak upon a subject that is of real concern to me, and I believe will be of real interest to the country as a whole.

OIL IMPORTS AND THE PUBLIC INTEREST

Mr. HANSEN. Mr. President, I was somewhat surprised and startled yesterday to learn that as an advocate of the oil industry position in the controversy over the oil import quota program, I am, at least in the opinion of one Senator, opposed to the public interest.

Upon reading the remarks made here yesterday, I asked for time to discuss the charges here in the presence of the distinguished junior Senator from New Hampshire (Mr. MCINTYRE), and invited him to be present at this time. Because of a prior commitment, my good friend from New England could not be here, but I feel that I should set the record straight as to the blanket indictment he made against "advocates of the oil industry" and the "private influence" which he says "is strong enough to override the representatives of the public interest."

Inasmuch as I have been named as an advocate of the oil industry and its position in the oil import controversy, I presume Senator MCINTYRE included me in those he accuses of selling him "their bill of goods for years when it was so obviously and so outrageously contrary to the public interest."

First, I would like to assure the Senator from New Hampshire that I am not one of those oil industry advocates "with personal and financial ties to the oil community."

Second, I regret that he bought this "bill of goods" for so many years when it was actually a bargain, but now that the bargain rates have been sucked into the Middle East caldron, he would have us paying more for imported oil than our own.

I own no oil stock, no oil or gas royalty, nor any interest in any oil or gas company. I do, however, consider it in the public interest to do what I can to see that this country never has to submit to foreign blackmail for the oil and gas that provides three-fourths of our energy requirements and without which all transportation and most industry would come to a grinding halt.

The vital importance of oil and gas to this Nation's entire economy and America's national security has been recognized by four Presidents. Started by President Eisenhower, the basic concepts of the program have been carried out under the Presidential proclamation that established the program by Presidents Kennedy, Johnson, and Nixon. President Kennedy acted twice to strengthen the national security aspects of the program and President Nixon had that in mind, I believe, when he directed the study that resulted in the current controversy. The program had been riddled and weakened by exceptions and exemptions that had progressively raised the level of foreign oil in relation to domestic production until the original concept of preserving a strong and viable domestic petroleum industry was lost in the rush for more cheap oil.

We learned a lesson the hard way following the 6-day Arab-Israel war of June 1967, when all the Arab countries stopped shipment of oil to Western Europe and the United States.

Because we had the reserve cushion of excess production and the oil companies had the expertise and ability, along with an emergency plan already worked out in cooperation with the State and Federal Governments, oil production was increased to take care of European demands, as well as our own demands, and we even furnished Canada some of the oil she had been importing from those sources.

Mr. President, only last week I arranged for Dr. Wilson M. Laird, Director of the Office of Oil and Gas, to brief Senators on the Middle East situation and the threat of another oil embargo should things get worse.

All Senators were notified and invited. I believe my friend from New Hampshire could have benefited from the briefing, and for the benefit of those Senators who could not attend, the junior Senator from Oklahoma (Mr. BELLMON) and I entered into a discussion here last Friday and, also by unanimous request, entered Dr. Laird's remarks in the RECORD. But apparently oil import quota critics do not know what the facts are or do not care that the program is actually saving American consumers considerable money rather than costing them more.

Senator BELLMON and I pointed out here last Friday that events in the Middle East and North Africa had resulted in a world wide tanker shortage and that delivered prices of oil from that area to the U.S. east and west coasts are now considerably higher than domestic prices.

In fact, Senator BELLMON did some arithmetic showing consumer costs would be $5.4 billion higher per year at present prices should the plan Senator MCINTYRE advocates be adopted. On top of some $4.25—the east coast delivered price last week—the tariff plan would add another $1.35 a barrel, making the price about $5.60 a barrel as compared with a delivered price of U.S. crude of about $3.80.

But this is not all. A critical natural gas shortage is now imminent in the Northeast and imports of liquefied natural gas, at more than double the cost of domestic gas, would add another $6 billion to consumer costs.

The $5 billion cost of the program referred to by Senator MCINTYRE was, in my opinion, completely mythical to begin with, inasmuch as the total value of all the crude oil produced in the United States in 1969 was $10.3 billion. And that estimate did not take into acount the differences in transportation costs, the effect on U.S. exploration and supply, the higher prices for domestic natural gas that would result, the true economic costs to the Nation, nor the benefits from the present program.

I would hope that Senator MCINTYRE might review recent events, such as those reported by Dr. Laird, or read the New York Times or Wall Street Journal, both of which have repeatedly published the growing seriousness of the situation.

Inasmuch as east coast refineries depend on Middle East and north African oil for a considerable portion of their needs, I would think critics of the program would be looking toward more dependable sources rather than continuing to flay the oil companies which are even now stepping up domestic production to help alleviate the critical fuel shortage brought on by events in the Middle East. Many of us warned of just such an eventuality.

Senator MUSKIE's Subcommittee on Intergovernmental Relations is now holding hearings on the electrical power crisis in New York City which has been aggravated by a natural gas shortage and a growing shortage of heavy industrial grade fuel oils—a factor that has sent prices soaring. Most of this oil is imported. The tariff plan Senator MCINTYRE proposes would not only worsen the gas shortage by discouraging exploration for new sources, but would also tack on an added tariff which would be paid by the consumer.

If Senator MCINTYRE has an oil import plan which would do what he says it would, I suggest he make it known to the appropriate committees of the Senate which will consider a U.S. trade policy bill as soon as the House has acted on the Ways and Means Committee bill which includes the oil import amendment.

Mr. President, the vote in the Ways and Means Committee against the program Senator MCINTYRE advocates was 17 to 7. Senator MCINTYRE's proposal to amend that bill when it comes to the Senate and strike out the language which would nail the quota program into law may not have the support he apparently expects. That same bill includes quotas on textiles and shoes which he apparently believes are more of a threat to the Nation than oil imports. The Senator from New Hampshire sponsored those bills himself, and he may need a little support from the 31 oil State senators or, at least, from those who consider the Nation's security and self-sufficiency for its principal source of energy more important than some mythical savings that certainly are no longer valid, if they ever were.

Another aspect the so-called experts and oil critics ignore is the effect of oil imports on the gas shortage.

Mr. President, not only is such a plan as proposed by Senator MCINTYRE unsound, but it is completely inconsistent with the recent recognition, at long last, by the Federal Power Commission of the fallacy of Federal price-fixing policy.

The FPC, in the face of a critical natural gas shortage, now says it will abandon its price-fixing policies of the past decade in favor of a policy which considers such factors as rate of return for producers, as well as consideration of supply and demand factors. The new policy, according to FPC, will result in higher consumer prices as well as higher returns to producers.

Should those who advocate a reduction in crude prices through import controls succeed in implementing their plan, they would be working at cross purposes with the Federal Power Commission in attempting to stimulate exploration and development of domestic natural gas supplies through adequate returns and incentives.

The tariff plan would have the opposite effect by depressing domestic prices, reducing returns and incentives for exploration and development of new supplies, and, thereby, discouraging development of gas.

A large part of our gas is developed and produced along with oil.

Mr. President, if the distinguished junior Senator from New Hampshire was here Friday, he may have missed a colloquy that Senator BELLMON and I had on the import problem. Although I referred earlier to this discussion, I would like to repeat a few remarks I made in reply to Senator BELLMON's question about the need for more domestic energy sources and whatever plans Dr. Laird of the Office of Oil and Gas may have for alleviating them.

I said, yes; he does have some plans, and I shall be happy to detail specifically just what he recommended.

For one thing, he stresses the urgency of an overall energy policy which will focus attention upon the need that we have in this country for fuel in the future, in order to satisfy all the energy needs we have, as well as the need for exploration and development of our resources, in order to develop the potential we have.

Insofar as our allies' interests go, the NATO countries and Japan would likely have to make accommodations with Libya, Iraq, and other important oil-supplying countries, if there should be a disruption in the delivery of oil from those areas.

Obviously, the alternative would be the development of other sources of supply in other free world areas. But this could take considerable time.

There are no quick, easy answers for these energy deficient countries. But, with respect to our domestic needs, I think all agree—certainly those of us who have taken the time to investigate the problem—that the most competent authorities estimate we have just barely scratched the surface, insofar as the development of our resources here in this country goes.

Further, in specific response to the question raised by the Senator from Oklahoma, let me say that as chairman of the Petroleum Security Subcommittee of the Foreign Petroleum Supply Committee, it was the duty and the responsibility of Dr. Wilson Laird, the Director of the Office of Oil and Gas, to make recommendations and to review the situation. He has done that, and they can further reactivate, if necessary, the Emergency Petroleum Supply Committee which has been on a standby basis since 1967.

Generally speaking, I think that the need is to take advantage of every resource we have in this country. There have been some who have said, "Let us forget about 15 percent of the reserves we have in the so-called stripper wells." I know that many of these wells are in the home State of the distinguished Senator from Oklahoma. They are also in Wyoming, representing rather significant reserves.

Some have said, "Let us forget about that, because this oil is too high priced. Let us forget about that 15 percent of

our known reserves, and let us shut off the wells." A lot of things happen, so that they could not be brought back into production, as the Senator knows, but, with reckless abandon for the long-range, even the short-range welfare of this country, there have been some, within the last year, who have said, "Let us forget about that."

I think, now, that the lack of wisdom and foresight on the part of those making such recommendations is obvious to all of us.

Thank heavens, we have the reserves. Thank heavens, we can still produce them.

For those who thought we could continue to import foreign oil, as the Senator from Oklahoma knows, we can import it, but no one wants to buy it because it is so high priced—higher than our domestically produced oils.

I think these are some of the things that Dr. Laird was saying to us.

Another point the junior Senator from New Hampshire seems to have missed entirely is the effect the present Middle East and north African situation would have had on a refinery that was proposed under a foreign trade zone arrangement at Machiasport, Maine.

The total supply of oil for that refinery would have been from Libya, the country that has caused a good part of the present disruption and shortages.

Libya also recently expropriated the marketing facilities of all foreign companies and forced a cutback of more than a half-million barrels a day in production. This is part of Libya's continuing ploy with the oil producers for higher taxes on the oil produced.

Not only would that oil under Senator McINTYRE's proposal cost some $5.60 a barrel rather than the $2 talked about in the task force report, but also, it would probably not be obtainable at even that price.

And that, Mr. President, is what we are talking about in this long debate over oil imports and U.S. trade policy.

But oil is only one part of the fight over trade legislation, although by far the most important because of national security implications. The trade bill Senator McINTYRE would amend as far as oil is concerned started out as a textile quota bill but is now being called a Christmas tree bill. Some are saying that import quotas are not in the interest of the United States. Others are saying that addition of anything other than quotas to protect their own regional industries are not in the interest of passing the bill, as it was at first reported, as tentatively approved.

I would think the New Englanders who attacked the oil amendment in the bill would, in view of the prices now prevailing for oil from the Middle East, now favor the amendment which would assure that the imports would continue to come in under quotas and not be further increased by a proposed $1.35 a barrel tariff. The tariff is presently 10 cents a barrel.

In addition to this, Mr. President, those who demand more imports from Canada certainly must not realize that Canada is a net importer of oil herself and is affected by price fluctuations, such as the sudden escalation of the cost of oil from the Middle East and north Africa.

Most of Canadian production is in her Western Provinces, but most of her refining capacity is in her Eastern Provinces. Canada has no pipeline connections from her own producing areas to her eastern refineries. She imports as much oil as she exports to the United States, and the price of that imported oil has suddenly gone up. Canada may, if this situation continues or worsens, find it to her advantage to use her own oil when the price differential disappears or becomes a minus rather than the plus it has been.

I do not mean to say that we should not develop a common energy policy with Canada which is, undoubtedly, our most secure source. But what I do want to point out is that Canada will certainly take care of her own needs first in an emergency, such as the 1967 embargo of Middle East and north African oil that followed the Arab-Israel war.

I cannot conceive of the Canadians gazing benignly across the border as the U.S. Treasury rakes off a fat tariff for their oil without taking a cut for themselves. That is another fallacy of the academically inspired tariff proposal. With the ups and downs of tanker rates and the uncertainties of tomorrow in north Africa and the Middle East, we can be thankful that there were some who could foresee the risks involved in the task force—majority—proposal and that, finally, others are realizing that cheap foreign oil will remain cheap only so long as we do not have to depend upon it.

One last word, Mr. President, and that is in reply to Senator McINTYRE's statement that:

> If the public really understood this issue, we in the Congress would not be able to withstand the winds of change that would blow through these halls—nor the public accounting it would demand of us.

Mr. President, I believe the public understands this whole import problem a lot better than Senator McINTYRE gives them credit for; and, even as complex as the oil import issue is, I am convinced that the public is more concerned about having a dependable supply at reasonable prices as they have always had than in the dubious now nonexistent—savings of a cent or two a gallon on a supply that could be cut off overnight as it has been before.

What we need to do and do quickly is get on with a national energy policy that will guarantee now and in the future that this Nation will be self-sufficient in its basic energy needs.

There is no doubt that we have them in abundant supply—oil, gas, coal, oil shale, and potential nuclear energy. We have the technology to develop these resources, but we need to begin and to do it now.

URBAN RESEARCH AND TECHNOLOGY

Mr. HANSEN. Mr. President, I am greatly disturbed that the conference committee has reported a bill that cuts the urban research and technology budget of the Department of Housing and Urban Development from $55 million to $30 million.

Although the President requested $55 million for this important program, the House cut the appropriation almost in half to $30 million. The Senate, I believe wisely, restored the appropriation to the level of the President's request. Now, however, the conference committee has reported the House figure.

The Department of Housing and Urban Development is putting these funds to good use. In addition to work aimed at improving housing, work to help our cities operate more effectively, and work to avoid some of the noise pollution that we face, the research budget also provides for developing means to consider geologic factors in the design and development of urban areas.

I must admit that I am most familiar with urban research and technology work in the last area of interest. Throughout the Nation, including my own State of Wyoming, we find geologic problems that endanger the safety of our people and limit the development of our urban communities. Subsidence into empty mine tunnels has cost this Nation dearly in life and property. Methods must be found to overcome that problem. Earthquakes and mud slides also cause irreparable damage, incur large costs, and cause loss of life in urban areas.

Urban planners have not been adequately equipped to consider the significant effects of these geologic hazards in their planning process. The research organization of HUD has begun to tackle these problems, and I commend them for their farsighted approach to this and other problems.

Today, many Members of the Congress are asking that important military and transportation projects be delayed because they feel that the projects have not been researched adequately. I earnestly hope that the Members of this body do not find that in future years we must delay urgently needed programs to meet our housing and urban needs as a result of a failure to invest adequate funds in research activities today.

Mr. President, I do not believe that we should discourage continued and expanded efforts in this area by cutting the urban research and technology budget from $55 million, the amount requested by the President, to $30 million.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is now recognized for not to exceed 30 minutes.

ATTORNEY GENERAL MITCHELL AND JUSTICE DEPARTMENT OFFICIALS DESERVE CREDIT FOR THOROUGH IMPARTIAL INVESTIGATION OF KENT STATE TRAGEDY—FEDERAL GRAND JURY INVESTIGATION IN CLEVELAND NEXT IN ORDER

Mr. YOUNG of Ohio. Mr. President, next month, very shortly following Labor

Day, under authority of Attorney General John Mitchell, I predict that a team of lawyers in the Department of Justice will join the U.S. attorney of the northern district of Ohio, Robert Krupansky, and a Federal grand jury will be summoned to convene to investigate the tragedy at Kent State University which occurred on Monday, May 4. A large number of witnesses will be subpenaed to testify before this Federal grand jury. I assert that very definitely there is probable cause that some officers of the National Guard and National Guardsmen will be indicted for murder in the second degree.

Under direction of Attorney General Mitchell and top officials of the Department of Justice, 100 FBI agents over a period of 2 weeks made a most thorough inquiry interrogating numerous witnesses including students, both boys and girls, faculty members, National Guardsmen and officers and hundreds of members of the Ohio Highway Patrol and citizens living near the Kent State University campus and officials and policemen of Kent. This, Mr. President, was a most thorough official investigation and it is stated that the summary of the report of officials of the Department of Justice covered 7,500 pages. This document has been signed by the Chief of the Civil Rights Section of the Department of Justice, Jerris Leonard.

Mr. President, some of the highlights and readily provable statements contained in this report are:

First. The shootings by National Guardsmen "were not necessary and not in order."

Second. No guardsmen had been hurt by flying rocks, and none was in danger of his life at the time of the shooting.

Third. The guardsmen had not run out of tear gas, as was widely reported at the time, and could have controlled the situation by using tear gas or making arrests.

Fourth. One guardsman fired at a student who was making an obscene gesture. A second fired at a student preparing to throw a rock. This notwithstanding that the distance separating the front line of the guardsmen and this student and other students was so considerable that a thrown stone would not have struck any guardsman with sufficient force to cause injury. A third National Guardsman is reported to have run around immediately after the incident shouting hysterically, "I shot two teenagers! I shot two teenagers!"

Fifth. The memorandum of the FBI advised Ohio officials that six guardsmen could be held criminally responsible for their part in the shootings. And it listed the six by name, rank, unit, and home address.

This FBI report directly refutes as utterly false the allegations of Adj. Gen. Sylvester T. Del Corso. This fellow made reckless allegations, one of the least of which was his repeated statement that a sniper from a university rooftop fired at National Guardsmen on that Monday morning preceding the shooting and killing. Later Del Corso was compelled to admit that there was no such occurrence.

The facts are that on Monday, May 4, right up to the time of the killing of four university students, two girls and two boys, and wounding of 10 others by rifle fire, not one of whom was rioting nor had made any threats whatever, which shooting occurred at about 12:22 p.m., not one National Guardsman was injured by any stone or other object allegedly thrown by students. Not one National Guardsman required first-aid treatment that morning or during the noon hour up to and including the moment the volley was fired by guardsmen. The FBI report was completely corroborative of the report filed by seven investigative reporters of the Knight newspaper chain including the Miami Herald, Detroit Free Press, Akron Beacon Journal, and other metropolitan newspapers. In their report following a thorough 2-week investigation, these reporters concluded that guardsmen committed murder in the early afternoon on that day and that no National Guardsman was injured by act of any students.

At the time this volley was fired, or immediately following, when one guardsman shouted hysterically, "I shot two teenagers. I shot two teenagers," one National Guardsman fainted and another allegedly suffered a heart attack. Those were the only casualties. Adjutant General Del Corso is guilty of uttering blatantly false statements when he said:

A lot of guardsmen up there were hurt by rocks and other objects thrown at them.

His word is not worth a plugged nickel.

Now Del Corso, evidently fearing a Federal grand jury investigation, said that since the Guard had completed its study of the incident, he would favor a county grand jury investigation by the prosecuting attorney of Portage County. He is meeting with Paul W. Brown, presently Ohio attorney general, who ran a poor third in the Republican primary last May 5, to discuss his proposal for this county grand jury investigation. They prefer such mini-investigation and Governor Rhodes favors this. Paul W. Brown, the lameduck attorney general, who was so decisively beaten by Ohio voters when he aspired to be the Republican nominee for Governor at the primaries last May, running a poor third, now comes forth with the fantastically false statement that he has evidence that "nonstudent drug pushers and users participated in the Kent State University riot that resulted in the shooting death of four students." This lameduck politician is opposed to a Federal grand jury investigation but he has stated:

We all regret the deaths of those four kids but the guardsmen were on duty in a riot.

Of course Adjutant General Del Corso now a thoroughly discredited political general fears a Federal grand jury investigation.

This statement of politicians Brown and Del Corso that the students were rioting that tragic Monday is utterly false in at least two particulars. First, the FBI and seven investigative reporters have determined that there was no riot on the Kent State University commons on Monday, May 4. This fellow Brown is further guilty of a fantastically false assertion that nonstudent drug pushers and users were on the campus on the day of the shooting. He and Adjutant General Del Corso have become hysterical in the false statements they are making.

Mr. President, perhaps the first victim was Sandra Scheuer who had just opened the door and had started to walk to a speech therapy class. She was on the campus of her university. She had not even stepped onto the university commons to view the guardsmen, officers and men, who had been called out by Governor Rhodes on the previous Saturday night—the most ruinous and senseless decision that James A. Rhodes had ever made. As she lay dead her schoolbooks were by her side.

Allison Krause, a young coed from Pittsburgh, and William Schroeder, an outstanding 19-year-old student from Lorain, Ohio, and young Jeffrey Miller of Plainview, N.Y., were on the campus or university commons enjoying the beautiful sunny day as spectators who had finished their classwork for that day. Their university was in session. They had every right to be where they were. Not one of these four and not one of the 10 students who were wounded by rifle fire of the guardsmen, was rioting or had resorted to any violence. Seven of these students were shot in the back or in the side. They were not even facing the guardsmen. Robert Stamps of Cleveland, who was very seriously wounded, was shot in the back. The bullet missed his spinal column by about an inch and emerged from the front part of his body. He was a distance of 610 feet away from the front line of the National Guard at the time he was seriously wounded by a guardsman's rifle.

Another youngster who was shot, Dean Kahler, is paralyzed from the waist down. Another, Thomas Grace, was struck in the side of his leg by a guardsman's bullet which penetrated downward into his ankle and exploded. Three of the 10 wounded will be hospitalized indefinitely.

Of course the efforts of Attorney General Brown and Adjutant General Del Corso to have a Portage County grand jury listen to the testimony of the witnesses they select and then whitewash this horrible tragedy will fail. Whatever these fellows do will not prevent a Federal grand jury investigation next September or October. There is reasonable and probable cause that six National Guardsmen and officers are guilty of murder in the second degree. Also a Federal grand jury investigation may disclose that other guardsmen should be indicted for the lesser offense of shooting to kill. A Federal grand jury will fully, fairly and thoroughly investigate the facts. Vice President AGNEW in a statement made by him in California after he had acquired the facts from officials of the Department of Justice said that the National Guard overreacted and officers responsible should be held for murder—not murder in the first degree—but murder.

U.S. MILITARY IN SOUTH VIETNAM AID AND ABET TORTURE OF PRISONERS OF WAR TAKEN BY OUR GI'S BUT TURNED OVER TO SOUTH VIETNAMESE OFFICERS FOR TORTURE—SOMETIMES MURDER

Mr. YOUNG of Ohio. Mr. President, during the summer months tens of thousands of American and foreign tourists come to visit the Capitol Building where the legislative branch of the U.S. Government conducts its business. In the two great legislative Chambers in this building, visitors can see the Senate and House of Representatives in session. In the corridors of the Capitol, are statues of some of the greatest legislators and patriots in our Nation's history, and exhibits depicting the development of Congress and the growth of the Capitol Building as the national landmark of which all Americans have reason for pride.

This summer, tourists have been treated to another type of display inside the Capitol Building. This novelty, designed to pull at the heartstrings of patriotic visitors to Washington, depicts what is supposed to be the horrible plight of American prisoners of war in North Vietnam. It consists of one "tiger cage," one "rat-infested cell" complete with rat and a lifelike model of a starving, emaciated prisoner of war, and a few emotion-packed pictures.

All of this—on display in the Capitol chamber known as the crypt—is by reason of action of that Texas multimillionaire, H. Ross Perot, who attained national advertising some months ago for his costly but abortive effort to fly supplies and food into Hanoi for American pilots and others held in North Vietnam. Of course, Mr. Perot might have had a greater impact with his mission had he displayed more commonsense and probably spent less money from his tremendous annual income. Women's Strike for Peace and other antiwar groups have been successful at getting through to American prisoners of war in North Vietnam for quite some time. They have not sought nor received the publicity and personal advertising that H. Ross Perot has received probably due to his great wealth and flamboyant actions. Without a doubt he deserves acclaim for seeking to soften the hard life of American prisoners of war, and as a result of his efforts more messages, packages, and medical supplies have been delivered to Americans held as prisoners of war.

Certainly Mr. Perot is a man of great personal achievement for transforming an investment of a few thousand dollars into a mammoth billion dollar computer corporation. Perhaps it never occurred to him that officials in Hanoi would not welcome with open arms a rich capitalist who had given his full support to an American policy of escalation of our involvment in a civil war in Vietnam and then bombing with our napalm bombs and with our gigantic B–52's thousands of square miles in Vietnam, both north and south of the 17th parallel.

Mr. President, we Americans have been absolutely right in pressing our contention that the Hanoi Government and the forces of the National Liberation Front of South Vietnam have been mistreating our airmen and other fighting men who have been prisoners of war over many months or even years. Inhumane treatment of helpless human beings is inexcusable under any circumstances. I have denounced the ill treatment of American pilots and others taken prisoners of war in Vietnam in the past and I do so again today.

However, emotional and grisly exhibits such as the one now on display in the Capitol serve no useful purpose. Furthermore, on the basis of firsthand reports made by American pilots shot down and taken prisoner, who engaged in bombing runs over North Vietnam and were later released, their captors treated them very well. One officer reported that his right arm, badly shattered at the elbow, was operated on by a Hanoi surgeon and he still has his arm and some movement in his elbow. He reported that he feared an amputation as the easiest and most logical action for his captors. He expressed admiration for the surgeon for his skill in performing the operation and his interest in treating his arm. He reported he was well treated. Of course all Americans taken prisoner lose weight on the Asiatic rice diet.

As long as there is war, there will be prisoners of war. Officials of a country at war do not want to release captives who may later return to fight against their captors. The quickest and surest way to assure the release of American prisoners of war now held in North Vietnam is to end our involvement in the brutal, immoral Southeast Asia war, now spread over the entire area of the old French Indochinese colonial empire.

Mr. President, it is regrettable but it is a fact that the United States has very little moral ground on which to criticize the treatment of our prisoners by the North Vietnamese. For years American GI's have turned over immediately all VC soldiers that they captured to ARVN soldiers and officers who apparently in every case beat and torture these prisoners of war. These prisoners taken by our GI's are immediately hooded and manacled by the South Vietnamese.

Mr. President, as one who served for 37 months in World War II, most of that time being in north Africa and Italy—and I know others of my colleagues who have served in that war can testify to the same facts—on many, many occasions I saw prisoners of war, fine young Germans of the African Corps, within minutes after they had been taken prisoner. Not one was manacled. Not one was hooded. Not one had his hands tied behind his back.

All that was done to those prisoners of war in World War II was that they were marched off under guard. They had their hands above their heads.

General Loan, now a high official in the Saigon militarist-regime, fired the shot heard around the world. A VC officer taken prisoner by an American GI in a Saigon street was immediately turned over to a South Vietnamese sergeant who manacled the prisoner in violation of Geneva regulations on the treatment of war prisoners. This was during the 1968 Tet offensive. That Vietnamese soldier conducted his prisoner to General Loan then chief of police of Saigon, and then as now a close friend of Air Marshal Ky. General Loan immediately emptied his revolver killing the captured, manacled VC officer. This was one of the most memorable, cruel and shocking photographs to come out of the Vietnamese war.

For some years the militarist Saigon regime of General Thieu and Air Marshal Ky has maintained a human torture chamber at Con Son Island. Hundreds of men and women have been locked up in dark windowless stone cages, confined five or more together in 5-by-9 stone cells or cages, living in filthy conditions, suffering from malnutrition and disease and enduring physical beatings and torture.

Mr. President, the Associated Press reported from Saigon on August 2 that Maj. Gen. Nguyen Ngoc Loan, the former national police chief of South Vietnam, has been promoted to the position of special assistant to the South Vietnamese Defense Ministry.

Perhaps a copy of the photograph of General Loan or a model of a Con Son tiger cage should accompany Mr. Perot's emotional display. The fact is, Mr. President, that no pulling of heartstrings can end the cruelty and brutality of war.

The immoral undeclared war in Southeast Asia now escalated with daily bombings and killings in Cambodia and Laos is the most unpopular war waged in the history of our Republic. Ending our involvement in that war without further delay is the only solution to the brutality that has been brought upon all who have had a part in it.

THE TERRIBLE CRIPPLER

Mr. YOUNG of Ohio. Mr. President, the undeclared war Americans have been waging since Lyndon Johnson became President, first by intervening in a civil war in Vietnam but now, unfortunately, expanded and escalated during the Nixon administration to Cambodia, Laos, and Thailand, has become the bloodiest and most costly war in our history, excepting only World War II. It is now an Indochinese war and Americans are the aggressors as were the French colonial oppressors until their defeat at Dien Bien Phu. This has become the most unpopular war in the history of our Republic costing the priceless lives of more than 50,000 of our finest young men. Thousands of American GI's have been killed in what Pentagon terms accidents and incidents.

Nothing can be done to restore its popularity. The Chinese sage Confucius, years before the birth of our Savior, said that a man who makes a mistake and then does not correct it makes another mistake. That is what we have been doing in Vietnam and now in all of Southeast Asia. As you know, Mr. President, many of us have heard our colleagues say we never should have intervened in the civil war in Vietnam in the first place, but now that we are in it we have to see it through. I do not go along with that view because nations make mistakes the same as individuals.

One often overlooked fact is that nearly 300,000 men of our Armed Forces have been wounded in Vietnam, Laos, Thailand, and Cambodia. Many of these wounded will be maimed for life.

Due to the use of helicopters as ambulances in Cambodia, Laos, and South Vietnam immediately removing the wounded within minutes or at most within an hour, the death rate of wounded GI's is but 2.3 percent compared to nearly 5 percent in World War II. Deaths in combat are down but GI's who would have been mortally wounded and would have died within hours in World War II now survive due to instant evacuation by helicopter and the advance of medical science.

Yet for 50 years to come "basket cases" and GI's helplessly and hopelessly maimed for life will survive, many spending all of their remaining days in Army hospitals. This is a most terrifying and horrible end result of our fighting a major war in Southeast Asia which was commenced by intervention in a civil war in Vietnam, a faraway Asiatic country of no importance whatever to the defense of the United States.

In addition many thousands of GI's have been afflicted with bubonic plague, malaria fever, and other tropical diseases. Some have died. Many thousands will suffer as long as they live.

Mr. President, Thomas W. Pew, Jr., the editor and publisher of the Troy Daily New in my home State of Ohio, has written a most informative article which was published in the August 1970 issue of Progressive magazine. In that article, Mr. Pew notes the sad fact that:

The war in Vietnam is crippling GI's at twice the rate of the Korean war and three times the rate of World War II.

He disclosed the sad fact that more than 12 percent of all our wounded Vietnam veterans are totally disabled and will be invalids as long as they live.

Mr. Pew argues strongly and convincingly that greater efforts should be made to provide adequate medical care for our wounded veterans who have returned to our country. There must be many more veterans' hospitals constructed and fitted with most modern facilities. In addition, the facts he presents provide another powerful argument for ending our tragic involvement in Southeast Asia without further delay.

Mr. President, I ask unanimous consent that the column "The Terrible Crippler" by Thomas W. Pew, Jr. be printed in the RECORD.

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

THE "TERRIBLE CRIPPLER"

The war in Vietnam is crippling GI's at twice the rate of the Korean war and three times the rate of World War II. Compared with 6.7 percent for the Korean war and 4.4 percent for World War II, 12.4 percent of all wounded Vietnam veterans are totally disabled.

According to California's Democratic Senator Alan Cranston, the chairman of the Senate Subcommittee on Veterans Affairs which has recently completed a five-month inquiry into the medical care provided veterans, Vietnam is a "terrible crippler" because of the new weapons such as high powered rifles and, ironically, because of speedy medical care that saves many men who would have died on the battlefield in past wars.

Anyone who has visited hospitals in Vietnam can attest to the painful truth of the testimony given to the VA subcommittee by Dr. E. James Lieberman, a National Institute of Mental Health psychiatrist who is studying the effects of the Vietnam war on American families: "It's easier to visit a cemetery than some hospital wards."

Dr. Lieberman noted that many of these saved men, with missing limbs or paralyzed from wounds, don't want to see their families when they return home. He attributes this to the significance Americans place on physical attractiveness. "We must treat these men like heroes," the doctor said, "and make sure they get the best medical, social, and psychological care."

In the face of this challenge, Dr. Lieberman told Senator Cranston that he is "dismayed" by cuts in the Veterans Administration budget. Cranston is more than dismayed. He claims that as a result of staff shortages, estimated at as many as 10,000 persons, twenty-year-old psychiatric patients from Vietnam are "tranquilized and stashed away" in nursing homes for the rest of their lives. Cranston emphasizes: "We are simply not providing the budget needed."

Cranston, according to a recent issue of *Life*, has thoroughly documented gross inadequacies and laid the main blame directly on a series of cutbacks in the VA medical budget. This sum presently amounts to roughly $1.6 billion a year, somewhat less than the cost of one month's fighting in Vietnam. Additional appropriations of $122 million for next year await probable Congressional approval and could help ease the immediate crisis. But within the next twelve months 16,000 more men from Vietnam are expected to come under the Veterans Administration's care," the *Life* statistics show.

Cranston fears the President's proposed budget for fiscal 1971, which provides for a one per cent increase in the funds for medical care staff, will prove grossly inadequate even if the funds are actually spent. And he doubts that they will be.

The extent of inadequate rehabilitation facilities and programs was poignantly revealed in testimony before the VA subcommittee by retired Capt. Max Cleland of Atlanta. Cleland, a triple amputee, said that "the odds are that I would not be here if I had received the same wounds in World War II or Korea. But unfortunately I did not find that the up-to-date rapidly applied medical techniques used in saving men on the battlefield had their counterparts in my rehabilitation."

Following the saving of his life by "the most fantastic processes known to modern science," Cleland's rehabilitation was delayed by red tape and inefficiency. According to the captain's testimony it took more than a year to get his own wheel chair, although chairs were available. It took more than a year before he was fitted with artificial legs for the first time, but following the fitting it took only ten weeks training before he was able to walk out of the hospital. Cleland said that "there is no doubt in my mind that my rehabilitation time could have been cut in half."

Cleland's testimony does not stand alone. He joins an array of witnesses who have testified that VA hospitals are not doing their job. Cleland's testimony was specifically backed up by Dr. Sedwick Mead, rehabilitation specialist and consultant to VA hospitals, who testified that rehabilitation is definitely lagging behind lifesaving techniques.

A lack of adequate funds in the VA budget for rehabilitation facilities at a time when crippled GI's are returning to America at two to three times the rate of previous wars makes one wonder just how serious an injury this war has inflicted on the American conscience, not to mention the people upon whom we have visited war.

OUR NAPALM BOMBING

Mr. YOUNG of Ohio. Mr. President, in Vietnam a popular song blaring from tape recorders in GI hooches or sung by helicopter pilots goes something like this:

Napalm sticks to kids, napalm sticks to kids,
When'll those gooks ever learn?
We shoot the sick, the young, the lame,
We do our best to kill and maim,
Because the "kills" all count the same,
Napalm sticks to kids.

In a Saigon officer's club, with officers entertaining their Vietnam gal guests, the GI orchestra did not play this popular song. Also, it is a good bet marines in our Embassy at Sagon do not customarily sing "Napalm Sticks to Kids," at least unless Ambassador Bunker is away. Another of the many verses is:

Blues (helicopter gunships) out on a road recon,
See some children with their mom,
What the hell, let's drop the bomb,
Napalm sticks to kids.

A helicopter pilot with access to a typewriter made mimeographed stencil copies of the song. He wanted the song printed. Those officers in charge of headquarters' mimeograph machine refused permission, saying, "that's not official business."

ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Chair recognizes the Senator from Oregon (Mr. HATFIELD) for not to exceed 30 minutes.

S. 4168 THROUGH S. 4178—INTRODUCTION OF BILLS RELATING TO MILITARY JUSTICE

Mr. HATFIELD. Mr. President, over the two centuries since our country's founding, the formal codes of behavior which have governed our Armed Forces have undergone many significant changes. First adopted in 1775, the articles of war were a direct adaptation of the British articles of war which had evolved from the 17th century codes set down by Gustavus Adolphus. In each case these rules and regulations were separate from the civil codes, the theory being that it was the military commander's prerogative to maintain discipline through practical punishment in order to deal effectively with the demands of military life.

There were two separate justice systems, one for the Army, the articles of war, and one for the Navy, the articles of the government of the Navy. The three-level hierarchy of the military courts—summary, special, and general courts-martial—has remained essentially the same for the last 200 years and has generally reflected the philosophy that the military commander should have control over the discipline of his men and should be the final judge as to

how to best uphold the proper behavior of his troops. Until 1920 minor changes occurred in the two court systems of the Army and Navy, those revisions taking place in 1806, 1874, and 1916. Essentially, the proceedings were nonjudicial in character. The commanding officer acted as the convening authority, appointed all members of the court-martial and reviewed the decision and sentence. The accused had no right to counsel, although an officer was generally assigned as defense counsel if the accused so requested.

Since World War I, the evolution of the military codes of justice has been marked by increasing influence of civilian common law, this process usually being referred to as "civilianization." It has been the case in our history that major wars in which we have participated have focused public attention on our military justice system. This was the case after World War I—1920—World War II—1950—and Korea and Vietnam—1968. And, it occurred due to the large number of men called into military service and the public outcry regarding reports of unduly harsh sentences and arbitrary and unfair proceedings. Gen. Samuel T. Ansell, the major proponent of reform immediately following World War I, in his 1919 testimony presented numerous examples of injustices which had occurred during his tour of duty with the office of the Judge Advocate General, for instance: a 20-year sentence for being 3 months absent without leave—AWOL—40 years at hard labor for 20 days AWOL; and the conviction and immediate execution of 13 men accused of mutiny at Fort Sam Houston, Tex., without their records being reviewed, nor without any of them having the opportunity to seek clemency.

In spite of revisions subsequent to our World War I experience, public furor again occurred in response to allegedly harsh sentences during World War II.

The revision of the articles of war in 1950 saw all of the armed services brought under one system of law, the Uniform Code of Military Justice—UCMJ. Enlisted men were allowed to serve on courts-martial, the accused was allowed the right to legally qualified military or civilian counsel, and the U.S. Court of Military Appeals was established, its jurisdiction extending to the review of all sentences of less than honorable discharge or confinement of more than 1 year. The commander, however, still determined whether or not to prosecute, appointed the investigating officer, the members of the court, the counsel for the defense and prosecution, the law officer, and the court personnel. He also retained the power to review the conviction and sentences.

Our involvement in Southeast Asia has once again focused public attention on military justice. Such incidents as those that allegedly occurred at Mylai, the court-martial of Captain Levy, the mutiny courts-martial at the Presidio in San Francisco, increasing dissent within the military and the Pueblo incident have brought a reexamination of the role of the individual within the military, his rights, and his responsibilities.

The latest revision of the UCMJ, having taken place in 1968, made changes in four areas. First, a military judge with new powers and duties, similiar to those of a civilian judge, independent of the commander convening authority replaced the law officer. Various changes in the post-trial proceedings were made, including a provision for deferring a convicted man's beginning to serve his sentence until his case had been completely reviewed, and the authorizing of the Judge Advocate General to modify or vacate a sentence on various grounds. The Military Justice Act of 1968, in an effort to further limit command influence in courts-martial—a long-standing criticism—provided that general lectures or information courses on military justice could not be used to influence a court-martial nor could the commander consider an individual's performance in a court-martial when the commander was preparing an efficiency, effectiveness of fitness report on that individual.

The 1968 act also implemented certain changes with respect to defense counsel. It extended, with certain qualifications, to the accused in a special court-martial the right to be represented by defense counsel who was a lawyer and provided certain criteria which had to be met when a primitive discharge was adjudged. All of these modifications were designed to bring a greater degree of impartiality and provide more structural safeguards to protect the rights of the accused within the military, these reforms being adaptations of certain common law techniques and procedures.

Paralleling the civilianization of our military justice system have been similar developments in other countries. Great Britain, Canada, France, New Zealand, Australia and, most particularly, West Germany, have experienced greater civilianizing influences in many instances than we have in the United States and appear to have met with general success with no adverse effects on discipline. Great Britain, Canada, Australia, and New Zealand, for instance, have civilian tribunals reviewing military trials. In Great Britain the military Judge Advocate General is a civilian office under the Lord Chancellor, and in West Germany military personnel are subject to civilian courts for all specifically nonmilitary crimes.

Functionally and organizationally, the Armed Forces is analogous to a paramilitary group—such as a police or fire department. Its judicial system has been traditionally viewed like a State's, for example, independent of the Federal judiciary. According to article II, section 2, of the Constitution, the President is the Commander in Chief of the Armed Forces. The Congress, as stated in article I, section 8, of the Constitution, has the responsibility to determine the rules and regulations for military personnel. It is by virtue of the demands of fighting under combat and the training necessary to acquire proficiency for such a contingency that puts special requirements on certain military personnel.

In this regard, the maintenance of discipline is of paramount importance in accomplishing a combat mission; these men have to work efficiently and effectively as a team. It is this fact that separates military from most civilian groups. Beyond the rules and regulations governing the area of specific crimes of a particularly military nature, such as a.w.o.l. and desertion, are crimes generally punishable in any civilian court, such as murder, theft, and forgery. Yet, the distinction between these two types of crimes has not been made within our judicial systems, nor is the analogy between the military judicial system and a State's judicial system proper.

The Armed Forces is an agency of the Federal Government, directly responsible to the President and Congress. It also comprises a great portion of our population, spends about 66 cents of each tax dollar, and does business with domestic and foreign companies, individuals, and governments. In other words, it has a great impact within our country, as well as around the world, and is a direct arm of the Government: A State does not have a commensurate impact, nor is it a Federal agency. Consequently, except in cases which are military by nature, or crimes of a civilian or military nature committed in a foreign country by military personnel, military courts should not have jurisdiction; Federal courts should. Furthermore, there is no reason why the individual's rights should not have the safeguards within the military structure that are present in our civilian sector.

There are three criteria which are helpful in determining the appropriate judicial jurisdiction for a crime committed within the territorial limits of the United States. First, is the act solely a function of military necessity. That is, does the particular act assume a criminal nature because it is committed within the military environment. A.w.o.l. and desertion, for instance, are two such crimes. If a civilian employee leaves his job for a short time or leaves without returning, in both cases not notifying and asking permission of his boss, the consequences are not of the same magnitude as they are in the military.

The second criteria relates to cases involving the physical security of all or a portion of our society. If an act committed in the United States in a direct manner threatens the physical security of our country the jurisdiction for the crime would fall within the purview of the Federal court system. Mutiny and aiding the enemy are certainly acts which transcend the question of maintaining proper discipline and have direct consequences of more than an internal military nature.

The third criteria is the complement of the first, namely, is an act of such a nature that it would be viewed as criminal irrespective of one's role in society. Murder and robbery are two such crimes and, consequently, would be within the jurisdiction of the Federal courts when the crime was committed by military personnel within the territory of the United States.

There is a definite positive correlation between the degree of civilianization and the decreased problems of maintaining discipline. Not only do we have the ex-

perience of foreign countries to look to, but our experience reflects this as well. A good indicator is the frequency of a.w.o.l. and desertion cases. Court-martial cases in every branch of the armed services show a significant decline in those two areas over the past 18 years. In 1952, 1 year after article 15—nonjudicial punishment—was instituted, there were 28,827 convictions in the Air Force for a.w.o.l.—article 86—and 881 in 1968. For the same time period the Air Force had 320 desertion convictions—article 85—in 1952, and 16 in 1968. In the Army there were 4,107 a.w.o.l. convictions in 1955, and 1,521 in 1969; for desertion convictions the Army in 1955 there were 1,943, and in 1969 there were 197. In the Navy, in 1960, there were 3,213 convictions for a.w.o.l. and 2,901 in 1969; in 1953 the Navy had 1,191 desertion convictions, and 263 in 1969. When these figures are compared to manpower levels over the past 20 years, it is significant to note that not only does the rate of convictions generally decrease numerically, they decrease proportionately, as well. And, even more significantly, this is in spite of increased hostility, particularly among our youth—those most likely to be joining the Armed Forces—to our policy in Southeast Asia and to the draft.

Consequently, I am introducing today 11 bills which I believe will implement the necessary changes to effect a more equitable and effective justice system for military personnel. These revisions should fully eliminate command influence from courts-martial, structurally and procedurally adapt certain civilian techniques to the military judicial system, specifically delineate civilian and military crimes, and insure the maximum individual liberty to military personnel while increasing military effectiveness.

To adequately adjudicate cases involving U.S. military personnel in areas outside the United States, the legislation I am proposing would divide the world into judicial circuits, each circuit being under the command of an Armed Forces Judicial Circuit Officer, who is responsible directly to the Judge Advocate General of the military department of which the Judicial Officer is a member, and who would be responsible for the preparation of efficiency ratings for personnel under his command.

Each judicial circuit would be divided into four sections: a field judiciary section, a trial counsel section, a defense counsel section, and a trial review section. Each section would function as a separate office with the officer in command of each section being under the command of the Judicial Circuit Officer of that circuit.

The commander of the field judiciary section of any of the circuits would be responsible for detailing a military judge for the court-martial of any accused to be held within his judicial circuit and would also detail or employ qualified court reporters to record the proceedings and testimony taken before any court-martial, military commission or court of inquiry held within his judicial circuit. He would also be responsible for detailing or employing interpreters, for making all arrangements necessary regarding the time and place for any court martial trial to be conducted within his circuit, and for notifying the accused, trial and defense counsel, the commanding officer of the accused and other persons directly concerned with the trial.

The trial and defense counsel sections of each judicial circuit would be responsible for detailing trial and assistant trial counsel, defense and assistant defense counsel, respectively, for the court-martial of any accused to be held within their judicial circuit. And, the trial review section would review all court martial cases held within its jurisdiction.

The pretrial investigation would also be revised to some extent. The Judicial Circuit Officer would, at the written request of the convening authority, assign an investigating officer to investigate the charges. The investigating officer would then, upon completion of his investigation, submit a report of his investigation to the appropriate Judicial Circuit for review. If the circuit officer disagrees with any of the recommendations of the investigating officer, he would make a written report on each issue of fact and law raised by the investigating officer and would indicate his reasons for determining if there were legally sufficient evidence for referring such charges to a general court-martial for trial. If the convening authority were to disagree with the recommendation of the investigating officer or Judicial Circuit Officer against a trial of any charge by general court-martial, he would promptly submit the charge to the Judge Advocate General. The Judge Advocate General would then review the charge and determine whether it should be tried by general court-martial and then notify the convening authority of his decision, which would be final.

A verbatim record of each special and general court-martial would be made if the accused requested it or the commander determines that lengthy or complicated testimony is expected at the trial. After the trial the record would be forwarded to the judicial circuit for review and action by the review section of that circuit. If any part of a sentence imposed by a general or special court-martial remains after review by the judicial circuit, the record of that trial would be forwarded by the judicial circuit to the Judge Advocate General.

Eligibility requirements for serving on a general or special court-martial would be broadened. Any commissioned officer on active duty would be eligible to serve and any enlisted member of the Armed Forces on active duty who is not a member of the same unit as the accused would also be eligible to serve—provided that the accused personally, or through counsel, requested in writing that enlisted personnel serve on it. Not less than one-half of the total membership of a general or special court-martial would be composed of members of the same rank and grade as the accused. The convening authority would be responsible for selection of individuals who were to serve on the courts-martial by drawing names at random from a master roster. No member of the Armed Forces could be tried by a court-martial any members of which were junior to him in rank, and no member of the Armed Forces would be eligible to serve as a court-martial member if he were the accuser, witness for the prosecution, had acted as investigating officer, or as counsel in the same case.

Within the U.S. Federal District Courts would have jurisdiction in all cases involving crimes committed by military personnel except those covered by articles 15, 82, 83, 84, 85, 86, 87, 90, 91, 92, 93, 94, 95, 96, 97, 98, 107, 108, 109, 112, 113, 115, 133, and 134. While articles 88 and 89 and the death penalty would be abolished, the district courts would have jurisdiction to hear and grant appropriate relief in any case in which military personnel claim a denial of his constitutional rights where such claim is based upon the action of a court-martial or other military action and the individual shows that the relief available to him under military law or regulation is inadequate to protect the constitutional rights to which he is entitled. The district courts would also have jurisdiction to hear and grant appropriate relief to any such individual where he shows that relief by the court is necessary to prevent chilling effect upon his—or other individuals' similarly situated—rights under the first amendment of the Constitution.

Within proposed legislation, much of which became the Military Justice Act of 1968, one bill would have abolished the summary court-martial, the thought being that nonjudicial punishment could adequately handle the cases and overlapped the jurisdiction of the summary court-martial. It was not passed, however, because there had not been enough experience with the article 15 to safely make such a determination as the abolition of the summary court-martial. Three years have passed since that debate and evidence supports the original contention that the summary court-martial can be abolished without jeopardizing discipline or the court structure.

Today there exists the possibility of a State court trying a military man and the military again trying him for the same crime. In my proposal, double jeopardy between military and State jurisdiction would be eliminated.

Pretrial confinement would be limited to cases where substantial and convincing evidence is presented to the appropriate Judge Advocate General, or to a military judge designated by the Judge Advocate General, that such confinement were necessary to assure the presence of the accused for trial.

The Court of Military Appeals would review all courts-martial cases which include sentences of a bad conduct discharge or confinement for more than 1 year.

The President would establish within each of the Armed Forces a Court of Military Review which would be composed of one or more panels, each of which would have not less than three appellate military judges, appointed by the President, for terms of 3 years.

All requests to compel witnesses to appear and testify and to compel the

production of other evidence before courts-martial would be submitted to a military judge for approval, and any material which, because of security or other reasons, cannot be made available for examination by the accused and his defense counsel would be inadmissible as evidence.

The physical arrangement and other facilities of any room in which a court-martial is conducted would be as nearly identical to the arrangement of the furniture and facilities in a Federal district court as practicable. There would be no formal or informal requirement for the seating arrangement of individuals serving as members of a court-martial, except that the President of a general or special court-martial may be seated either at the center of the seating or in the chair nearest the military judge, if one has been detailed, and would wear judicial robes.

At the lowest level of the judicial system would be the primary arm of handling disciplinary problems, article 15—nonjudicial punishment. Next in the hierarchy would be the special court-martial with its present jurisdiction and then the general court-martial. Each case would be reviewed by the circuit review section and the Military Court of Appeals would hear cases appealed from the lower courts. The entire system would be an independent authority subject only to the Judge Advocate General and precedents set down by the Federal courts. The accused in every case would have access to the Federal courts if his rights could be shown to be jeopardized. The individual within the military, whether a general, admiral, private, or seaman would no longer be troubled by vaguely worded crimes, would be insured of his rights as a citizen of the United States, and would have the confidence in the system that every citizen felt. There would no longer be a question as to the distinction between military and civilian crimes, and the likely decrease in disciplinary problems within the Armed Forces would help produce a more effective and prestigious military.

To attain the standards of justice throughout every sector of our society, which have made this country what it is today, would be a greatly beneficial step toward constructive change and peace. And our Armed Forces are an integral part of this effort. Our ideal of equal justice for all and our reliance on individual liberty form the strength of our country and should be reinforced in every possible instance. These values and the practical consequences of them assume a particularly critical and imposing magnitude when assessing the role of our military. The legislation I have proposed today would help bring the military closer to the mainstream of American life and values.

It would strengthen the role of the individual within the Armed Forces both as a citizen of the United States and as one who bears a great responsibility for our physical security. Besides increasing internal discipline within the military, the proposed legislation would have the overall effect of bringing a greater sense of dignity to military service and reassure those who fear a growing military elitism within our country. Bringing our standards of justice within the military system up to, and in some cases surpassing, the standards of our civil codes would greatly enhance the role of the military within our society and of our society within the world.

Mr. President, I ask unanimous consent that the proposed legislation I am introducing today be printed in the RECORD at the conclusion of my remarks.

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

Does the Senator introduce the bills at this time?

Mr. HATFIELD. Yes.

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

The bills, introduced by Mr. HATFIELD, were received, read twice by their titles, referred to the Committee on Armed Services, with the exception of S. 4170, which was referred to the Commitee on the Judiciary; and ordered to be printed in the RECORD, as follows:

S. 4168

A bill to improve the military justice system by establishing military judicial circuits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) Subchapter I is amended by adding at the end thereof the following new sections:

"§806 a. Art. 6a. Armed Forces judicial circuits

"(a) The United States and all areas outside thereof shall be divided in judicial circuits. Such circuits shall be known as Armed Forces judicial circuits (hereinafter in this chapter referred to as 'judicial circuits') and each such circuit shall be under the command of an Armed Forces Judicial Circuit Officer (hereinafter in this chapter referred to as a 'Judicial Circuit Officer').

"(b) The Judge Advocates General of the military departments are responsible for providing the personnel necessary to staff each judicial circuit. The number of personnel furnished by each Judge Advocate General to any judicial circuit shall be in direct ratio to the personnel strength in such circuit of the military department of which such Judge Advocate General is a member.

"(c) The officer assigned as the Judicial Circuit Officer of any judicial circuit shall be selected in accordance with regulations issued by the Secretary of Defense but shall, whenever feasible, be an officer from the staff of the Judge Advocate General of the military department having the greatest personnel strength within such judicial circuit. All personnel assigned to a judicial circuit shall be under the command of the Judicial Circuit Officer for that circuit; and the Judicial Circuit Officer for any judicial circuit shall be under the command of the Judge Advocate General of the military department of which such Judicial Officer is a member.

"(d) The Judicial Circuit Officer for each judicial circuit shall be responsible for the preparation of efficiency ratings for personnel under his command.

"§ 806b. Art. 6b. Division of Armed Forces judicial circuits

"(a) Each judicial circuit shall be divided into four sections as follows:

"(1) a field judiciary section;

"(2) a trial counsel section;

"(3) a defense counsel section; and

"(4) a trial review section.

Each section of a judicial circuit shall function as a separate office but the officer in command of each such section shall be under the command of the Judicial Circuit Officer of that judicial circuit.

"(b) Under such regulations as the Secretary of Defense may prescribe, the commander of the field judiciary section of any judicial circuit shall, in appropriate cases, detail a military judge for the court-martial trial of any accused to be held within such judicial circuit, and shall detail or employ qualified court reporters to record the proceedings and testimony taken before any court-martial, military commission, or court of inquiry held within such judicial circuit. Under like regulations such commander may detail or employ interpreters to interpret for any such court or commission. The commander of the field judiciary section shall be responsible for making all arrangements necessary regarding the time and place for any court-martial trial to be conducted within the judicial circuit in which he is assigned and shall be responsible for notifying the accused, trial and defense counsel, the commanding officer of the accused, and other persons directly concerned with the trial.

"(c) The trial counsel section of any judicial circuit shall detail trial counsel and assistant trial counsel (when appropriate) for the court-martial trial of any accused to be held within such judicial circuit.

"(d) The defense counsel section of any judicial circuit shall detail defense counsel and assistant defense counsel (when appropriate) for the court-martial trial of any accused to be held within such judicial circuit.

"(e) The trial review section of any judicial circuit shall review all court-martial cases held within such judicial circuit."

(2) The table of sections at the beginning of subchapter I is amended by adding at the end thereof the following:

"806a 6a. Armed Forces judicial circuits.
"806b 6b. Division of Armed Forces judicial circuits."

(3) Subsection (a) of section 826 (article 26(a)) is amended to read as follows:

"(a) Military judges shall be assigned to judicial circuits by the Judge Advocate General of the military department of which such military judge is a member. When a military judge is assigned to a judicial circuit he shall serve in the field judiciary section of that judicial circuit. A military judge shall preside over each open session of the court-martial to which he has been detailed."

(4) Subsection (c) of section 826 (article 26 (c)) is amended to read as follows:

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the commander of the field judiciary section of the judicial circuit to which such military judge is assigned to duty. No person shall prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge other than a Judge Advocate. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee."

(5) The first sentence of subsection (a) of section 827 (article 27 (a)) is amended to read as follows: "The commander of the trial counsel section and the commander of the defense counsel section of the judicial

circuit concerned shall detail trial counsel and defense counsel, respectively, and such assistants as the commander of each such section considers appropriate."

(6) Section 827 (article 27) is further amended by adding at the end thereof a new subsection as follows:

"(d) Defense counsel detailed to represent any accused may be a member of an armed force other than the armed force of which the accused is a member unless the accused requests that defense counsel detailed to represent him be a member of the same armed force as the accused."

(7) Section 828 (article 28) is repealed and the table of sections at the beginning of subchapter V is amended by striking out "828. 28. Detail or employment of reporters and interpreters."

(8) Section 832(a) (article 32(a)) is amended by adding at the end thereof the following: "The appropriate Judicial Circuit Officer shall, upon written request from the convening authority, detail an investigating officer to investigate the charges. Any person detailed to investigate charges against any accused shall be so detailed by reason of his impartiality, experience, education, and temperament, and shall not be under the command of the forwarding officer."

(9) The second sentence of subsection (b) of section 832 (article 32(b)) is amended to read as follows: "Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the commander of the defense counsel section of the appropriate judicial circuit."

(10) The last sentence of section 832(b) (article 32(b)) is amended to read as follows: "Upon completion of the investigation, the investigating officer shall submit a report of his investigation to the appropriate Judicial Circuit Officer for review. The Judicial Circuit Officer may disagree with any recommendation made by the investigating officer with respect to the trial of any charge, but if the Judicial Circuit Officer disagrees with the recommendations of the investigating officer that any charges not be referred to a general court-martial for trial, the Judicial Circuit Officer shall make a written report on each issue of fact and law raised by the investigating officer and indicate his reasons for determining there is legally sufficient evidence for referring such charges to a general court-martial for trial."

(11) Section 834(a) (article 34(a)) is amended by adding at the end thereof the following: "If the investigating officer or the appropriate Judicial Circuit Officer recommends against a trial of any charge by general court-martial, the convening authority shall, if he disagrees with such recommendation, promptly submit the charge to the Judge Advocate General of the armed force of which the convening authority is a member for review by such Judge Advocate General. The Judge Advocate General shall review the charge and determine whether it should or should not be tried by general court-martial. He shall, as soon as practicable after receiving the charge for review, notify the convening authority of his decision and his decision thereon shall be final."

(12) Subsection (b) of section 838 (article 38(b)) is amended by adding at the end thereof a new sentence as follows: "The commander of the defense counsel section of the appropriate judicial circuit is authorized, whenever he deems such action appropriate in the court-martial case of any accused, to detail to such case as defense counsel a judge advocate from the appellate defense counsel section of the Office of the Judge Advocate General of the military department of which such commander is a member; and such counsel shall be permitted to represent the accused through appellate review of the case."

(13) Section 854 (article 54) is amended by adding at the end thereof a new subsection as follows:

"(d) The commander of the field judiciary section of the judicial circuit concerned shall require that a verbatim record of the general or special court-martial trial of any accused be made if the accused requests that such a record be made and the commander determines that lengthy or complicated testimony is expected at the trial."

(14) Section 860 (article 60) is amended to read as follows:

"After a trial by court-martial the record shall be forwarded to the appropriate judicial circuit for review and action thereon by the review section of such circuit."

(15) Section 861 (article 61) and the catch line thereof are amended to read as follows:

"§ 861. Art. 61. Review by the judicial circuit

"The review section of such judicial circuit shall review the record of all court-martial trials conducted within such judicial circuit. If any part of a sentence imposed by a general or special court-martial trial remains after review by the judicial circuit, the record of such trial shall be forwarded by the judicial circuit to the Judge Advocate General of the armed force of which the Judicial Circuit Officer or the judicial circuit concerned is a member."

(16) The table of sections at the beginning of subchapter IX is amended by striking out

"861. 61. Same—General court-martial records."

and inserting in lieu thereof

"861. 61. Review by judicial circuits."

(17) Subsections (a) and (b) of section 862 (article 62) are amended by striking out "convening authority" each time it appears and inserting in lieu thereof "Judicial Circuit Officer of the judicial circuit concerned".

(18) Subsection (a) of section 863 (article 63) is amended by striking out "convening authority" and inserting in lieu thereof "Judicial Circuit Officer of the judicial circuit concerned".

(19) The catch line of section 864 (article 64) is amended to read as follows:

"§ 864. Art. 64. Approval by the Judicial Circuit Officer".

(20) Section 864 (article 64) is amended by striking out "convening authority" and inserting in lieu thereof "Judicial Circuit Officer of the judicial circuit concerned."

(21) The table of sections at the beginning of subchapter IX is amended by striking out

"864. 64. Approval by the convening authority."

and inserting in lieu thereof

"864. 64. Approval by the Judicial Circuit Officer."

(22) Section 865 (article 65) and the catch line thereof are amended to read as follows:

"§ 865. Art. 65. Disposition of records after review by the appropriate judicial circuit

"(a) When the Judicial Circuit Officer of the judicial circuit concerned has taken final action in a general or special court-martial case, he shall send the entire record, including his action thereon, to the approprate Judge Advocate General.

"(b) If the sentence of a special court-martial as approved by the Judicial Circuit Officer includes a bad conduct discharge, whether or not suspended, or confinement for four months or more, the record shall be sent to the appropriate Judge Advocate General to be reviewed by a Court of Military Review.

"(c) All other special and summary court-martial records shall be reviewed by the review section of the appropriate judicial circuit and shall be transmitted and disposed of as the Secretary coneerned may prescribe by regulations."

(23) The table of sections at the beginning of subchapter IX is amended by striking out

"865. 65. Disposition of records after review by the convening authority."

and inserting in lieu thereof

"865. 65. Disposition of records after review by the appropriate judicial circuit."

(24) Subsection (b) of section 866 (article 66(b)) is amended by striking out "one year or more" and inserting in lieu thereof "four months or more".

(25) The first sentence of subsection (c) of section 866 (article 65(c)) is amended by striking out "convening authority" and inserting in lieu thereof "Judicial Circuit Officer".

(26) Subsection (d) of section 867 (article 67(d)) is amended

(A) by striking out "convening authority" in the first sentence and inserting in lieu thereof "Judicial Circuit Officer"; and

(B) by striking out the last sentence and inserting in lieu thereof the following: "The Court of Military Appeals may take action in any case with respect to law or fact."

(27) Section 868 (article 68) is amended to read as follows:

"The Secretary concerned may direct the Judge Advocate General to establish a branch office within any judicial circuit. The branch office shall be under an Assistant Judge Advocate General who may perform for that judicial circuit, under the general supervision of the Judge Advocate General, the duties for that judicial circuit which the Judge Advocate General would otherwise be required to perform as to all cases involving sentences not requiring approval by the President."

(28) Section 873 (article 73) is amended by striking out "convening authority" in the first sentence and inserting in lieu thereof "Judicial Circuit Officer".

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4169

A bill to amend section 825 (article 25) of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 825 (article 25) of title 10, United States Code, and the catch line thereof are amended to read as follows:

"§ 825. Art. 25. Who may serve on general and special courts-martial; selection for service

"(a) Any commissioned officer on active duty is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

"(b) Any warrant officer on active duty is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before such courts for trial.

"(c)(1) Any enlisted member of an armed force on active duty who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member of an armed force who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally or through counsel has requested in writing that enlisted members serve on it. After such a request, the accused may not be tried by a general or special court-martial the membership of which does not include enlisted

members in a number comprising at least one-half of the total membership of the court.

"(2) In this article, the word 'unit' means any regularly organized body as defined by the Secretary concerned, but in no case may it be a body larger than a company, squadron, ship's crew, or body corresponding to one of them.

"(d) Not less than one-half of the total membership of a general or special court-martial shall be composed of members of the same rank and grade as the accused if the accused, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial, or in the absence of such a session, before the court is assembled for his trial, personally or through counsel requests in writing that the court membership be so composed.

"(e)(1) The convening authority shall be responsible under regulations prescribed by the Secretary of Defense and in accordance with this subsection for selection of persons to serve on general and special courts-martial for the trials of accused persons conducted within the command of such convening authority.

"(2) The name of every officer and warrant officer within the command of the convening authority who is eligible to serve as a member of a general or special court-martial shall be included on a court-martial master roll and the name of every enlisted man within such command who is eligible to serve as a member of a general or special court-martial shall be included on a separate court-martial master roll.

"(3) The selection of officers to serve as members of courts-martial trials shall be made by a random selection method from the court-martial master roll of officers and warrant officers. The names of enlisted personnel shall be selected by a random selection method from the court-martial master roll of names of enlisted members whenever an accused has requested that the court-martial be composed in part of enlisted members. The random selection method shall be used for the selection of members of a court-martial for each separate trial.

"(4) No commissioned officer, warrant officer, or enlisted member shall be exempt from serving as a member of a general or special court-martial unless exempted by Presidential directive. The convening officer may relieve any officer or enlisted member from serving as a member of a court-martial upon presentation of evidence that such service would result in extreme personal hardship or materially interfere with the performance of urgent military duties.

"(5) When it can be avoided, no member of an armed force may be tried by a court-martial any member of which is junior to him in rank or grade.

"(6) No member of an armed force shall be eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4170

A bill to confer jurisdiction on United States district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter IX of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 876a. Art. 76a. Special jurisdiction of United States district courts

"Any United States district court shall have jurisdiction to hear and grant appropriate relief in any case in which any person subject to this chapter claims a denial of his constitutional rights where such claim is based upon the action of a court-martial or other military action and such person shows that the relief available to him under military law or regulation is inadequate to protect the constitutional rights to which he is entitled. Any such court shall also have jurisdiction to hear and grant appropriate relief to any such person where such person shows that relief by the court is necessary to prevent a chilling effect upon the rights of such person, or other persons similarly situated, under the first amendment of the Constitution of the United States."

SEC. 2. Subsection (c) of section 838 (article 38(c)) is amended by inserting "(1)" immediately after "(c)" and by adding at the end thereof a new paragraph as follows:

"(2) The defense counsel is authorized to file an action in any United States district court when he considers such action necessary to protect the constitutional rights of any accused he has been detailed to represent; and the costs of such action shall be paid for by the United States."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4171

A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 803 (article 3) of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Where there is a disagreement between civil authorities and military authorities with respect to which has jurisdiction to try an accused person subject to this chapter for any offense, the accused shall have a right to elect to be tried iu a civil court or military court; but the foregoing shall not prevent a subsequent trial of the accused (1) by court-martial if it is judicially determined that the civil authorities did not have proper jurisdiction to try the accused for the offense or, (2) by a civil court if it is judicially determined that the accused was not subject to trial by court-martial for the offense."

SEC. 2. Section 814 (a) (article 14 (a)) of title 10, United States Code, is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 803 (d) (article 3 (d)) and under".

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4172

A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts-martial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 810 (article 10) of title 10, United States Code, is amended (1) by inserting "(a)" immediately before "Any" in the first sentence thereof, and (2) by adding at the end of such section a new subsection as follows:

"(b) Any person subject to this chapter charged with an offense under this chapter shall, upon his or his counsel's request, be released from confinement pending trial of the charges against him unless substantial and convincing evidence is presented to the appropriate Judge Advocate General, or to a military judge designated by the appropriate Judge Advocate General, that pre-trial confinement is necessary to assure the presence of the accused for trial and the Judge Advocate General or law officer, as the case may be, issues an order authorizing the continued pre-trial confinement of the accused."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4173

A bill to amend section 867 of title 10, United States Code, to require the Court of Military Appeals to review all courts-martial cases which include sentences of a bad conduct discharge or confinement for one year or more

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 867(b) (article 67(b)) of title 10, United States, Code, is amended by striking out the semicolon at the end of clause (1) and inserting in lieu thereof the following: "or includes a bad conduct discharge or confinement for one year or more;".

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4174

A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and writs necessary to protect the rights of military personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 866 (article 66(a)) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following : "The President shall establish within each of the armed forces a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appelate military judges. Judges of the Courts of Military Review shall be appointed by the President for terms of three years. The Court of Military Review established for each armed force shall be assigned for administrative purposes only to the office of the Judge Advocate General of that armed force."

(b) Subsection (a) of section 866 (article 66(a)) is further amended by

(A) striking out "assigned" in the third sentence and inserting in lieu thereof "appointed"; and

(B) striking out the fourth sentence and inserting in lieu thereof the following: "The President shall designate one of the appellate military judges of each Court of Military Review established by the President under this subsection to serve as chief judge of that Court of Military Review."

(c) Subsections (f) and (g) of section 866 (article 66 (c)) are amended to read as follows:

"(f) The President shall prescribe rules of procedure for Courts of Military Review established under this section.

"(g) No member of the armed forces serving as a member of a Court of Military Review shall during his term on such court be rated on his performance as a member of such court. Appellate military judges of the Military Courts of Review may be re-

moved by the President, upon notice and hearing, for neglect of duty or malfeasance in office, for mental or physical disability, or for extreme military exigency, but for no other cause."

SEC. 2. Section 867 (article 67) is amended by adding at the end thereof a new subsection as follows:

"(h) The Court of Military Appeals shall have authority to issue any order or writ necessary to protect any right under the Constitution, any law of the United States, or any military regulation of any person subject to the provisions of this chapter."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4175

A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 846 (article 46) of title 10, United States Code, is amended by inserting after the first sentence a new sentence as follows: "All requests to compel witnesses to appear and testify and to compel the production of other evidence shall be submitted to the military judge if one has been detailed to the court-martial case or to a military judge designated for such purpose by the appropriate Judge Advocate General if a military judge has not been detailed to the case; and the military judge shall approve or disapprove such requests in accordance with the regulations prescribed by the President."

SEC. 2. (a) The catch line of section 850 (article 50) of title 10, United States Code, is amended by adding at the end thereof the following: "; inadmissibility of certain evidence".

(b) Section 850 (article 50) of such title is further amended by adding at the end thereof a new subsection as follows:

"(d) Any report or other material which cannot because of security or other reasons be made available for examination by the accused and his defense counsel shall be inadmissible as evidence in a court-martial."

(c) The table of sections at the beginning of subchapter VII of such title is amended by adding "; inadmissibility of certain evidence" immediately after "Admissibility of records of courts of inquiry".

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4176

A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts-martial trials are conducted, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter XI of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 941. Art. 941. Physical arrangements of court-martial room; seating arrangement of persons serving on courts-martial; judicial apparel

"(a) The physical arrangement of the furniture and other facilities of any room in which any court-martial trial is conducted shall be as nearly identical to the arrangement of such furniture and facilities in a Federal district court room as practicable.

"(b) There shall be no requirement, formal or informal, for the seating arrangement of persons serving as members of a court-martial to be seated according to rank or grade, except that the President of a general or special court-martial may be required to be seated in the center of the seating arrangement for members of the court or at the end of such seating arrangement which is nearest the military judge, if one has been detailed.

"(c) Military judges shall wear judicial robes while presiding at any general or special court-martial trial."

(48) The table of sections at the beginning of subchapter XI is amended by adding at the end thereof a new item as follows:

"941. 41. Physical arrangement of court-martial room; seating arrangement of persons serving on courts-martial; judicial apparel."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4177

A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts-martial from the military justice system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) The first sentence of section 810 (article 10) is amended by striking out "; but when charged only with an offense normally tried by a summary court-martial, he shall not ordinarily be placed in confinement".

(2) Section 816 (article 16) is amended by adding at the end of clause (1)(B) the word "and"; by striking out ", and" at the end of clause 2(C) and inserting in lieu thereof a period; and by striking out clause (3).

(3) Section 820 (article 20) is repealed.

(4) Section 824 (article 24) is repealed.

(5) Subsections (b) and (c) of section 843 (article 43) are amended by striking out "summary" and inserting in lieu thereof "special".

(6) Section 865 (c) (article 65 (c)) is amended by striking out "and summary".

(7) Section 936 (a) (article 36 (a)) is amended by striking out clause (3) and redesignating clauses (4) through (7) as clauses (3) through (6), respectively.

(8) Section 4711 is amended—

(A) by striking out "summary court-martial" in subsection (a) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" in subsections (b) and (c) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(9) Section 4712 is amended—

(A) by striking out "summary court-martial" in subsection (b) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" each time it appears in subsections (c), (d), (e), (f) and (g) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(10) Section 9711 is amended—

(A) by striking out "summary court-martial" in subsection (a) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" in subsections (b) and (c) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be."

(11) Section 9712 is amended—

(A) by striking out "summary court-martial" in subsection (b) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" each time it appears in subsections (c), (d), (e), (f), and (g) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

SEC. 2. (a) Section 326 of title 32, United States Code, is amended by striking out "general, special, and summary" and inserting in lieu thereof "general and special".

(b) Section 329 of such title is repealed.

(c) Section 332 of such title is amended by striking out "or a summary court officer".

SEC. 3. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 4178

A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts-martial, to limit the maximum period of confinement which may be imposed for certain offenses, to eliminate the death penalty, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) The third sentence of section 804 (article 4) is amended by striking out "or death".

(2) Section 818 (article 18) is amended by—

(A) striking out ", including the penalty of death when specifically authorized by this chapter" in the first sentence; and

(B) by striking out the second sentence.

(3) Section 819 (article 19) is amended by—

(A) striking out the first sentence and inserting in lieu thereof the following: "Subject to section 817 of this title (article 17), special courts-martial have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter."; and

(B) striking out "death," in the second sentence.

(4) Section 820 (article 20) is amended by—

(A) striking out "noncapital" in the first sentence; and

(B) striking out "death," in the last sentence thereof.

(5) Section 821 (article 21) is amended by—

(A) Inserting "(b)" at the beginning of the present text of such section;

(B) inserting a subsection (a) immediately above the present text of such section as follows:

"(a) No person subject to this chapter may be tried by courts-martial for any offense committed within the United States or in any Territory or possession of the United States except for an offense described in section 803 (article 83), 883 (article 83), 884 (article 84), 885 (article 85), 886 (article 86), 887 (article 87), 890 (article 90), 891 (article 91), 892 (article 92), 895 (article 93), 895 (article 95), 896 (article 96), 897 (article 97), 898 (article 98), 907 (article 107), 908 (article 108), 909 (article 109), 912 (article 112), 913 (article 113), or 915 (article 115). All other offenses under this chapter committed within the United States or in any Territory or possession of the United States by any person subject to this chapter shall be tried in the district court of the United States for the district in which the offense was committed or in which the accused is found; and jurisdiction is hereby

conferred upon such courts for the trial of such offenses"; and

(C) striking out the catch line and inserting in lieu thereof the following:

"§821. Art. 21. Limitation on jurisdiction of courts-martial".

(6) The table of sections at the beginning of subchapter IV is amended by striking out

"821. 21. Jurisdiction of courts-martial not exclusive."

and inserting in lieu thereof

"821. 21. Limitation on jurisdiction of courts-martial."

(7) Section 849 (article 49) is amended by—

(A) striking out "not capital" in subsection (d); and

(B) striking out subsection (f).

(8) Section 852 (article 52) is amended by—

(A) striking out subsection (a) and inserting in lieu thereof the following:

"(a) No person may be convicted of any offense under this chapter except by the concurrence of two-thirds of the members of the court-martial present at the time the vote is taken or except as provided in section 845 (b) of this title (article 45 (b))."';

(B) striking out subsection (b); and

(C) redesignating subsection (c) as subsection (b).

(9) Section 856 (article 56) is amended to read as follows:

"§ 856. Art. 56. Maximum limits

"The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense. The President shall not have authority to modify or suspend punishment with respect to any particular geographical area or with respect to any particular offense."

(10) Section 867 (b) (1) (article 67 (b) (1)) is amended by striking out "or extends to death".

(11) Section 871 (article 71) is amended by—

(A) striking out "extending to death or" in the first sentence of subsection (a);

(B) striking out ", except a death sentence" in the second sentence of subsection (a); and

(C) striking out ", except a death sentence" in the second sentence of subsection (d).

(12) Sections 933 and 934 (articles 133 and 134) are amended to read as follows:

"§ 933. Art. 133. Conduct unbecoming an officer and gentleman

"Any commissioned officer, cadet, or midshipman who is guilty of conduct unbecoming an officer and a gentleman shall be subject to punishment under section 815 (article 15) of this title.

"§ 934. Art. 134. General article

"Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of and punished under section 815 (article 15) of this title."

SEC. 2. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business not be laid before the Senate until the morning business is completed.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 5(a), Public Law 87–758, the Speaker had appointed Mrs. HANSEN of Washington as a member of the National Fisheries Center and Aquarium Advisory Board, to fill the existing vacancy thereon.

The message announced that the House had passed, without amendment, the bill (S. 2484) to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas.

The message also announced that the House had passed the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, with an amendment, in which it request with an amendment, in which it requested the concurrence of the Senate.

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

H.R. 11032. An act to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising;

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676), as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170), relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes;

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commisison dockets Nos. 90 and 122, and for other purposes;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission docket No. 96, and for other purposes;

H.R. 14373. An act 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 Porstmouth, in exchange for certain lands situated within the proposed southside neighborhood development project;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes;

H.R. 15937. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matters in the mails, and for other purposes; and

H.R. 17695. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2484) to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papaya.

HOUSE BILLS REFERRED

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

H.R. 11032. An act to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising;

H.R. 15937. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matters in the mails, and for other purposes;

H.R. 17695. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737; to the Committee on the Judiciary;

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676) as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes;

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Arizona, in Indian Claims Commission dockets numbered 90 and 122, and for other purposes;

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes;

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes; to the Committee on Interior and Insular Affairs; and

H.R. 14373. An act 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.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Senator from Alabama (Mr. ALLEN) is now recognized for a period of not to exceed 45 minutes.

EQUAL EDUCATIONAL OPPORTUNITY

Mr. ALLEN. Mr. President, on February 19, 1970, Senate Resolution 359 was adopted by the Senate. This resolution sets up a Select Committee on Equal Educational Opportunity.

Then under date of March 17, 1970, Senate resolution 366 was passed by the Senate, providing for an appropriation of $375,000 to defray the cost of the work of this committee. The terms of Senate Resolution 359 require that—

Not later than August 1, 1970, such select committee shall make an interim report to the appropriate committees of the Senate.

Some weeks ago in debate on the Senate floor, the junior Senator from Alabama expressed considerable interest in

this resolution and expressed the hope that the report would be made feeling that it would have considerable bearing on the work of the Senate regarding a Federal policy with respect to the public schools of this country.

Inquiry this morning of the Select Committee on Equal Educational Opportunity disclosed the fact that the interim report by August 1, required by the resolution creating the committee, has not been filed.

This select committee was set up the day following the passage of the Stennis amendment to the elementary and secondary school bill in the Senate.

The legislative history of this committee is to the effect that the committee was set up to study de facto segregation—the type of segregation that is said to exist in areas outside the South—and to make recommendations with respect to a Federal policy regarding the handling of de facto segregation.

Mr. President, it must be borne in mind that the Supreme Court of the United States has not ruled that the segregation of the type that exists in the North—de facto segregation—is constitutional. It has not been ruled to be constitutional. There is nothing that would prevent the Federal bureaucracy from proceeding against de facto segregation, the segregation that exists in the North, that is said to come about through a fortuitous pattern of residence, whereas the so-called de jure segregation which is said to exist in the South comes about by reason of some past legal requirement on the part of State or local agencies.

Mr. President, I read from the CONGRESSIONAL RECORD of February 19, 1970, the date of the adoption of the resolution establishing the Select Committee on Equal Educational Opportunity, on page 4134. The distinguished Senator from Oklahoma (Mr. HARRIS), speaking for the adoption of Senate Resolution 359 creating the select committee, had this to say:

> This committee would make an interim report by the first of August of this year, and a final report by January 31, 1971. The inquiry would consider all phases of the problem of de facto segregation, including development of possible alternatives to busing, which would still insure equal educational opportunities.

Mr. President, what a noble purpose for this committee. What could be a loftier aim for this committee than to study all phases of the problem of de facto segregation, including development of possible alternatives to busing, which would still insure equal educational opportunities? Who could be against that?

I say parenthetically that on yesterday I informed the able and distinguished Senator from Minnesota (Mr. MONDALE), the author of the resolution, that today at 11 o'clock in the morning I would address the Senate and that in the course of my remarks I would comment on the work of this select committee and on certain actions which he has taken in recent days with respect to that investigation.

The distinguished Senator from Minnesota in speaking for this resolution had this to say:

> The one observation I should like to make, which may be somewhat irrelevant in the light of our agreement here, is that we act on this proposal in the context of the action we took yesterday.

I might say parenthetically that referred to the adoption of the Stennis amendment.

He continued:

> I view yesterday's action as one primarily directed at the problem of the dual school system. I know that many will disagree. That is how I view it. I view the action on this resolution—
>
> Senate Resolution 359—
>
> as the only step that can reasonably be taken, and in my opinion must be taken, to try to deal with the national problem of de facto segregation.

There we have again the purpose of the committee, stating that it is the only step that can be reasonably taken and in his opinion—that is in the opinion of the Senator from Minnesota—must be taken to deal with the national problem of de facto segregation.

So, with this thought in mind, knowing that the committee would act in accordance with the purpose of the committee as outlined by its advocates, I felt sure that the committee would be sending investigators into and perhaps holding hearings in the areas where de facto segregation exists.

I thought they would be taking testimony in Chicago, New York, Philadelphia, and the city of Washington, D.C.

Mr. President, so as not to encumber the RECORD I am not going to put in the RECORD the statements which the distinguished Senator from Mississippi (Mr. STENNIS) placed in the RECORD last year as an introduction or as preliminary information in connection with the later considerations of the Stennis amendment. I am going to read sketchily from these pages.

Speaking with reference to the city of Philadelphia,

> Philadelphia has 9 schools with a total enrollment of 7,206 that are 100 percent Negro. It has another 57 schools, with a total enrollment of 68,402, that are 99 percent to 99.9 percent Negro segregated. It has 26 schools, with a total enrollment of 26,333, that are 95 percent to 98.9 percent Negro segregated, and another 17 schools with a total enrollment of 14,571, that are 90 percent to 95 percent Negro segregated.

There are further tabulations, but I think that is enough to illustrate the point.

Mr. President, the item I just read appeared in the CONGRESSIONAL RECORD, volume 115, part 27, page 36637.

Then, appearing in the CONGRESSIONAL RECORD, volume 115, part 28, page 37859, also in remarks by the distinguished Senator from Mississippi (Mr. STENNIS):

> In New York City there are 119 schools which are 99 and 100 percent minority group segregated, which have a Negro enrollment of 89,957 or 19 percent of the city's total Negro enrollment. There are 207 schools having a Negro student enrollment of 146,575—43.7 percent of the city's total Negro enrollment—that are 95 to 100 percent minority group segregated.

Then, in the city of Washington, D.C., reading from the CONGRESSIONAL RECORD, volume 115, part 27, page 36266, also from remarks by the distinguished Senator from Mississippi (Mr. STENNIS):

> There are 56 schools with 41,109 students that are 100 percent Negro. There are another 57 schools that have 99 to 99.9 percent Negro students, which makes an aggregate of 113 schools with enrollments totaling 96,518 which are 99 to 100 percent Negro.

Then, with respect to the city of Chicago, reading from the CONGRESSIONAL RECORD, volume 115, part 28, page 37529, the remarks by the distinguished Senator from Mississippi (Mr. STENNIS), he stated:

> On previous occasions I have talked about racial segregation in Chicago, where 248,677 or 80.6 percent of its 308,266 Negro student enrollment are attending schools which are 99 to 100 percent Negro, and where 90 percent of the total Negro enrollment of the city are in schools between 90 and 100 percent Negro.

In comparison to those astounding figures which played a prominent part in the passage on February 18, of the Stennis amendment in the Senate, providing for uniformity of application of Federal rules as to desegregation of public schools, the administration has stated categorically that by this September it will have desegregated 97 percent of the school districts in the South.

Now, Mr. President, is it not reasonable that a committee, formed for the purpose, as its sponsors stated, of checking, investigating, and making recommendations with respect to de facto segregation, the type which exists in Chicago, New York, and Philadelphia, would have inquired into conditions which exist in New York, Chicago, and Philadelphia, and that those areas would have been the proper and the likely fields of their activities?

Mr. President, if we had this report, which should have been filed on the 1st of August, we would know, or I assume we would know, if it made such a report, what activities the committee had undertaken with respect to making a study of de facto segregation.

Mr. President, I do not know whether the distinguished Senator from Minnesota (Mr. MONDALE) was in search of de facto segregation when, around the middle of last month, according to newspaper accounts published after the fact on his visits, he went to some three different communities in three different southern States. He went to Prattsville, Ala. I might say that visit is the occasion for my speaking in the Chamber at this time. He went to the city, or town, because it is hardly more than that, of Homer, La.; and he went to the town of Uvalde, Tex., which gained its fame not for the de facto segregation it has, because I assume it has none, but because it was the hometown of the late great former Vice President of the United States, John Nance Garner.

Mr. President, the people of Alabama are a most hospitable people, and most friendly. We show true southern hospitality to all visitors within our borders. We welcome visitors to Alabama. We hope they will enjoy our wonderful climate, our lakes, our streams, our mountains, our gulf coast. We hope they will enjoy coming to Alabama, enjoy their stays there, and become citizens of our

State if that is their wish. We welcome visitors into our State.

We were somewhat surprised and shocked at the unannounced visit of the distinguished Senator from Minnesota to Alabama and to other southern States. It occurs to the junior Senator from Alabama that if the distinguished Senator from Minnesota had been in search of de facto segregation, he would not have gone into those three small towns in Alabama, Louisiana, and Texas. He would have gone to States with millions of people where it is known that de facto segregation exists, of which his committee is charged with the duty and responsibility of making a study and making recommendations with regard to the method of dealing of the Federal Government with de facto segregation.

We read in the newspapers and heard through other news media that the distinguished Senator from Minnesota had been to our State. After consulting we know not how many individuals—I assume with respect to the school situation in Alabama—he comes back as a 1-day expert on the public schools of Alabama and, after having briefly visited the other towns, as an expert on the condition in the public schools of those towns.

The junior Senator from Minnesota was under no duty to notify the junior Senator from Alabama that he proposed to make a trip into his State, though other Senators—I think of at least four—who have made trips to Alabama have come and informed us of their plans. But had the junior Senator from Alabama been advised by the Senator from Minnesota that he planned a trip to Alabama, the junior Senator from Alabama would have seen to it that a proper welcoming committee, a committee fully befitting his lofty position as a U.S. Senator and as chairman of the Select Committee on Equal Educational Opportunities, would have rolled out the red carpet for him and made available to him many more witnesses than those to whom he apparently was able to talk.

I have an editorial from the Dothan Eagle, from which I shall read, and which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLEN. Mr. President, I read from the editorial:

> Finding people who visited and talked with the Senator was similar to finding someone interviewed in public opinion polls. That is to say, it takes a lot of doing if it can be done at all. . . .
>
> Nevertheless, Senator Mondale told the world that discrimination and repression of minorities continues to be "severe and blatently open" in the States of the South.

How could that be when the administration is desegregating 97 percent of the school districts in the South and is desegregating none in the North?

I have a report from the regents of the University of the State of New York, dated in late 1969, stating that segregation in New York is rapidly increasing. Why did not the Senator from Minnesota go to those areas where de facto segregation exists, rather than go down to the State of Alabama, where our communities are under a court order to desegregate, and where our people, who are law-abiding citizens, will follow the decrees of the court?

In debate here with respect to the Stennis amendment one of the distinguished Senators from a section outside of the South said that if the same desegregation rules that are applied in the South were attempted to be applied in the North, it would take the U.S. Army to enforce those regulations.

How does that type of prospective conduct on the part of people outside the South compare with the law-abiding policies and actions of the people of the South?

Mr. President, the junior Senator from Alabama did not vote for the establishment of the select committee. He did not vote for the throwing away of $375,000 of the taxpayers' money, providing for the so-called work of this committee. He did not vote for it because he knew that, even though the sponsors of the measure said that it was going to be a study of de facto segregation, the South would end up as the whipping boy of the investigations carried on by the committee.

Even though no report has been made, as required by the resolution itself, it would seem that, from the investigation that is being made, the ones being investigated are de jure segregation cases, most, if not all, of them being under court orders to desegregate, rather than areas in the North where, by HEW figures, segregation exists, is increasing, and nothing is being done about it.

I want to read in full—it is short—an editorial appearing in the Montgomery Advertiser of July 28. It is entitled "Pilgrim MONDALE's Progress." I gather he is likening the distinguished Senator from Minnesota to Christian, the Pilgrim in "Pilgrim's Progress."

At any rate, the title of the editorial is "Pilgrim MONDALE'S Progress," and it reads as follows:

> Senator Walter F. Mondale, Minnesota Democrat, is now an expert on southern race problems.
>
> He qualified for that rating after a whirlwind tour of towns in three Southern states, including Prattville. Having thus gained all the knowledge he wanted, he announced Sunday that the Nixon Administration has been dragging its feet on school integration in the Deep South, with possibly explosive results.
>
> Ninety-seven percent of the school disdistricts to be integrated by the opening of school next month, but still he says:
>
> The Nixon administration has been dragging its feet on school integration in the Deep South, with possibly explosive results.
>
> He deplored, and again blamed on Nixon, the existence of separatist sentiment among some Negroes. He said he got the impression that integration enthusiasm among blacks "is beginning to wane," a development that he, as chairman of the Senate Committee on Equal Educational Opportunities, will not tolerate. He finds it as intolerable among blacks as whites, neither of whom are capable of judging what's good for them, presumably.
>
> But think of it: an authority on southern problems actually coming South to find evidence to support his preconceptions. We might suggest that he would have much more to worry about had he investigated "de facto" segregation in the North, and saved the taxpayers some travel expenses to boot. But that would be rude to a visitor who came here with the loftiest of intentions—to fortify what he already knew from having read Uncle Tom's Cabin and other learned texts.
>
> We gather that Mondale carefully selected the cities and towns he would visit to avoid contact with the problems of massive integration. He wasn't interested in that, but rather those areas where the problems could be neatly capsuled as attributable to not enough integration; hence, "explosive."
>
> But, to repeat, he at least visited the South, which is so remarkable among northern experts on Dixie as to eclipse any suspicions we have about his intent.

Mr. President, the people of Alabama had varying reactions to the unscheduled and unannounced visit of the distinguished Senator from Minnesota. I dare say they varied from indifference, to incredulity, to amusement, to outrage and indignation.

But, Mr. President, I am concerned that we set up a committee and apropriate $375,000 for the work of that committee, and the sponsor of the committee says here, in an address before the Senate, that it is set up for the purpose of studying and making recommendations with respect to de facto segregation, that that is the only way they are going to reach this problem, to set up such a committee, and then we find the chairman of that committee making a whirlwind trip to three small towns in Alabama, Louisiana, and Texas.

Mr. President, we will not know without the report, and probably will not know with it, whether the committee ordered the Senator to go to the South looking for de facto segregation. I seriously doubt that the committee would have done that. We do not know whether he was acting personally or as the act of the committee. We will not know until we receive that report, and probably not then. We will not know when the committee is going to get down to the serious business for which it was created, to try to cope with and handle the de facto segregation in the North.

I ask unanimous consent to have printed in the RECORD an article published in the Montgomery Advertiser, entitled "MONDALE Visit to Prattville is Recalled," commenting on the Senator's trip to Alabama.

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

MONDALE VISIT TO PRATTVILLE IS RECALLED

PRATTVILLE.—Mrs. Sallie Hadnot, president of the Prattville Chapter of the National Association for the Advancement of Colored People, said she talked with Minnesota's Sen. Walter F. Mondale during a visit he made here July 14.

Mondale also reportedly talked to students and parents in Prattville, Homer, La., and Uvalde and San Antonio, Tex., during his trip.

Sources in Washington said it was believed that Mondale also talked in Alabama to Lucius Pitts, president of Miles College of Birmingham, and John Monroe, a professor at Miles, and to Montgomery attorney Fred Gray. Gray was out of the city and unavailable for comment.

Mrs. Hadnot said she understood that Mondale was to have talked with these persons but that it was not at the time she spoke with the senator.

Autauga County School Superintendent John R. Hargis said he knew nothing of the reported Mondale visit.

"If he came into Prattville," Hargis said, "he did not contact me or any of the people in my office."

Probate Judge E. A. "Bud" Grouby and Prattville City Clerk Donald Kelley both said they had heard nothing of such a visit. Mayor C. M. "Mack" Gray was out of town on vacation.

Mr. ALLEN. I read briefly from it, as follows:

Autauga County School Superintendent John R. Hargis said he knew nothing of the reported Mondale visit.

You would think that if an investigator were investigating schools, he would go to the school superintendent.

"If he came into Prattville," Hargis said, "he did not contact me or any of the people in my office."

The probate judge—this is the highest political officer on a local level in a county in Alabama—was not notified—

Probate Judge E. A. "Bud" Grouby and Prattville City Clerk Donald Kelly both said they had heard nothing of such a visit.

So, Mr. President, it is the hope of the Senator from Alabama that this committee, which was set up with such great hopes by the Senate as a means of combating de facto segregation, will get on the right track. If it was looking for de facto segregation, something must have gone wrong with its compass when it was directed down South rather than up North looking for de facto segregation.

Let us get it on the right course. Let us get it working on the problem in connection with which it was set up. Let us not worry about the desegregation of the South. HEW, the Justice Department, the Federal courts, the Chief Executive himself, are handling that, to the point that they make their boast that they will desegregate 97 percent of the school districts in the South by September.

There is no need for this committee helping out the existing agencies with respect to desegregating southern school districts. Let us let this committee do what it was set up to do—try to find the answer to the problem of de facto segregation, and come back in here with a recommendation for a uniform school policy for the Federal Government. That is what we need for this committee to do, rather than have its chairman roaming over the South, looking, we assume, for de facto segregation, which unfortunately he is not going to find a great deal of in Alabama and the South.

EXHIBIT 1

PROFILE OF AN EXPERT

Senator Walter F. Mondale of Minnesota whose political designation is listed in the 1970 Congressional Directory as "Democrat-Farmer-Labor," was appointed to the U.S. Senate to fill the unexpired term of Senator Hubert Humphrey, resigned. Subsequently he was elected in November 1966 to a full six-year term.

Senator Mondale, who is 42 or twice the minimum voting age, serves as chairman of the Senate's special committee on equal Educational Opportunity. He is an expert in his field, knows more about Equal Educational Opportunity than any other living person, bar none. This he does not challenge.

In mid-July he made an unannounced visit to Alabama, Louisiana and Texas to expand his expertise in the field of integrated education. Specifically, he said, he visited and talked with students, parents and residents in Prattville, Ala., Homer, La., and San Antonio, Tex.

Finding people who visited and talked with the Senator was similar to finding someone interviewed in public opinion polls. That is to say, it takes a lot of doing if it can be done at all. At any rate, the Senator quoted no impressionable individuals and he failed to mention their qualifications to discuss the subject.

Nevertheless, Senator Mondale told the world that discrimination and repression of minorities continues to be "severe and blatantly open" in the States of the South.

Among his conclusions, he said, were these: "The abuses of the desegregation process that the select committee has heard testimony on—segregated classrooms, firing of black faculty members, transfer of public funds to private academies—appear to be widespread.

"At least in communities I visited, discrimination and repression of minority groups is severe and blatantly open. This ranged from police brutality to insults, to economic sanctions such as firing of parents of black and Chican students who were protesting discrimination etc.

"Despite this continuing discrimination and despite what amounts to a mockery of real and effective desegregation, most blacks I talked to in the South haven't abandoned the goal of integration. But time is running out."

Senator Mondale, who devoted four days to wrapping up his investigation in three States, even took a dim view of what the FBI has done to mix and mingle the races. "Person after person told us of their efforts to involve the department in protecting their rights, their attempts to report these abuses to the FBI and Justice Department attorneys, and the lack of action or the negative action they received."

It would appear that the Senator's whirlwind and thorough investigation was one-sided. He said nothing about the plans of school authorities to send white children many blocks from their home into Negro schools, the similar dispatch of white teachers, the orders to mix, mix regardless of the fact that such action lessens rather than increases education. Likewise, he neglected to mention rezoning of neighborhoods into school attendance zones to force integration. He also failed to say if he visited or talked with the first white student, parent or teacher. His was strictly an investigation according to color.

And this latter is of significance, curious significance but significance. According to the World Almanac, the 1960 census showed that Minnesota, the home of this emerging Senate expert on race, had 22,263 Negro citizens. By contrast, Alabama had 980,271, Louisiana 1,039,207 and Texas 1,187,125.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, there will now be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

TRIBUTE TO DAN KIMBALL AND DORIS FLEESON

Mr. MANSFIELD. Mr. President, for several days I have wanted to say something about the passing of two old friends—Dan Kimball, a former Secretary of the Navy, and his wife, Doris Fleeson, a well-known columnist.

I valued the friendship of both. I found Dan Kimball a man with a big heart, a man with deep understanding, and with a deep appreciation of the affairs of state—domestically and in the field of foreign affairs.

I found Doris Fleeson a lady with a sharp tongue and a sharp pen but a big heart. She was one of the really good columnists, in my opinion. She did not try to gloss over the facts as she understood them. She made her views known in no uncertain language. Everyone always knew where Doris stood.

It was a happy marriage. It was a coincidence that Doris Fleeson died on the 12th anniversary of her wedding to Dan Kimball. It was more than coincidental, I believe, that she died within 36 hours after Dan's death.

I just want to express my feeling and that of my wife on the passing of these two outstanding Americans. We extend every sympathy possible to those whom they have left behind. I wish to assure them that if there is any way in which I can be of service, I shall be more than happy to help in any way possible.

I can only say in closing, Mr. President: May their souls rest in peace.

I ask unanimous consent to have printed in the RECORD a newspaper article appertaining to the passing of Dan Kimball and Doris Fleeson published in Sunday's Washington Post.

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

COLUMNIST DORIS FLEESON DIES AT 69, 36 HOURS AFTER DEATH OF HUSBAND, DAN KIMBALL

(By Gerald E. Bunker)

Doris Fleeson, one of the most successful women journalists in American newspaper history, died early yesterday morning of a coronary thrombosis at her home, 2120 S St. NW. She was 69.

Her death came just 36 hours after that of her second husband, Dan A. Kimball, a Secretary of the Navy under President Truman. Yesterday would have been their 12th wedding anniversary.

Miss Fleeson launched a syndicated political column for the Evening Star and the Boston Globe in 1945, and at the time of her semi-retirement in 1967, was being published by more than 100 newspapers through the United Features Syndicate.

Known for her strong opinions and acerbic wit, she was praised yesterday by friends and colleagues for the unfailing professionalism of her writing.

"She could sit down at a typewriter in the

Senate Press Gallery and in little more than an hour pound out a profound analysis of a complex situation," Mary McGrory, a columnist at The Evening Star and a longtime friend, said.

She was against injustice and unkindness. She was a fierce person. She was a person who was merciless towards her enemies and who adored her friends," Miss McGrory said.

Miss Fleeson, who fought all her life against "the thought that a woman's byline belongs only over the sob story," herself came up through the ranks of the old journalistic apprenticeship.

She was born in Sterling, Kan., a town that she later described as a "whistlestop" into a "very Republican" family.

After graduation from the University of Kansas in 1923, she borrowed $65 and set out for Chicago determined to be a reporter.

After stints with the Pittsburg, Kan., Sun, and the Evanston, Ill., News Index, she became city editor of the Great Neck, N.Y., News.

"On one dark November night in 1927," Miss Fleeson once said, "I walked into the New York Daily News and demanded that I see the editor. In 15 minutes I got him and in the next 15 minutes I did myself no injustice whatever. He had a vacancy, wonderful to relate, and I was a full-fledged New York reporter at last."

It was at the Daily News that she "learned to hit them in the eye," as she later said.

In 1930, she married John O'Donnell, a political reporter for the News, and two years later gave birth to a daughter.

In 1933, Miss Fleeson and her husband came to Washington and together wrote the paper's Capitol Stuff column. An ardent Roosevelt supporter, she was the only woman member of the press entourage that accompanied him on his campaigns.

In 1942, she was divorced from O'Donnell and the following year became a war correspondent for the Woman's Home Companion, a post she held until starting her column in 1945.

Miss Fleeson's political stance was characterized as liberal by herself and others. While her sympathies were said to lie more with the Democrats than Republicans, a perusal of her published columns shows that she roasted friend with equal vehemence as foe.

An ever-articulate spokesman for equal rights for women, Miss Fleeson also fought for decent wages in the newspaper industry and for the rights of minorities.

In 1933, she helped found the American Newspaper Guild and was one of a committee that went to Washington to urge the National Recovery Administration to adopt a code setting a $35-minimum wage for reporters.

She sponsored the first Negro applicant for membership in the Woman's National Press Club in 1953.

Miss Fleeson is survived by a daughter, Doris O'Donnell, of New York.

Funeral services for Mr. and Mrs. Kimball will be at 10 a.m. Monday at the Navy Chapel, 3801 Nebraska Ave. NW, with burial at Arlington Cemetery.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT OF IMMIGRATION AND NATIONALITY ACT

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

WOODROW W. BUSSEY AGAINST U.S. SENATE

A letter from the Assistant Attorney General, Department of Justice, transmitting, for the information of the Senate, copies of the petition and summons filed in Woodrow W. Bussey against U.S. Senate, together with copies of motion to dismiss and brief in support thereof filed on behalf of the defendant (with accompanying papers); to the Committee on the Judiciary.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary:

G. Thomas Eisele, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. HATFIELD:

S. 4168. A bill to improve the military justice system by establishing military judicial circuits, and for other purposes; and

S. 4169. A bill to amend section 825, article 25, of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service; to the Committee on Armed Services.

S. 4170. A bill to confer jurisdiction on U.S. district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes; to the Committee on the Judiciary.

S. 4171. A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel;

S. 4172. A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts martial;

S. 4173. A bill to amend section 867 of title 10, United States Code, to require the Court of Military Appeals to review all courts martial cases which include sentences of a bad conduct discharge or confinement for one year or more;

S. 4174. A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and write necessary to protect the rights of military personnel, and for other purposes;

S. 4175. A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials;

S. 4176. A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts martial trials are conducted, and for other purposes;

S. 4177. A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts martial from the military justice system; and

S. 4178. A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts martial, to limit the maximum period of confinement which may be imposed for certain offenses, to eliminate the death penalty, and for other purposes; to the Committee on Armed Services.

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

By Mr. RANDOLPH (for himself, Mr. BYRD of West Virginia, and Mr. YOUNG of Ohio):

S. 4179. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

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

By Mr. GOODELL:

S. 4180. A bill to provide urgently needed assistance to localities in revitalizing areas in which the abandonment of structures by owners has created acute housing shortages and serious blight and deterioration of neighborhoods;

S. 4181. A bill to encourage and assist in the establishment of community oriented and sponsored nonprofit organizations to provide at reasonable cost urgently needed management services for low- and moderate-income housing in declining neighborhoods; and

S. 4182. A bill to authorize fellowships in housing management; to the Committee on Banking and Currency.

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

By Mr. CRANSTON:

S. 4183. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

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

By Mr. ANDERSON:

S. 4184. A bill to amend the Atomic Energy Community Act of 1955, as amended, to authorize the transfer of certain property at Los Alamos, N. Mex.; to the Joint Committee on Atomic Energy.

By Mr. JAVITS:

S. 4185. A bill to amend the Higher Education Facilities Act of 1963 in order to increase the maximum Federal share under such act to 60 per centum in the case of certain developing institutions; 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. BURDICK:

S. 4186. A bill to modify the comprehensive plan for the Missouri River Basin to provide for certain road construction; to the Committee on Public Works.

By Mr. MURPHY (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. COTTON, Mr. CRANSTON, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. ERVIN, Mr. FONG, Mr. GOLDWATER, Mr. GOODELL,

Mr. HATFIELD, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. MANSFIELD, Mr. METCALF, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. PROUTY, Mr. SCOTT, Mr. TALMADGE, Mr. TOWER, Mr. YOUNG of Ohio, and Mr. YOUNG of North Dakota):

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; to the Committee on the Judiciary.

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

S. 4179—INTRODUCTION OF A BILL TO REACTIVATE THE PUBLIC WORKS ACCELERATION ACT OF 1962

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a bill to reactivate, with certain modifications, the Public Works Acceleration Act of 1962.

It was my responsibility to sponsor the original bill, which had strong support. When it became law, the results of the public works carried into effect, had a constructive result on hundreds of communities and areas.

This bill, which is a companion to bills introduced last week in the other body by a large number of influential Members of the House, is designed to provide immediate, direct Federal assistance of 80 percent of the cost of construction for needed public works in areas where unemployment has risen to 150 percent of the national average.

Unhappily for my State of West Virginia, such sad statistics reflect the economy of portions of each of our congressional districts.

While, over the long pull, the Appalachian Regional Development program holds a great promise of lifting West Virginia and other neighboring States up to the same level of economic well-being enjoyed by the rest of the country, in the immediate short-run family breadwinners who must have jobs need the help that can be provided only by a substantial program of federally financed public works.

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

The bill (S. 4179) to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes, introduced by Mr. RANDOLPH (for himself, Mr. BYRD of West Virginia and Mr. YOUNG of Ohio), was received, read twice by its title, and referred to the Committee on Public Works.

S. 4180, S. 4181 AND S. 4182—INTRODUCTION OF BILLS ON HOUSING ABANDONMENT: EMERGENCY ABANDONMENT ASSISTANCE ACT; HOUSING MANAGEMENT SERVICES ACT; HOUSING MANAGEMENT FELLOWSHIPS ACT

Mr. GOODELL. Mr. President, the landmark of urban blight has become the abandoned tenement.

Abandonment is like a highly contagious disease. Once one building in a block succumbs, the others swiftly meet the same fate. Thus in city after city, whole blocks of buildings stand bleak, boarded and vacant, a home to none but derelicts, addicts and criminals.

The housing supply in major cities shrinks in the face of rising needs, as abandonment outstrips new housing construction.

Abandonment has assumed the proportions of a national disaster. It must be confronted by the Federal Government on an emergency basis—by a massive commitment of funds and services.

At my request, the Housing Subcommittee of the Senate Committee on Banking and Currency held a day of hearings on July 23, 1970 regarding the problem of housing abandonment. I testified at those hearings and, as a member of the subcommittee, heard with great interest the testimony of the other witnesses. I feel these hearings made an important contribution in illuminating the problem of housing abandonment and suggesting some constructive solutions.

THE PROCESS OF ABANDONMENT

The process of abandonment usually begins in an outdated structure in a slum neighborhood. Because of its obsolescene, it is difficult and expensive to maintain in proper order. Because of the low income of its tenants, its rental yield is limited.

The landlord tries to keep costs down by skimping on repairs. This, however, only accelerates the vicious cycle. Because of lack of repairs, the building deteriorates faster. Because of the deterioration, it can be rented to none but the most indigent. Because of the impoverishment of the tenants, the prospects of an adequate and steady return on the investment diminishes.

Eventully, the landlord finds himself faced with a losing proposition—where the costs of operating the building exceed the rental income. No one else wants to buy the building—or even take it over free. Finally, the landlord simply walks away, unwilling to pay the taxes, make the repairs or bear the operating costs.

The following week, the superintendent is not paid and he quits. There is no more heat for the building. Other utilities and services give out, one by one.

For a time, the tenants may try to unite and organize to manage the building themselves. Too soon they discover that—because they lack legal title to the building—they can obtain fuel or supplies only for cash. Cash is one commodity they do not have.

The exodus begins. Those who can afford to do so, leave for more decent housing. The poorest try to remain in the unheated and untended structure, boarding up the vacant apartments to keep out squatters.

Then, the vandals arrive. Addicts and teenage gangs tear off the boards and take over the vacant apartments. They start stripping the building of all amenities which have a resale value such as the plumbing fixtures, pipes and copper tubing. In less than a week the building becomes unfit for human habitation. The remaining families flee, now in fear of their lives.

The abandonment of the building unmistakably points the direction in which the block is going—down. No one wants to invest in the neighborhood any more. People begin to look for homes elsewhere.

The gutted shell remains, a hostel for heroin users and criminals. They terrorize the neighborhood, and speed the departure of all but the poorest tenants in adjacent apartments. These structures, in turn, become prey to abandonment.

Whole blocks eventually empty and remain vacant for years, a symbol of urban decay at its worst.

DIMENSIONS OF THE PROBLEM

Abandonment was once thought of as a special New York City problem. It now infects cities throughout the Nation. The statistics are staggering. Over 130,000 apartments have been abandoned in New York City since 1965. In Philadelphia, 20,000 buildings have been abandoned; 7,500 in Houston; 5,000 in Baltimore; 1,500 in Detroit; 1,000 each in Boston and Washington; 950 in Chicago; 900 in New Orleans.

In many cities, there is a net loss of housing units. In New York for example, the casualties to the existing housing supply far exceed the number of new housing starts. The net loss is 21,000 units annually, despite the initial housing shortage the city is facing.

Moreover, the pace of abandonment is accelerating. In New York City, for example, 15,000 units were abandoned between 1960 and 1964. In the period between 1965 and 1967, the number jumped to 37,900—more than double the previous figure. The same phenomenon has occurred in Boston.

Until now, our housing programs have focused almost exclusively upon new construction. It is imperative, however, that we preserve our stock of structurally sound existing housing from the blight of abandonment.

ECONOMICS OF ABANDONMENT

For years, slumlords profited from unlivable conditions in the tenements. Now the wheel is coming full circle—the economics of the deteriorating neighborhood is taking profits away. As this occurs, slumlords abandon their properties.

In an era of rising wages and prices, the landlord discovers: the expenses he pays—for labor, supplies, insurance, and taxes—are moving up at a rate that is disproportionately high in relation to price movements in the rest of the economy; the base for his rental income—the income of his impoverished tenants—is moving up at a rate that is disproportionately low in relation to wage movements in the rest of the economy.

In the resulting squeeze, his profits can turn into deficits.

As soon as a neighborhood begins to decline, landlords face extreme difficulty in financing, whether that involves selling, second mortgages, or rehabilitation loans. The neighborhood becomes blacklisted, and conventional lending sources refuse to invest in these areas. Often the

landlord must turn to private sources for funds. If funds are secured, they become available with severe disadvantages. They may be on a short-term basis—8- to 10-year mortgages are common in a declining neighborhood; or they entail inflated finance charges and usurious rates of interest.

Municipal taxes on housing rehabilitation and repair serve as a reward for decay. Based on land valuation, they are reassessed if major improvements are made on a building. Since the landlord finds that at least 25 percent of his operating expenses are taken up with taxes, he does not want to increase this expense and add to a deficit. Therefore, improvements are delayed if not postponed indefinitely.

In addition, to these economic difficulties, housing in a potentially deteriorated or blighted neighborhood has a very weak resale market. Once a landlord decides to sell his parcel, it may be years before he transfers ownership. In the interim, there is no incentive to maintain or improve the property.

LACK OF HOUSING MANAGEMENT SERVICES

In the past, there has been a severe shortage of maintenance services in declining areas.

A major deterrent to proper management is the preponderance of absentee landlords whose feeling of responsibility to the property is limited. Over half of these owners are part-time, nonprofessional landlords. They lack knowledge of proper maintenance procedures and lack the resources to hire full-time maintenance crews.

Owner-occupants generally make greater efforts to manage their properties. They are, however, often cheated by "gyp" repair companies. Since they do not have the benefit of guidance and counseling, they remain relatively ignorant of tax reassessment policies and government self-help programs.

Finally, management services have been lacking in low income areas because the property management industry has had no financial incentive to enter this field; and no experience in dealing with the special management problems of these areas and the sensitivities of their residents.

EXISTING FEDERAL REHABILITATION PROGRAMS

At present, two HUD programs are designed to aid owners to rehabilitate their properties. The first is Section 115 of Title I of the National Housing Act, which provides rehabilitation grants to owner-occupants in blighted areas. It was funded at $50 million in fiscal year 1970 and the budget allocation is $65 million for fiscal year 1971. The program is severely underfunded. The total amount available nationally under the program is less than what it cost to rehabilitate 5,000 units in Philadelphia.

The other program is the section 312 program which provides direct loans at 3 percent to owners for housing renovation in deteriorating neighborhoods. This has been a highly successful program, to the extent it has been funded. Since conventional lending sources have been reluctant to undertake investments in deteriorating areas, this program has served as a financing source of last resort.

By all measurement of need, the program should be expanded. Unfortunately, however, HUD has allocated only $35 million for fiscal year 1971, $10 million less than the amount appropriated last year. The 312 program should be fully funded.

Several weeks ago, I joined in the attempt on the Senate floor to fully fund the urban renewal program at its authorization level of $2.3 billion. Full funding of urban renewal would have made more funds available for allocation to the section 115 and 312 programs.

Unfortunately, that amendment failed. Instead, the Senate appropriated $1.7 billion. Although the House passed the administration request of $1 billion, I am hopeful that the Senate conferees will be able to negotiate for the highest figure possible.

I believe these two programs should be fully funded and will make every effort to see additional funds granted in the supplemental appropriations bill.

POTENTIAL OF URBAN RENEWAL

Despite their usefulness, the existing rehabilitation programs alone will not do the job. Their funding is not large enough, their scope not broad enough, to undertake those necessary neighborhood renewal efforts which alone can arrest the social, physical, and economic trends which lead to abandonment.

The best hope in the long run rests in the Federal urban renewal program.

The objective of that program when it was enacted over 20 years ago was to provide the means by which blighted and unproductive land could be converted to productive use.

The objective of urban renewal is to make blighted urban land available for redevelopment at substantially reduced cost. It involves three basic stages—acquisition of blighted land by a locality; clearance or rehabilitation of the existing structures; and sale to a private developer who undertakes to improve it in accordance with an approved plan. The key feature is the "write down"—the fact that the developer is enabled to purchase the land at a price substantially below the cost of its acquisition and preparation for sale. The cost of this "write down" is borne by the public—two-thirds by the Federal Government and one-third by the State and local governments. The "write down" makes it economically feasible for the developer to improve the land for community purposes which its market acquisition cost otherwise would have precluded.

Until now, however, urban renewal funds have been administered in a manner that has not contributed substantially to the urban housing crisis. Too much of the money has gone into the rebuilding of downtown areas—into the construction of vast new office and commercial complexes and luxury apartments. For the poor, particularly, urban renewal has meant a decreasing, rather than increasing, housing stock. In addition, many of the homes destroyed were in fairly decent repair. These displaced by urban renewal have often been forced to crowd into homes in other neighborhoods, making those areas prime targets for blight.

The urban renewal program has also been characterized by redtape and delay. During the uncertain planning phase, community residents and businessmen have no incentive to maintain or improve their property. Thus, a program which should arrest the process of abandonment sometimes actually fosters it.

Provisions introduced in the 1968 Housing Act—specifically, interim assistance and the neighborhood development program—did mark important steps toward greater flexibility to urban renewal, but neither has been adequately funded or implemented.

The basic tool of urban renewal—land "write down"—remains, however, a most promising method of combating abandonment. The most costly—and most scarce—resource in our cities is land. High land costs are ultimately reflected in rents beyond the reach of low- and moderate-income families. By making abandoned property sites available at the "written down" or reduced cost, urban renewal can convert these sites into homes for low- and moderate-income families at rent they can better afford.

What is needed is to reshape and redirect the urban renewal program to deal with the specific problem of abandonment. The tools and funds of urban renewal should be available on a "scattered site" basis—to acquire and write down abandoned or potentially abandoned buildings before whole neighborhoods are affected. And, to the maximum extent feasible, renewal should involve rehabilitation instead of demolition.

PROPOSED EMERGENCY ABANDONMENT LEGISLATION

I believe that the crucial problem of abandonment—perhaps the most serious housing problem facing our older cities today—requires certain steps to be taken immediately.

I urge the Congress to adopt emergency legislation this year, to provide comprehensive Federal assistance to localities facing severe abandoned housing problems.

Today, I am introducing such legislation: the Emergency Abandonment Assistance Act—S. 4180.

This emergency legislation for abandoned housing will be modeled after the disaster provisions now in title I of the Housing Act.

The basic tool of the program will be a specialized form of urban renewal. Where a local governing body finds—and the Secretary of Housing and Urban Development certifies—that the locality has a substantial and critical problem of abandoned or about-to-be-abandoned buildings, such locality would be eligible for Federal urban renewal funds for those properties.

Under this new provision, urban renewal would be a much more flexible program, in which the locality could undertake efforts to reverse a process of abandonment on a selective basis throughout the municipality. By acquiring individual sites of potential abandonment in otherwise more viable neighborhoods,

the program can arrest the process of abandonment within a neighborhood in its early stages, before a large area had been affected.

By rehabilitating buildings that are structurally sound, the program can avoid the necessity of razing whole tracts.

Furthermore, the new provision would introduce an element of speed and urgency by requiring that work undertaken be completed within 2 years and by eliminating the usual planning requirements with their consequent redtape.

Thus the emphasis of the program would be to combine the traditional tools of urban renewal with selectivity and speed, for the specific purpose of arresting abandonment.

Moreover, the program could do more than make physical improvements. It could alter the deficit economics that lead to abandonment in the first place; namely, operating costs that exceed rentals. The "write down" feature of urban renewal would permit the developer to acquire and improve the property at a cost substantially below market. The reduced cost would mean reduced mortgage payments. Because mortgage payments make up such a large portion of operating costs, the reduction of these payments could help assure that the building will no longer be run at a loss.

In addition, this emergency program will allow the concentration of all forms of housing and rehabilitation assistance—the section 235 and 236 interest subsidy programs, rehabilitation grants under section 115, rehabilitation loans under section 312, the rent supplement and public housing leasing programs—on a priority basis, to the residential properties which are located in the neighborhoods designated as most critical by eligible localities.

This concentration of Federal-local effort, most often found when dealing with natural disasters, is the sort which is required to deal with the most serious symptom of the critical breakdown in the production and supply of urban housing—that is, the problem of abandonment.

HOUSING MANAGEMENT LEGISLATION

A problem that has been associated with abandonment has been the lack of housing management in low income areas.

One reason landlords neglect their properties is that they do not have the time, interest or skills to manage them effectively.

One reason developers are unwilling to invest in low-income areas is that—while they can obtain a return from building or rehabilitating properties—they do not wish to assume the risks and administrative burdens of managing the properties.

At present the Government provides negligible assistance for the management of any housing other than public housing.

This is an area in which Congress must act.

Today, I am introducing legislation to create a program of Federal assistance for housing management services: the Housing Management Services Act—S. 4181.

The purpose of the program will be to provide greater economy and efficiency in delivery of housing management services in areas where the private sector is unable to deliver these at a reasonable profit. These areas will be limited by statute to potential abandonment areas, exhibiting a high concentration of low income people, and a lack of private managerial services.

Services will be available for all housing, private, public and publicly assisted, within the designated areas, including tenant cooperatives and condominiums. It is expected that by employing economies of scale, management costs will somewhat decrease.

The program would provide Federal grants to local, non-profit management corporations, known as "housing management administrations"—HMA's.

The Federal grants would finance the initial costs of organizing these corporations, as well as a portion of operating costs during the first 3 years of operation.

Each HMA would be locally controlled, by a governing board consisting both of tenants and landlords.

The HMA would provide management services for a fee to owners of property—to owner-developers, individual landlords, tenant cooperatives or tenant condominiums. Because of the Federal subsidy and the nonprofit nature of the corporation, fees would be kept to a minimum.

The services provided by the HMA would include: bookkeeping, collection of rents; hiring of building staff; screening prospective tenants; and the purchase of supplies and the payment of interest, taxes, insurance and repairs on a reimbursed basis.

Because the corporation would be operating in the whole neighborhood, it could employ considerable economies of scale. It could, for example, hire its own full-time repair crews to perform repairs at reduced costs. It could also purchase fuel and other supplies in bulk and thus at a lower price.

The program would be a valuable adjunct to the emergency urban renewal plan I have described earlier. Abandonment sites could be acquired, written down and then sold to a developer for rehabilitation. Once rehabilitated, the management could be turned over to the HMA. This would eliminate a serious obstacle for the developer—his unwillingness to assume the risk and administrative onus of managing the property once it has been improved. Alternatively, the property could be conveyed to the tenants as a cooperative or condominium, and the management assigned to the HMA. This would eliminate a serious obstacle to the transfer of ownership to tenants—their lack of experience and skill in management.

The program would provide benefits for properties owned by absentee landlords, by relieving the landlords of the administrative burdens of ownership at minimal cost. With administrative responsibility transferred to the HMA, the building is likely to receive better management.

Owner-occupied properties would also be aided. The HMA can provide the owner with valuable counseling services—that is, concerning repairs, taxes, and Government self-help programs. In addition, he will be eligible to purchase repairs and supplies through the HMA at reduced costs, because of the benefits of the economies of scale.

TRAINING ASSISTANCE GRANTS

There is a serious shortage of trained personnel to provide housing management services.

Under my proposal, HMA's would be eligible to receive Federal training assistance grants. These funds will be used to educate the local residents in the field of housing management. In turn, the trainees will be hired by HMA's and utilized in the neighborhood.

The shortage of trained supervisory personnel is still more severe.

To remedy this problem, I am today introducing a bill (S. 4182) to amend title 8 of the Housing Act of 1964. This legislation will create a new section which will make persons enrolled in a housing management curriculum in an accredited educational institution eligible for urban fellowship grants.

It is my hope that technical schools among others will be encouraged to include such courses in the curriculum.

An influx of trained personnel, trained in the field of low and moderate income housing management, will make an important contribution to an attack on abandonment.

CONCLUSION

Abandonment of structurally sound housing is criminal waste.

It robs the poor of their homes.

It creates havens for addicition and crime.

It blights whole neighborhoods.

If not stopped, it can turn our central cities into crumbling mausoleums of neglect.

It has reached such great proportions as to become a clear national emergency.

It requires an emergency response by the Federal Government—now.

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

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

The bills, introduced by Mr. GOODELL (for himself and Mr. BROOKE), were received, read twice by their titles, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4180

A bill to provide urgently needed assistance to localities in revitalizing areas in which the abandonment of structures by owners has created acute housing shortages and serious blight and deterioration of neighborhoods

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 "Emergency Abandonment Assistance Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that the existence of thousands of vacant and abandoned housing units in major urban centers is a serious and rapidly growing problem; that the number of existing housing units in or near the central cities has sharply declined due to owner abandonment; and that this abandonment dislocates families, decreases the number of available housing units, and leads to neighborhood blight and and deterioration. The Congress further finds that the conservation, rehabilitation or clearance of such structures, the expansion of owner-occupancy and forms of homeownership and cooperative ownership and management and adequate maintenance of such housing units thereafter would substantially increase the number of available housing units at a time of critical national housing shortage.

(b) It is the purpose of this Act (1) to authorize a study to determine the basic causes of the urban problem of housing abandonment, and to seek the most effective and economical methods of correction and prevention, and (2) to provide the necessary authority to assist on an emergency basis those urban areas where the problem is acute.

STUDY

SEC. 3. The Secretary of Housing and Urban Development shall undertake an immediate study of the urban problem of housing abandonment to determine its causes and the most effective and economical methods of correction and prevention. The Secretary shall report his findings and recommendations to the President and the Congress at the earliest practicable date, in no event later than June 30, 1971.

URBAN RENEWAL

SEC. 4. (a) Part A of title I of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"ABANDONMENT ASSISTANCE

"SEC. 119. (a) Where the local governing body certifies, and the Secretary finds, that the locality contains substantial numbers of structures which are abandoned or which, because of their deteriorating condition or the economic and social conditions prevalent in the locality threaten to become abandoned, that such abandonment in the locality poses a substantial and critical problem, that the acquisition for reconstruction, rehabilitation or refinancing of such abandoned or potentially abandoned structures in the locality is essential to halt progressive blight and to increase the supply of urgently needed housing, and that the locality faces a severe shortage of adequate housing, the Secretary is authorized to extend financial assistance under this title for urban renewal projects with respect to one or more such properties in a locality.

"(b) To be eligible for assistance under this section the local public agency must prepare and submit to the Secretary, within 30 days after the certification by the local governing body, a plan for the conservation and development for the properties involved, and the Secretary must approve the plan.

"(c) A plan submitted by the local public agency for assistance under this section shall be approved by the Secretary if he determines, having regard for the purposes set forth in section 2 of the Emergency Abandonment Assistance Act, that—

"(1) the plan designates that area or those areas of the locality in which the problem or danger of abandonment is particularly severe and those properties within such areas which have been abandoned or threaten to become abandoned and for which assistance under this section would be available;

"(2) the plan provides that properties acquired or held by the locality and/or local public agency must be disposed of to a private nonprofit corporation or other private nonprofit entity, to a limited dividend corporation or other limited dividend entity, or to a cooperative housing corporation, which entity has entered into a binding agreement with the locality to repair, rehabilitate or improve such property so as to provide housing and related facilities to persons unable to obtain adequate housing in the locality within their income limitations;

"(3) assistance under this title with respect to the undertakings and activities proposed to be carried out in the area or areas involved, as set forth in the plan, can reasonably be expected to stimulate the flow of private capital into the area or areas in the form of new construction or rehabilitation of existing structures;

"(4) the locality is prepared and has the capacity to provide new or improved municipal services, community facilities, or utilities to serve the area or areas involved to whatever extent may be necessary;

"(5) the program to be carried out in accordance with the plan can reasonably be expected to arrest the process of the abandonment in the locality and to increase the supply of decent, safe and sanitary housing; and

"(6) the program to be carried out in accordance with the plan can reasonably be expected to be completed within a period of 2 years.

"(d) Assistance authorized by this section may be extended without regard to—

"(1) the workable program requirement in section 101 (c);

"(2) the requirement that there be an urban renewal plan for the project; and

"(3) the 'public hearing' requirement in section 105 (d)."

(b) Section 103 (b) of such Act is amended—

(1) by striking out "$1,700,000,000" and inserting in lieu thereof "$2,000,000,000."

(2) by adding after the second sentence the following: "Not less than 15 per centum of the total additional amount available to the Secretary for grants under this title after June 30, 1970, shall be for grants under section 119."

SECTIONS 235 AND 236 PROGRAMS

SEC. 5. (a) (1) Section 235(h) (1) of the National Housing Act is amended by striking out "$125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "$135,000,000 on July 1, 1970, and by $180,000,000 on July 1, 1971".

(2) Section 235(h) of such Act is further amended by adding at the end thereof two new paragraphs as follows:

"(4) Not less than 5 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1970, shall be made with respect to dwellings in areas eligible for assistance under section 119 of the Housing Act of 1949.

"(5) For the purpose of applying the 'substantial rehabilitation' requirement contained in subsections (b) (2) and (i) (3) (A) with respect to a dwelling or project situated in an area eligible for assistance under section 119 of the Housing Act of 1949, the Secretary shall consider only whether the rehabilitation activities involved rendered the dwelling or project more liveable and extends its economic life."

(b) (1) Section 236(i) (1) of such Act is amended by striking out "$125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "$135,000,000 on July 1, 1970, and by $180,000,000 on July 1, 1971."

(2) Section 236(i) of such Act is further amended by adding at the end thereof a new paragraph as follows:

"(3) Not less than 5 per centum of the total additional amount of contracts for interest reduction payments authorized by appropriations Acts to be made after June 30, 1970, shall be made with respect to dwelling units in projects in areas eligible for assistance under section 119 of the Housing Act of 1949."

REHABILITATION LOANS

SEC. 7. Section 312(d) of the Housing Act of 1964 is amended by striking out the first sentence and inserting in lieu thereof the following: "For the purposes of this section, there are authorized to be appropriated not to exceed $150,000,000 for each fiscal year prior to July 1, 1970, and not to exceed $160,000,000 for each fiscal year after June 30, 1970. Not less than 5 per centum of the sums authorized to be appropriated hereunder for any fiscal year commencing after June 30, 1970, shall be available for loans with respect to properties situated in areas eligible for assistance under section 119 of the Housing Act of 1949. Funds appropriated pursuant to this subsection shall constitute a revolving fund to be used by the Secretary in carrying out this section."

PUBLIC HOUSING

SEC. 8. Section 10(e) of the United States Housing Act of 1937 is amended by striking out "$170,000,000 on July 1, 1970, but any such contracts" and inserting in lieu thereof the following: "$180,000,000 on July 1, 1970. Not less than 5 per centum of the total additional amount of such contracts authorized to be made after June 30, 1970, shall be made with respect to units in private accommodations pursuant to Sec. 23 situated in areas eligible for assistance under section 119 of the Housing Act of 1949. Any contracts for annual contributions under this section".

S. 4181

A bill to encourage and assist in the establishment of community oriented and sponsored nonprofit organizations to provide at reasonable cost urgently needed management service for low- and moderate-income housing in declining neighborhoods

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Housing Management Services Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) a serious shortage exists in management services and trained management personnel for low- and moderate-income housing;

(2) the absence of adequate management services has discouraged investors and developers from investing in and developing of low- and moderate-income housing.

(3) the absence of adequate management services has been a contributing cause to the deterioration of low- and moderate-income housing;

(4) lack of investment in or development of, and deterioration of low- and moderate-income housing has been a contributing cause to housing abandonment;

(5) housing abandonment dislocates families and decreases the number of housing units and leads to irreversible neighborhood blight and decline.

(b) It is the purpose of this Act to encourage and assist in the establishment of community oriented and sponsored nonprofit organizations to provide at reasonable cost urgently needed management services for low- and moderate-income housing in declining neighborhoods.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "housing management corporation" means a corporation organized

and licensed in accordance with the provisions of section 4.

(2) The term "housing management services" means services required for the effective management and maintenance of housing, including without being limited to rent collection; bookkeeping; filling of vacancies; hiring of personnel; arranging for insurance and necessary repairs; and arranging for purchase of supplies, fixtures, and utilities;

(3) The term "Secretary" means the Secretary of Housing and Urban Development.

ORGANIZATION OF HOUSING MANAGEMENT CORPORATIONS

SEC. 4. (a) A housing management corporation is a public or private nonprofit or limited profit body corporate, organized and chartered under State law solely for the purpose of performing the functions and conducting the activities contemplated under this Act. It shall possess the powers reasonably necessary to perform such functions and conduct such activities. The area in which it carries on its operations shall be subject to the approval of the Secretary.

(b) It shall be the function of a housing management corporation to provide economical and efficient housing management services for public and private low- and moderate-income rental housing (including cooperatives and condominiums) situated in areas where such services are not otherwise being adequately or economically provided. A corporation may also provide technical and consulting services with respect to housing management in such areas, and may establish programs for the training of housing management in such areas, and may establish programs for the training of housing management personnel to serve area needs.

(c)(1) the Articles of Incorporation of a housing management corporation shall specify, in accordance with regulations prescribed by the Secretary, that the Board of Directors shall consist of an odd number of members, one of whom shall be Chairman and shall be appointed by the other members, and of the remaining members, one half their number shall be representative of the tenants and community groups in the area of the operation of the corporation, and one half their number shall be representative of the owners and the housing management sector.

(2) The articles of incorporation of a housing management corporation may also contain such other provisions not inconsistent with this Act as the corporation deems appropriate for the regulation of its business and the conduct of its affairs. Such articles and any amendments thereto shall be subject to approval by the Secretary.

(d) The articles of incorporation of a housing management corporation shall be forwarded to the Secretary for consideration and approval or disapproval. The Secretary shall not approve the articles of incorporation of any such corporation, unless he finds—

(1) that the area to be served by the corporation contains a high concentration of low- or moderate-income housing;

(2) that such housing is substantially characterized by an inadequacy of housing management services; and

(3) that there exists a reasonable probability of successful operation of the corporation in providing urgently needed management services in such areas provided for in this Act.

If the Secretary approves the articles of incorporation of any such corporation, he shall issue to the corporation a license to perform the functions specified in this Act.

POWERS AND FUNCTIONS OF SECRETARY

SEC. 5. (a) In carrying out the purposes of this Act, the Secretary is authorized—

(1) to conduct research and development activities to devise new low-cost methods of housing management;

(2) to provide technical assistance, advice, and consultation with respect to, and to develop evaluation criteria for, the development and operation of housing management corporations;

(3) to provide a clearing house for information with respect to housing management corporations and the services which they can provide; and

(4) to provide financial assistance to housing management corporations subject to the limitation prescribed in section 6

(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall have, in addition to any authority otherwise vested in him, the functions, powers, and duties set forth in section 402 (except subsection (a), (c) (2), and (f)) of the Housing Act of 1950.

(c) The Secretary may, notwithstanding the provisions of section 3648 of the Revised Statutes, make advance or progress payments on account of any grant made under this Act.

GRANTS

SEC. 6. (a) The Secretary is authorized, on terms and conditions to be prescribed by him, to make grants to housing management corporations to defray reasonable and necessary expenses incident to the organization and initial period (not to exceed six months) of operation of such corporations. For the purpose of making such grants there is authorized to be appropriated not to exceed $10,000,000. Any amounts appropriated pursuant to this authorization shall remain available until expended.

(b)(1) The Secretary is authorized to make, and contract to make, periodic payments to any housing management corporation, subject to the following conditions and limitations:

(A) Payments shall be made only during the three-year period following the licensing of the corporation by the Secretary.

(B) No payments shall be made to a corporation unless (i) the corporation has submitted to the Secretary, and the Secretary has approved, a schedule of fees and charges for housing management services to be provided by it together with a plan for bringing the costs incurred by it in providing such services to a level which will, at the earliest practicable date, permit a self-sustaining and supporting operation; and (ii) the corporation agrees to provide such services only with respect to housing which it has determined, in accordance with criteria established by the Secretary, can be preserved without major rehabilitation by adequate housing management services.

(C) The amount of any such payment shall not exceed the difference, as determined by the Secretary, between the amount received or receivable by the corporation for housing management services provided in accordance with an approved schedule of fees and charges, and the actual cost to the corporation of providing such services.

(2) The aggregate amount of contracts to make payments under this subsection shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $10,000,000 per annum.

(c) The Secretary is authorized, on terms and conditions to be prescribed by him, to make grants to housing management corporations to carry out programs for the training of housing management personnel to serve area needs. To qualify for assistance under this subsection any such program shall be conducted in accordance with a plan which has been developed in accordance with standards prescribed by the Secretary and has been approved by him. In prescribing such standards the Secretary shall, among other things, require that an approved training program—

(1) provides opportunities for persons (including persons of low income in cooperatives or condominiums) residing in the area of operation of the corporation to receive training to perform housing management or service functions; and

(2) utilizes, insofar as practicable, persons residing in the area to administer the program.

For the purpose of making such grants, there is authorized to be appropriated not to exceed $10 million. Any amounts appropriated pursuant to this authorization shall remain available until expended.

CONSULTATION AND COORDINATION

Sec. 7. In the exercise of his functions under this Act, the Secretary shall consult with the Director of the Office of Economic Opportunity, the Secretary of Labor, the Administrator of the Small Business Administration, and the Secretary of Health, Education and Welfare with a view to achieving the fullest possible coordination of the program authorized by this section with other related Federal programs.

REPORTS

SEC. 8. The Secretary shall include in his annual report to the Congress a full and detailed description of operations conducted pursuant to this section.

S. 4182

A bill to authorize fellowships in housing management

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 802(a) of the Housing Act of 1964 is amended—

(1) by striking out "FOR CITY PLANNING AND URBAN STUDIES" in the section heading;

(2) by inserting "(1)" after "Sec. 802. (a)"; and

(3) By adding at the end thereof a new paragraph as follows:

"(2) The Secretary is further authorized to provide fellowships for the training in public and private nonprofit educational institutions of qualified persons in housing management."

(b) Section 802(b) of such Act is amended—

(1) by striking out "subsection (a)" and inserting "subsection (a)(1)"; and

(2) by inserting "subsection (a)(1) of" before "this section".

S. 4183—INTRODUCTION OF A BILL FOR A FEASIBILITY STUDY OF A CHANNEL ISLANDS NATIONAL PARK

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to authorize a feasibility study of establishing a Channel Islands National Park.

On June 19, 1970, I introduced S. 3993, a bill to establish the Channel Islands National Park. I noted then that the five northern islands: Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa, are, individually and collectively, unique resources. The islands should be preserved for their recreational, scenic, and scientific values. The creation of a national park would be an excellent way to protect the islands, in my opinion.

However, I also indicated that various questions had been raised about the feasibility of a national park on the islands. I further expressed my concern about the absence of a thorough, up-to-date appraisal of Santa Rosa and Santa Cruz Islands.

At the time of the Park Service's earlier feasibility study, there was a July 10, 1967, appraisal of the two islands at $27,144,000. However, the appraisal was made without the appraiser's setting foot on the two islands according to the chief appraiser of the National Park Service. While it is possible to make an appraisal without a physicial inspection of the subject property, such an inspection adds substantially to the appraiser's insight and understanding and is always desirable.

Congressional authorization of the feasibility study of the park proposal would establish the urgency of making a decision about the Channel Islands—whatever that decision is to be. Without this sense of urgency, I fear that Santa Rosa and Santa Cruz will drift into commercial and residential development which could be even less appropriate according to the criteria used by the critics of the park proposal. If the tricky currents and sudden fogs in the Santa Barbara Channel lead us to discard the Channel Islands National Park proposal as too unsafe because of the risk involved in transporting numbers of people to the islands, imagine the irony of subdivisions thereafter appearing on Santa Cruz and Santa Rosa Islands.

In addition, the feasibility study would require a new appraisal of the islands. Congress clearly needs to know what the two privately owned islands will cost before it can balance the merits of a national park at the Channel Islands against other priorities for land acquisition. Congressional authorization of the appraisal should expedite the on-site inspection of the two islands.

I hope that Congress can move quickly on this proposal. I understand that an identical bill is being introduced by a bipartisan group today in the House.

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

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

The bill (S. 4183) to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committeee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 4183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed to study, investigate, appraise, and form recommendations on the feasibility and desirability of establishing the Channel Islands in California as a unit of the National Park System. The study shall include those lands comprising the islands of Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa, and surrounding adjacent water areas. In conducting the study, the Secretary shall consult with other interested Federal agencies, and interested State and local bodies and officials.

SEC. 2. Not later than one year after the effective date of this Act, the Secretary shall submit to the President and to the Congress a report of the results of the study, including any recommendations for legislation. The report of the Secretary shall contain, but not be limited to, findings with respect to the scenic, scientific, and natural values of the lands and waters involved, and the estimated cost of any recommended land acquisition, development, and operation of the Channel Islands as a unit of the National Park System.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 4185—INTRODUCTION OF A BILL RELATING TO COLLEGE CONSTRUCTION AID FOR DEVELOPING INSTITUTIONS

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend the Higher Education Facilities Act to provide 66 percent Federal construction matching funds for "developing institutions", defined in title III of the Higher Education Act as colleges which, for financial or other reasons, are struggling for survival and are developing institutions themselves. These schools, for the most part, serve students from lower income families and have very little in the way of endowments or other financial resources to meet their needs.

Under existing law, all colleges, both established and developing institutions, receive 50 percent Federal matching funds for construction of facilities.

The education appropriation bill recently approved by the Congress and sent to the President for signature into law provides $43 million for grant construction assistance.

Typical of these developing institutions are the 68 private and 43 public higher education institutions with a predominantly Negro student body. The median family income of the students attending these institutions is $3,900; the national median is $7,974. In 1968 and 1969, predominantly white colleges received $96 million in grants from private philanthropy of which $11 million was for building and equipment. This is contrasted with the $4.6 million given to predominantly black schools of which some $150,000 was for construction and equipment.

The Office of Education indicates that there are some 400 developing institutions in the Nation. Included among those which are located in New York State are the College of St. Rose in Albany, Keuka College in Keuka Park, Manhattan College in the Bronx in New York City, and Trocaire College in Buffalo.

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

The bill (S. 4185) to amend the Higher Education Facilities Act of 1963 in order to increase the maximum Federal share under such act to 60 percent in the case of certain developing institutions, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

SENATE JOINT RESOUTION 226—INTRODUCTION OF A JOINT RESOLUTION TO PROCLAIM A PERIOD TO BE KNOWN AS THE "NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS"

Mr. MURPHY. Mr. President, on behalf of myself and Senators ALLOTT, BENNETT, COTTON, CRANSTON, DOLE, DOMINICK, EAGLETON, ERVIN, FONG, GOLDWATER, GOODELL, HATFIELD, JAVITS, JORDAN of Idaho, MCGEE, MANSFIELD, METCALF, NELSON, PACKWOOD, PELL, PROUTY, SCOTT, TALMADGE, TOWER, YOUNG of Ohio, and YOUNG of North Dakota, I introduce today a Senate joint resolution which would authorize the President to proclaim the period from Mother's Day, May 10, through Father's Day, June 21, 1971, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks."

This measure is very similar to Senate Journal Resolution 194, which I introduced on April 27. There are two basic changes, however. Reference to 1970 has been changed to 1971 in the resolution I introduce today, and I have made mention of the fact that 1971 represents the 25th anniversary of the National Multiple Sclerosis Society.

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

> MS is the hell for man the devil would have created had he been given his choice.

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

MS is a mystery because no two patients follow the same course. In each, the disease has its own progression, and there is no predicting what will happen. In the words of a foremost medical authority:

> The disease is typically slow and insidious in onset, frequently difficult to diagnose until symptoms have progressed to extensive disability. Early symptoms are mild and transient. Frequently symptoms disappear but recur at a later predictable time, usually in a more severe and persistent form. Occasionally there are unexplained instances of prolonged remission. . . . There may follow a series of symptom recurrences resulting in progressive incapacitation.

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

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

Mr. President, for the most heartrending aspect of MS is that it strikes primarily young adults in their most productive years. It disrupts the lives of families making tragic demands on the courage and strength not only of its victims but of their husbands, wives, friends, and children. The problems which arise may often seem insurmountable when the role of breadwinner must be assumed by the wife, or the household chores to the afflicted husband, disillusion and threat of separation or divorce often occurs. The children must be helped to understand the influences operating in the household and also helped to maintain a home to which they can continue to invite their friends. The total resources of the family should be pooled and devoted to insistence on a full and useful life for each member—despite the difficulties encountered. The long life of uncertain disability in a family member imposes a continuous series of adjustments on a total of perhaps 2 million members of family constellations disturbed by the presence of this disease.

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

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

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

Mr. President, 1971 is the 25th anniversary of the National Multiple Sclerosis Society and the society is launching a 5-year development plan aimed at discovering the cause, preventing, and treating MS.

There is great interest and urgency in searching for the cause and cure of MS as evidenced by the 26 cosponsors of this resolution. I am pleased to be a part of this push, and I hope that all Americans everywhere will join in helping to make MS like polio, a thing of the past. I hope that the Senate will take early and favorable action on the resolution.

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

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

The joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks," introduced by Mr. MURPHY (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. J. RES. 226

Whereas five hundred thousand Americans, stricken usually between the ages of twenty and forty years, are affected by the ravages of multiple sclerosis and related neurological diseases; and

Whereas two million members of American families are deeply concerned with the financial and emotional problems of this disease; and

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

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

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

Whereas the National Multiple Sclerosis Society, which is celebrating its twenty-fifth anniversary in 1971 has launched a five-year research development plan to explore as quickly as possible promising clues that may lead to methods which will prevent, or more effectively treat, multiple sclerosis:

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

(1) designating the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks";

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

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

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 819

Mr. COOPER (for himself, Mr. HART, Mr. CASE, Mr. BROOKE, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MATHIAS, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROXMIRE, Mr. SAXBE, Mr. SCHWEIKER, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) proposed an amendment to the bill (H.R. 17123) 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, which was ordered to be printed.

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

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENTS NOS. 800 THROUGH 806

Mr. JAVITS. Mr. President, I ask unanimous consent that at the next printing, the name of the distinguished senior Senator from New Jersey (Mr. CASE) be added as a cosponsor of my amendments Nos. 800 through 806 to H.R. 16311, the Family Assistance Act.

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

NOTICE OF RESUMPTION OF HEARINGS ON THE CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL

Mr. KENNEDY. Mr. President, the senior Senator from North Carolina (Mr. ERVIN), who is chairman of the Subcommittee on Constitutional Rights, has asked me to announce that on August 12, 1970, the subcommittee will resume its hearings on the constitutional rights of the mentally ill. The hearings will be conducted in room 457 of the Old Senate Office Building and will begin at 10:30 a.m.

These hearings are a part of the subcommittee's long and active interest in the problems of the mentally ill. Witnesses appearing at the previous sub-

committee hearings, conducted in November 1969, have described the state of the law concerning commitment procedures, have analyzed the effectiveness of legal protections of the patient's rights, have suggested new policies and programs for the future, and, in general, have raised fundamental questions as to our society's approach in dealing with the problem of mental illness. I am privileged to be a member of the subcommittee, and I commend the chairman for his continuing interest, leadership, and accomplishments in seeking solutions to this difficult problem.

One of the particular concerns of these hearings has been the implementation of the 1964 District of Columbia Hospitalization of the Mentally Ill Act. I am pleased to announce that witnesses at the August 12 hearing include Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare; Dr. Bertram Brown, Director, National Institute of Mental Health; and officials from St. Elizabeths Hospital of the District of Columbia. These gentlemen are uniquely qualified to analyze the implementation of the 1964 act. I am confident that their testimony will be of great value to the subcommittee.

ADDITIONAL STATEMENTS OF SENATORS

ERADICATION OF DRUG ABUSE

Mr. MURPHY. Mr. President, recently Sacramento Radio Station KXOA undertook a special project to help eradicate drug abuse in its community, and I think this highly commendable action deserves some attention.

To be part of the community it serves, a radio station must be more than just a voice. In 1970 the Sacramento community, like many others, has been faced with the problem of drug abuse. KXOA got into action by presenting a 14-part documentary exploring the drug culture, its impact on youth, and some of the possible solutions.

KXOA discovered that the "Aquarian Effort," a local drug rehabilitation center, was facing a financial crisis. KXOA came to its assistance by undertaking a 6-hour marathon to raise needed funds.

It is an interesting, valuable documentary. It is a story of people working with people for a worthy cause. The documentary helped to save the "Aquarian Effort," which is now on the road to financial security and is growing daily in community service.

Station KXOA has definitely proved that it is aware of the problems of the community of Sacramento, and I commend the station for its service to the people.

I ask unanimous consent that the documentary on drugs be printed in the RECORD.

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

DRUG DOCUMENTARY

PROGRAM NO. 1

Today, young people are educated at an amazingly rapid pace. A willingness to learn and the means by which to learn are in abundance. Today, kids like to probe, investigate, and conclude . . . but, they also like to taste, test and experiment with things; things like pot, LSD, speed, and even the "Big H" . . . heroin. Drugs are available everywhere . . . and if you don't believe me, go to any school and start asking where you can get some marijuana. Chances are well in excess of 50% that you'll be told . . . as long as you don't look like a policeman. But isn't anything being done to combat the problem? To the contrary, more programs are currently being used than you could imagine. The "I'm a Buddy" program, the "Be A Helper" program, countless educational programs are being tried . . . but they don't work! Is there an explanation? I put the same question to State School Superintendent, Dr. Max Rafferty. Doctor Rafferty, can you explain why?

"Yes, I think it's the same reason why for such a long time, despite the fact that we had an excellent program of Driver Education and Driver Training in our California schools, the teenage accident rate went up and up. You see, the schools are in the business of supplying information . . . in telling people what they ought to do . . . but the one thing that the schools cannot do is to make people want to do something in their own hearts."

This is one report that's not going to pretend that drugs suddenly jumped around the corner and pounced on America. Americans have been on pills for decades and on drugs, in general, for centuries . . . yes, for centuries. Are you a cigarette smoker? Is one of your favorite pastimes heading down to the local tavern for a drink or two? Then you, my friend, are just as guilty as the eight-time loser sitting in an un-lit Second Street doorway injecting heroin. Oh, sure, it's not the same . . . but the point I'm making is this; you too use something to give you an artificial feeling, be it up or down.

There's another point too. Do you know how much legal drug use there is in our Country? The Food and Drug Administration checked and this fact should shock you: legally there are enough drugs prescribed in a year to keep every single person in the United States awake and hyper-active for a week and enough to turn right around and keep every single person in a stupor for a week. If that doesn't make you think, you may as well tune out right now. Here's another fact you might consider; it costs a minimum of $350 million, or a maximum of $2 billion a year for drug abuse. The major portion of that cost is the value of goods stolen to support a drug habit . . . usually heroin.

I've got a bagful of facts that might stop you . . . here's another. . . . Does drug use always start in public schools or in a back alley or un-lit doorway? Art McElroy is a man who is now in business for himself. He was in business for himself once before. He used to steal things . . . lots of them . . . but he'd never tried drugs. Then he got caught stealing things and was sent to jail:

"I went to Preston in 1956, and at that time I hadn't had any experience with drugs at all other than what I heard, you know, the scare programs, the guy in the top coat and hat hanging around the high school selling grass . . . I never ran into any of that. When I really first was introduced to drugs was while I was at Preston."

McElroy added that he didn't try drugs in prison, but guess what the first thing he did when he got out was? Think about that one, too. Art McElroy got his drug-inducing education at a prison for juveniles.

Tomorrow: Mom and Dad: What do *you* do?

If you heard something you disagree with, call 922–8851 and ask for me. This is Mike Pulsipher reporting.

PROGRAM NO. 2

You're a parent . . . it doesn't make any difference what your age is, you are or will be affected by the current drug use epidemic that is continuing to sweep across the nation. What can you do to provide the proper protection for your children without being over-protective? I talked with people who are being forced to come to grips with that situation and we'll listen to their views now.

First, a woman who has the problem now. The mother of teenagers, she must decide how to approach the problem and not alienate her children. How does she do it?

"Well, basically I try to keep it an open discussion at home. Any time that they feel they want to talk about it, then I encourage it and, of course, we try to read about it and discuss it and find out their viewpoints and of course they educate us a lot too, because they know all the terms and expressions, and actually, they're faced with it daily."

That's the word from today's parent . . . but what about the parent of tomorrow? If present trends continue . . . and there's no reason to indicate they won't . . . the problems tomorrow will be even worse.

I talked with a recently married couple . . . members of the so-called "current generation" . . . tomorrow's young parents. I asked the husband how he will handle the problem:

"Well, I think I'll start by telling them that it's a moral and medical decision they have to make rather than the legal, because I think that a lot of these drugs will probably be legalized by that time, and after all, the legal decisions of today are based, supposedly based, on medical, physical and moral implications of drug use. It's going to be tough to tell them these things because I haven't really figured them out completely for myself."

There are plenty of "do's" and "don'ts" when it comes to handling the drug problem. But it's easier to summarize it on one sentence . . . learn, know, and teach the facts about drugs. Don't try to snow your children with how harmful marijuana smoking is. Be honest . . . tell them that up to now there is no research of substantial basis that proves marijuana is harmful. If you find your children on drugs, don't panic. Try to help them by giving parental confidence, seeking medical help. There's also another possible solution. It's called the Aquarian Effort. We'll soon take another look at how parents should handle the problem, but tomorrow we'll take a deeper look into: The Aquarian Effort . . . A Realistic Approach to Drugs.

PROGRAM NO. 3

"The Aquarian Effort is a program to work with the problem of Drug Abuse in the community. It was started . . ." (fade under)

The man you're listening to is Jim Estabrook. He's the coordinator of the Aquarian Effort . . . the latest and most successful in a series of efforts to help solve, or at least cope with, the problem of Drug Abuse in Sacramento.

The Organization operates the Aquarian House on Q Street, which houses the offices and a battery of five crisis lines for use by people with drug problems. I asked Jim what happens when a crisis call comes into the Aquarian House:

"Once somebody calls on our crisis line, why any one of several things will happen, depending on the nature of the call. If somebody calls and for instance is in need of immediate help, we'll send somebody immediately out to wherever their location is and either take them down to the Crisis Clinic at the County Hospital or we'll deal with the problem ourselves. In many cases, why, the person needs re-assurance. He needs the kind of guidance that he can get somebody that's been through that kind of experience."

Occasionally someone so hysterical he can barely talk will call . . . what happens then?

"Percentage wise, those are a very minor percent of the number of calls we get, but we get a great number of those calls. We've got five telephone lines, and sometimes all five telephone lines will stay busy for two and three hours at a time. When we get a call like that, the crisis room becomes a very tense place. Quite commonly we'll have somebody phone in that's thinking seriously about suicide by dropping say 45 reds or something of this nature, and then the room becomes very quiet and people give their attention to this particular person, and it's really something to watch this process go on. Our counselors, most of them, have been involved in many crises . . . sometimes they've been through this kind of situation themselves, any my experience is that they are very effective in handling this kind of situation."

Yesterday I stressed the importance of a good, honest relationship between child and parent. If you don't believe me, will you believe someone who handles the situation daily as his business?

"In many cases we find out that a lack of communication between the parent and the child has contributed a great deal to the whole problem . . . and we get together with the parent and the child and act as an intermediary to help that kind of communication start, to help a really honest kind of communication to begin again. Once that's happened, that's about 50 percent of the problem.

Tomorrow, another look at what you can do as a parent. If you disagree with anything you heard or have a comment in general, call me at 922-8851 between 9 A.M. and 5 P.M.

PROGRAM NO. 4

As a parent, you are faced with the huge burden of bringing up your children in an age of education . . . it's not unfeasible that your youngsters will know as much in the 8th or 9th grade as you did when you graduated from high school. Your big job, then, is to make sure you know more than they do by constantly up-dating your own knowledge. One of the biggest problems you'll have is drug education. You must teach your children about the hazards of drug abuse without preaching to them and making them try the various drugs just for spite. But you can't just talk . . . you've also got to listen. Talk *with* your children, not *at* them. Let them express their views and even argue with you. Don't panic when you discuss the subject. Remain calm and stick to the facts. If your child says he has tried marijuana once or twice, don't prepare yourself for a life of shame . . . again, talk with your children about the problem. Find out why he tried it, when, and, if possible, whether he still is using it. Most kids who try pot do only that: *try* it. They don't stick with it. We asked one lady . . . a mother of two teenagers . . . what *she* would do if she discovered her children on drugs:

"That's very difficult to say. I really don't know how I'd react, except that I would try to be levelheaded about it, not get terribly emotional about it, but try to get help for him in whatever way I could. I think probably first of all I might check with the doctor to see what is available. Actually, from what I've read, there aren't that many facilities for people that have, are on drugs, and I think I would want medical help for him immediately to find out if this would help it . . . but really, I just don't know what I'd do."

Our young future parent . . . the 1966 High School graduate about to graduate from Sacramento State . . . told me how he would handle the problem of drug education in his home:

"Well, I think that based on my experience, no matter what I told my children . . . the children I plan to have some day, they're going to want to try them themselves because I know I did, and so I think that say one or two experimental uses of these drugs, you know, I don't think can hurt, so maybe I'm going to have to come up with some program of my own . . . hopefully it can be legal at the same time, whereby I could, you know, demonstrate these things to my children, and controlled conditions."

He added that he did not include any hard drugs such as LSD and others when he stated one or two experimental uses wouldn't hurt. He does not want his children trying that type of a drug.

Spotting the symptoms of drug use is fairly easy . . . but can also be very deceptive. One sign is usually a sudden change in the person's life pattern. However, that change can also be caused by the normal growing stage . . . the desire for more friends and a more active social life. If your children or someone else close to you for that matter, should suddenly begin wearing dark glasses and long sleeve shirts much of the time, you might ask a few questions. The dark glasses are to combat the light let in by highly dilated pupils and the long sleeves can be used to hide needle marks. Again, there are not sure-fire tell-tale signs as they can be the result of any number of causes. Later in the series we'll learn more about the symptoms of drug abuse and what to do about them.

Tomorrow, a deeper look into the Aquarian Effort. We talked earlier with coordinator Jim Estabrook, and he did a very good job of telling us what the staff at the Aquarian House does . . . but tomorrow we'll learn more about the operation from members of that staff. You won't want to miss: The Aquarian Staff: What It's Really All About.

PROGRAM NO. 5

What's it like working at Aquarian House? To find out, I asked the people who work there. Julie, Tim, Sid, and John are four of the people who work in various capacities in the Aquarian Effort. I asked Julie what her job is:

"I'm a counselor. What does that mean? That means that I counsel kids, I counsel parents, Probation Officers, if they're involved, Social Workers, if they're involved. I do one-to-one counseling, which is just me and one other person, and I do one to three counseling, which is usually two parents and a child."

Julie also works as an assistant secretary in the Aquarian House. Tim and Sid both answer phones . . . that sounds easy enough. But there's a catch . . . they have to talk to people and the people they have to talk to *really* need to talk. Sid and Tim answer the crisis lines . . . they're two of the people who handle the scores of calls from people needing help. Sid also does some counseling and describes his duties in that role as similar to Julie's. What kind of calls come into Aquarian House? I put the same question to Sid and Tim:

(Sid) "Well, like there's generally at least one or two people who've taken a lot of acid, or taken a lot of some sort of drugs and they're freaking out and they need someone to talk to or possibly have someone come out to be with him, or have someone bring them down to the House."

(Tim) "Yeah, we get other kinds of calls . . . practically all night. In fact, very frequently the calls aren't even really that important . . . really don't even involve that much drugs use sometimes . . . get all types of calls . . . calls from concerned parents, parents that really don't know how to approach the problem with their children . . . get concerned calls from kids that have dropped acid or something and are freaking out . . . don't know really the technique to going through an acid experience . . . we get calls from people that have gotten ahold of bad drugs."

There are many jobs to be done in the Aquarian Effort and not all of them are done at the House. John told me what he does:

"I work mainly as a speaker . . . I go around to the different schools along with seven other people. We work with administrators, faculty and students."

I asked John if he geared his attack on drugs differently for each age group. He said he did, so I asked how he varied the attack:

"Well the, of course, the way you talk, you can't preach to a high school student or a college student . . . you can't scare them like, or you can't really point out a reality of something that, they've already seen a lot of this, whereas younger kids haven't, and so this makes a big impression on them when you can show them some of the real terrible things that can happen and mess up someone's life . . . the horrors of drugs."

John said that the message usually gets across . . . if not all of those he talks to, at least to some. There's a lot more to the Aquarian Effort, and you'll learn about it soon. Tomorrow, a look at another place for former addicts . . . Synanon House. We'll listen to several former users describe what it was like . . . and still is for some.

PROGRAM NO. 6

What's the world of drugs really like? What's it like to be hooked on some form of narcotic? One of the best places to find the answers to questions like that is at Synanon House. In talking with these people from Synanon, a place for former addicts, and Mendocino State Hospital and Awareness House, we learn some interesting . . . but unpleasant . . . things about drug use.

What do you think about when you think of drugs? Maybe the carefree, floating feeling sensation of being high? Here's a former user who says people think about the wrong things:

"I think, ah, when people hear about drugs, ah, some of them some of the time may, ah, may think about jazz music or rock music or hipsters, uh, or something like that. They don't think about the suicide attempts . . . they don't see the pawn shops . . . they don't see sleeping in subways . . . they don't think of overdoses on roof tops . . . they don't think of being chased by the cops . . . they don't think of feeling like a spy in an enemy country all the time . . . they don't feel the total alienation . . . they don't feel, ah, the total despair . . . and, ah, that's drug addiction."

These two men discussed the problems of drug addiction and had some comments on what it's like to try quitting:

(1st voice) "Before you take acid you can say, 'Well, I can take it or I can leave it,' and it's true. But after you've taken it for a while something subtle happens in your mind and it becomes very important to you and you can't just take it or leave it anymore."

(2nd voice) "A kind of an example is that every dope fiend living down there in the gutter says, 'I can stop tomorrow,' you know? They break up their outfits. They break up all the paraphernalia, you know, give their dope away and everything but then they're back the next day sniveling for it, you know? They can, they all say, 'I can stop' but none of them do."

(1st voice) "But, that's not even there, you know? Like me, we know kids right here in the early days that used to come here and say . . . in fact, I remember a girl once coming and saying, 'I'm tired of speed, you know, I can't take it any more, I'm going crazy,' and she gave me a needle that was broken. 'Here's my broken needle.' You know. . . . You'd think she could stop, you know? But it wasn't so easy, it wasn't so easy. You just can't turn . . . dope isn't something you can turn on and turn off. It doesn't work that way."

It's not a pleasant feeling to get the idea you're being chased or followed wherever you go. But that's the feeling that many addicts say follows *them* everywhere. This man tells what it was like for him . . . and is like for others:

"But, really what I've seen . . . I've seen the end result like some paranoid, crazy peo-

pie who see police and enemies underneath rugs and people talking to them inside their heads, you know. I've seen this and it's scary. Then I saw the one guy at the hospital who, when he first came in was talking to giraffes, you know, and things and, and, uh . . ."

(2nd voice) "That's the guy that hung himself?"

(1st voice) "Yeh, yeh, he shaved his hair and hung himself."

The world of drugs as some addicts see it. I'm not trying to tell you every person who uses drugs will express the views you've just heard. The point is; do you want to risk being one of those who does? The feeling of persecution, the horrible need for a "fix" whenever the body cries out, and many other facts of drug addiction. All the people you just listened to were older people. But that's not always the case . . . in fact, these days it's all too often the opposite. Tomorrow a look at the shock of today: Drugs in Schools . . . The Young Are the Victims.

PROGRAM NO. 7

A drug epidemic is sweeping the Nation . . . and its level of penetration is spiraling down into the ranks of the elementary schools. Recently a 12-year old New York boy told of supporting his *heroin* habit by selling his drugs to schoolmates and other children. The testimony was shocking and had the state assemblyman from the boy's district in tears before it was over. The situation isn't just in New York, though. Look right around *you*, because the problem of drug abuse is growing by leaps and bounds right here in Sacramento.

All through California the problem continues to spiral with no real relief in sight. Drug education programs are in abundance, yet the drugs-use rate continues to go up. Deaths or permanent disabling of small youngsters continues, yet the rate continues to go up. Parents become more aware and talk to their children about it, yet the rate continues to go up. Why? Over and over, that single word question is asked . . . why? It's asked by concerned citizens, by State and National politicians and by a mother or father identifying the body of their son or daughter at a morgue . . . a morgue in New York, at a morgue in Denver, at a morgue in Reno, or at a morgue in Sacramento. A local girl . . . fifteen years old . . . is on several drugs. When asked to be specific, she says:

"Marijuana . . . and it's been mixed with different things such as cocaine and opium and acid."

Why drugs?

"Well, I was curious to see what it would be like and after I started, I liked it because it made me really relaxed and happy."

Did you find that you had to take more drugs as your body built resistance?

"No, but I did . . . I found that I wanted more because it would make me feel good, and so I just wanted more but I could stop because I did for a period of time."

This girl claims she didn't need more in one breath, then says she wanted more in the next. This girl is, of course, not the typical high school student. Not every teenager you see walking down the street is on some drug. The problem is, too many of them *are*. In this report I claimed drugs are spreading throughout the Sacramento Area. So, I asked the girl . . . is it easy to get drugs in Sacramento?

"Yeh, you can almost get it anywhere at all in the community . . . you can go to a snack bar . . . or a hamburger stand . . . or you can get it at school or almost any place."

Almost anyplace . . . even at a school. Parents, don't you think it's time to start talking to *your* children? Don't think your kids aren't subjected to pressure to try such things as marijuana, LSD, and others. And don't think it can't be you asking "why" someday. Once again, I'm going to stress this fact: you must not try to scare your children when talking about drugs. Discuss the situation *with* them in a calm manner. Let them ask questions and ask some yourself. The lines of communication are important.

Jim Estabrook, the Director of the Aquarian Efford here in Sacramento told me:

"In many cases we find out that a lack of communication between the parent and the child has contributed a great deal to the whole problem and we get together with the parent and the child and act as an intermediary to help that kind of communication start to help a really honest kind of communication to begin again. Once that's happened, that's about 50% of the problem."

That's the word from Jim Estabrook . . . you've got to communicate with your children or you'll lose them . . . regardless of the subject.

PROGRAM NO. 8

Heroin . . . the "Big H" . . . the last report . . . the final step. Heroin addiction, right this moment, is costing you money. If you're on the stuff, it's costing you more, but I'm talking about you and me . . . average tax-paying citizens. A big bundle of money is being spent every year on law enforcement aimed solely at the problem of heroin selling and use. We also pay for it in other ways. If you've ever been held up or had your house burglarized, it's very possible you helped "contribute" to an addict's fund. Heroin addiction is very expensive . . . it can cost a hundred dollars a day . . . or even more . . . for a single addict to support his habit. Heroin is one of the ugliest of all the drugs. Constant use requires larger and larger doses . . . until eventually, one of them is fatal. First of all, let's get one point clear. If you believe 90% of all kids who smoke marijuana willl end up on heroin, you are wrong. It's estimated that less than five percent of people who smoke "pot" eventually end up on heroin. So, don't use that as an argument with your kids when discussing the evils of marijuana. You could bring up the fact that the use of marijuana eventually puts them in the environment that leads to heroin, but again, that has nothing to do with using marijuana itself. Today's report is not about the marijuana/heroin controversy, however. I'm going to talk in just a moment with State Senator Howard Way about a new program . . . the Methadone Program. Methadone is spelled m-e-t-h-a-d-o-n-e. Despite the "e" on the end, it is pronounced meth-a-dawn. A highly successful program is underway in Oregon, and Senator Way thinks it could work just as well in California. He has introduced a bill to that effect, and I asked him to explain it:

"My bill, as we now have it framed, will be subject to some changes and amendments as we go along to meet objections which we anticipate. I would say briefly that local communities in local Mental Health Clinics under the Lanterman Petris Short Provisions that we now have under the law may establish methadone maintenance programs under the supervision of our research advisory panel that we set up in 1968."

People from law enforcement, medical, pharmaceutical, educational, and other professions are represented on that board. I asked Senator Way if this would be like the program in Oregon:

"We're going to do ours in California if this bill passes, and I'm hoping that it will . . . still on the local level with the emphasis on people remaining in the home environment, shall we say, and being on outpatient basis. Now at least some of Oregon's program at the present time is on an inpatient basis."

Methadone does not cure heroin addiction, by the way. Methadone is strictly a synthetic substitute drug. The only differences are: (1) it costs about 10¢ a day instead of $50 or $70, and (2) it seems to have no harmful effects. The programs now being tried here in the state are called methadone maintenance programs . . . Senator Way explains further:

"We take the hard-core heroin addict who has been using heroin for at least two years, and some other people in our clinics have been using it for as much as 17 years, if you can imagine it. Then we establish in a very, very controlled atmosphere, a level at which this heroin addict finds that he no longer needs heroin and then we maintain this daily dose of methadone which is taken incidentally, orally . . . usually in the clinics he visited, in the artificial orange drink Tang, and the patient just drinks it."

Methadone is one of the most successful attempts to at least control the problem of heroin abuse. Tomorrow, Senator Way will explain a few more points about Methadone.

PROGRAM NO. 9

Methadone . . . still in an experimental stage, it has proven successful so far on a wide-spread basis in Oregon and on a limited basis here in California. Methadone is for heroin users, but it does not cure their addiction. It is not a miracle cure for the drug problem. It is simply a synthetic substitute drug that fills the need for heroin at a minute fraction of the cost and with no harmful after-effects. I talked with State Senaor Howard Way about methadone because he has a bill before the upper house making it legal to use, under certain clinical conditions. I asked him if he could explain methadone in understandable terms:

"I hope I can . . . methadone is a synthetic drug . . . an opiate . . . the technical name is methadone hydrochloride . . . it's manufactured, and it's been used in America for medicine profession, medical profession, for many, many years."

Way told me that many of the people on heroin are husband-wife teams and the picture of how they make the money to support their habit is not very pretty. It is, of course, a life of crime and hiding. But methadone eliminates that situation. Way said the drug is taken in a mixed artificial fruit drink . . . and he added:

"He comes every day and keeps this level that has been established which, in his particular case, eliminates the need for the heroin that he has been taking every day. This, then, enables him the effects of methadone are such that he can lead a useful life, and in an amazing number of cases he is able to hold down a job . . . interestingly enough, many of the addicts are husband and wfe, and in a case that I know personally, they had children and they were having to hustle a habit that was costing between the two of them $150.00 a day . . . and on the methadone program, they were each gainfully employed after about 6 months . . . taking care of their children again, and leading a constructive life."

In Oregon, the program is so successful that they had to invoke a residency requirement. And most of the out-of-staters trying to get into the program were from . . . of all places . . . California. I asked Senator Way if he envisioned the need for residency requirements in our State:

"It would be my hope that we would move into this program in an experimental way and I think we've gone far enough now with our 4 experimental clinics to know that, or to see that we have a program here that may bring some constructive results and it would be my hope that we would move along carefully, still with a control program, and that we would do it for California addicts and particularly for addicts in their home areas and so I would see it being confined for at least some time to Californians, then if we have to establish some residency requirements, we would."

The Senator's bill is working its way through the long legislative process, but it

is given a pretty good chance of passage. It is a progressive bill and it's a step that should be taken to help cope with the problem of drug abuse.

PROGRAM NO. 10

How do you reach the kids . . . I mean the little ones. Do you realize that drug use starts in schools today as low as the first grade? That's right, the first grade!! Oh sure, it's mostly a few isolated cases, but isn't that how everything starts? So, how do you warn the children of the possible dangers always there when using drugs? Sometimes, it's by an unintentional and somewhat tragic method. Mrs. Reese called me yesterday to talk about drugs because she is affected by them to the ultimate. One of her sons is now serving time at a juvenile jail because of drugs . . . he was caught trying to steal them from a drug store. He wrote a letter to his little brother and Mrs. Reese offered to read part of that letter on the air. She told me the boy writing is 17 . . . the little one is 11:

"Well, Steve, I want to tell you something. All of this that has happened to me should teach you a lesson. Steve, I'm in here because I was taking drugs, and when people are taking drugs their minds get messed up and they don't know what they are doing half the time . . . and that is why I did what I did. I don't know if mommy or daddy told you or not, but I broke into a drug store and was stealing drugs, and I got caught by the police, and that is why I am going to get sent away. When I get out, I want to come home and get help and spend time with the family. Steve, all I can say is I hope this never happens to you."

The Aquarian Effort people are about the best people who could ever teach your children about drug abuse . . . they've been there themselves and know what it's really all about. John Salmon, one of the former users now at the Aquarian House, is one of the lecturers. He goes to schools, businesses, and other groups and tells them about the problems of drug abuse. I asked John what he tells the people he lectures to, particularly the small ones:

"Well, we don't try to say how bad drugs are . . . we don't say this is bad . . . that's bad. We point out the realities . . . what it can lead to . . . what it has led to for many people. How you're giving up everything . . . everything you've ever worked for . . . thought of . . . hoped for in your life . . . is being given up when you get involved in drugs . . . especially in heavy drug use, because you lose the respect of anyone who means anything to you, and you usually lose respect for yourself . . . almost *always*."

Earlier, I played part of a conversation with Mrs. Reese, whose 17 year old son had been arrested on a drug charge. I'd like to play more of the conversation now:

"That's the portion of the letter that broke my 11 year old boy up, and like I say, if there's no help for my boy when he comes home, then there's no hope."

(Mike) You feel that there's *some* hope . . . what group was that?

"The Aquarian Effort."

(Mike) What have they done so far that would lend you this hope?

"Well, they are going to go see my son . . . he is at the Boy's Ranch, and they're going to give him an idea of the program and how they can help him when he comes home, and like I say, when a boy is locked up, he isn't getting help . . . like the Aquarian Effort can work with him and help him with this desire, and we do have to have the Aquarian's to work with our children."

Isn't it time for *you* to start teaching your kids?

PROGRAM NO. 11

Recently I paid a visit to the Sacramento County Mental Health Service Center. Colin Berry's official title is Drug Abuse Program Consultant for the Sacramento County Mental Health Services. The position is practically bigger than him. I asked about drug abuse and mental health:

"I think that basically, drug abuse has traditionally been looked at as, as a law enforcement problem, as a problem of criminal activity, and I think that people are becoming to realize more and more that drug abuse is really not a, a criminal kind of problem, but rather a mental health kind of problem."

Jerry Plumer is the Chief of Psychiatric Social Work at the Center. His job involves him in nearly all phases of the problem, except for a lot of direct contact with the situation on a grass roots level. His job as Chief of the Division keeps him hopping . . . but he, of course, knows what his people are doing. So, I asked him how his job relates to the problem of drug abuse in the country:

"When I first came to this program, I spent a lot of time working in the crisis clinic initially, and there I was quite impressed with the high incidents of young kids, young adolescents, young adults, who would come into the crisis clinic either from an overdose of drugs or clearly having some sort of drug-related problem. I think the thing that impressed me the most about Drug Abuse in this county has been probably, the startling and high incidents of hard narcotic abuse in the county. Colin might want to throw in something here, but the statistics that I've heard anyway, that have some out of our program is that there are something like 5–600 *probable* hard narcotics users in the county . . . which is a pretty high proportion for the size of Sacramento County, I would think."

(Colin) "I think that's a conservative estimate." Colin Berry has worked closely with a number of drug abuse programs along the same line . . . but not as extensive . . . as the Aquarian Effort. Based on the contact he's had with them thus far, what is his impression of their work?

"My initial reaction and on-going reaction I think, is that they offer a very effective program for reaching young people and anybody, you know, who's involved in use and abuse of drugs . . . of helping them understand the negative aspects of that kind of a life style and method of dealing with themselves, and with the environment, and for helping them find some, as they say, positive alternatives to a life-style that involves the use and abuse of drugs."

Jerry Plummer also had some things to say about the Aquarian Effort:

"We're instrumental in referring patients to the Aquarian Effort. I know that Colin has been involved, and probably pretty significantly in referring calls that he gets too, maybe to the Aquarian Effort, or to any one of several community agencies in and about town who also help to treat the drug abuse patient."

PROGRAM NO. 12

The Sacramento Area Mental Health Center sees what happens when people abuse drugs . . . and sometimes, what causes the drug abuse in the first place. The Chief of Psychiatric Social Work at the Center is Jerry Plummer. An amiable, articulate man, Plummer knows his business well. I asked him if he felt that any of the people who came in for treatment at his center might have had their mental problems caused by their drug usage:

"I'm sure that there are a number of situations like that, I think here though, my own professional bias comes out that I don't think that anyone who is really pretty healthy emotionally has the need to even experiment with drugs."

He added that you also run into the problem of "what" . . . what is a drug? What is health?

"I smoke a pipe . . . it's a drug, and I consider myself healthy, so why am I doing that, you know? We could go from there to 'you like Scotch' O.K. . . . watch it . . . to aspirin . . . to anything else."

Colin Berry is the Drug Abuse Program Consultant for the Center. He disagreed slightly with Doctor Plummer in that he feels there is more than enters the situation than being healthy. He said:

"The social pressure on, particularly young people today, to experiment with drugs is so great that I'm kind of, I question somebody's healthiness if they aren't at least very very curious about trying drugs . . . particularly young people because I think there's so much pressure on kids today to, you know, smoke a little weed, to pop a little barbs, to, you know, etc. And I think it's very common, particularly LSD which is a drug where there's no way of predicting whether you'll have a good trip or a bad trip. Nobody's figured out when you have good trips and bad trips on LSD, and I would say that it's very easy for somebody who seems to be healthy emotionally mentally, to try some acid experimentally and end up with a lot of problems because of it, emotionally."

Both of the men see the Center working closely with the Aquarian Effort. Already there is a sort of cross-referral system going where each operation refers patients to the other. The Center can provide the counseling on an "educated" professional level, but the Aquarian Effort people are also professional . . . to a different degree. They've been on the stuff . . . they know what they're talking about . . . they know how it is, not how it's *supposed* to be. As Jim Estabrook once told an Aquarian worker . . . "You've got your Ph.D. in drugs."

PROGRAM NO. 13

The people who work at the Aquarian House have been there . . . they know the drug scene inside-out because of their own experiences. It isn't a very pretty picture they paint when telling their stories, but it's graphic, honest, and colorful. I talked with four members of the Sacramento Aquarian House and asked them what it was like handling the calls and doing the counseling. More specifically, I asked John if he could relate his own experiences to those with whom he talked:

"Always . . . not always . . . very often. I relate, I see many kids going through what I went through, and heading exactly where I was headed and where I got. It's a very scary thing for me because I never want to be back there again, and I never want to see anybody there . . . I just . . . everytime I think about it, it just makes me shake all over."

I also talked with one of the female counselors at the house . . . Julie. She, too, has been the route when it comes to drug abuse and she now tries to straighten out other people headed that way. I asked her also if she could relate her drug problems to those who came in for counseling:

"It's definitely weird . . . weird experience, you know, to see . . . for me to see, a young girl come in who's maybe been involved with drugs for a year or two and then I think back about seven years ago when I was where she is at now, where I was, and it's so . . . it hurts, . . . it makes you want to say 'Hey . . . I was there' you know, because you can't tell them that, because they can't, you know, they, . . . there's nothing for them to relate to. You feel like just taking them and shaking them and saying 'look what you're getting into!' But you can't do that."

Julie added the only thing you can do is try to work with the people and try to help them. I put the same question to Sid: What's it like working with people who have the same problems that you may have had just a while ago?:

"A lot of the situations are like when, you remember back when there was a time when

I thought drugs were really happening, like I really enjoyed, you know, dropping acid or hitting speed, but you know, you can't see into the future to see, you know, what the effects are going to be and it's pretty drastic."

And finally, Tim added his comments on the subject:

"Yeah, you see the same symptoms that you've gone through as an individual practically every day you see the people, very depressed people, who can see no solutions to their problems, no alternatives, going through the exact same things we've gone through, I've gone through, and you know, in a way, it's really helpful to you as a counselor to know precisely what the person is going through and the type of things that are going to upset them and what's not going to upset them, and show them how to handle them."

These people are pros . . . they really know what it's all about and they know that drug use . . . or really, drug abuse . . . is *not* where it's at. Not at all.

PROGRAM NO. 14

This is the final chapter in this series. If it prompted you to contribute a dollar to the Aquarian Effort, if it made you talk with your children for ten minutes about drugs, if you're on drugs and it made you think about what you might be doing to yourself . . . even for just a few seconds . . . then my mission is at least partially accomplished. I really tried not to preach . . . sometimes I didn't succeed in that effort, but I think for the most part I was successful. Today, I just want to summarize a few things and repeat a few others. From the educational point of view, it's important to say again one of the things I've been saying for the last two weeks . . . don't preach to your kids. You've got to talk *with* them . . . not talk *to* them . . . about the problems of drug abuse. It's not easy to watch your kids all the time and, for that matter, you really shouldn't. That's why it is so important to keep the lines of communication open. One mother who possibly didn't, called me and read part of a letter her 17-year-old son had written to his 11-year-old brother. She told me it broke her little boy up . . . and she was near tears as she told me about it. Don't let it happen to you. Establish a dialogue with your kids and keep it running. During the programs we heard two people . . . one a parent of today, the other the parent of tomorrow . . . tell how they do and would handle the situation. Both said they prefer to talk. That really is *the* answer.

Now what if you're a young person. You've got a problem all your own. Colin Berry at the Mental Health Department brought up what I consider a legitimate point when he said all kids are naturally curious and under a lot of pressure from the friend to try drugs. It's up to you if you do . . . but before you do, why not call the people at the Aquarian House. They won't fill you full of "scare stories" about drugs . . . that's not their policy. They will tell you of their own experiences . . . the good times they had with the drugs, and then the not-so-good times that came later . . . but always *came*. You are under a lot of pressure to try things, but if you talk to the people at Aquarian . . . and really *listen* to them . . . you'll find out it's not "where it's at." Incidentally, parents can obtain all kinds of information . . . and in more detail than I had time to go into . . . from the Aquarian people. You don't have to be hooked on something to turn to Aquarian.

If you are on drugs and want off, or at least want some counseling, then call Aquarian. Again, they don't yell, scream, and preach. They *talk* and they *listen*. They relate and they level with you. They have a special clinic at the County Hospital that can help you . . . and with no fear of arrest or prosecution. If you get high and are having a rough time coming down, call the Aquarian House. They'll just talk, or they'll send someone out to get you.

I mentioned only the Aquarian Effort for the past few minutes because I really believe they are the best for handling the situation. Maybe you don't agree; there are other places you can go. Your family doctor will help you, your clergyman can talk things over with you, and there are other services that can help you. If you want any further information, you can call the Sacramento County Medical Center Mental Health Services. Tell them your problem . . . they'll guide you to a competent organization. But it probably will be the Aquarian Effort. They agree with us . . . Aquarian is tops when it comes to handling drug abuse.

This is the last program in the series, so now especially, I would like to hear from you. Tell me what you really thought about the program . . . why you liked it or why you didn't. It helps to know the reasons, particularly if you feel something was left out. Call 922–8851 or write "Drug Abuse," KXOA, 355 Commerce Circle, Sacramento.

This series . . . "Drugs, are they turning you on, or turning on you," has been brought to you by South Sacramento Chrysler Plymouth, 6935 Stockton Boulevard, who remind you it's not too late to support the Aquarian Effort. This is Mike Pulsipher reporting.

MORAL ASPECTS OF VIETNAM WAR

Mr. FULBRIGHT. Mr. President, an interesting article entitled "Is Nuremberg Coming Back to Haunt Us?", written by Mr. James B. Reston, Jr., was published in the Saturday Review of July 18.

Mr. Reston's article discusses fundamental issues concerning the moral aspects of the Vietnam war in the light of the historical precedents of the war crimes trials following World War II.

He asked: "Does the kind of war that we are fighting in Vietnam make Mylais inevitable?"

He went on to state:

No Vietnam veteran is shocked by Mylai. He knows that there was more killing at Mylai than elsewhere but that it was not unique in our search and destroy operations. The circle of responsibility goes beyond Calley and his company. (Not that the criminal responsibility need be larger. A crime must have its direct perpetrators.) The political, moral, and command liability will remain unanswered in the trials of those now charged.

The relevant area of consideration is the new concept of justice that the United States introduced at Nuremberg: crimes against humanity. The sheer weight of death and devastation in Vietnam now transcends all political discussions. One million Vietnamese civilians according to Senator Edward Kennedy have become casualties of war since 1965. For those crimes no man—not Calley, not Westmoreland, not Johnson, or Nixon—stands alone in the dock, but the whole American Nation. The technology that is the American wonder at home is the American horror in Vietnam. The American people have approved of its use in both places.

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

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

IS NUREMBERG COMING BACK TO HAUNT US?

(By James B. Reston, Jr.)

(Mylai has reopened the question of responsibility for war crimes. So far the charges are against individual "lawbreakers," rather than against the policymakers.)

"If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would be unwilling to invoke against ourselves."—Associate Justice Robert Jackson, chief prosecutor at the Nuremberg Trials.

This statement has come back to haunt us. At Mylai on March 16, 1968, Charlie Company, First Battalion, Twentieth Infantry, Eleventh Brigade, conducted an operation that has raised fundamental questions about the important principles of international conduct that we as a people articulated at the close of World War II. Can we face the problems of command responsibility, policy responsibility, and cultural responsibility? If we can, where then does the blame stop? Who or what should be on trial?

Massacres are not unprecedented in war: There is some doubt that modern war can be waged without them. But the Mylai investigation has brought the matter into the realm of law, and law progresses by precedent.

Perhaps the most pertinent precedent occurred on February 16, 1945. Early on that morning, a company of Japanese troops arrived in the Philippine village of Taal in Batangas Province, and mounted machine guns. The officers questioned the villagers about the guerrillas operating in the area. When they got no answers, they fired into the hutches, and set them on fire. Later, villagers were herded into a ravine and more than 200 were killed with grenades and machine guns. The same pattern was followed in the adjacent villages of San José, Rosario, Cuenca, and Bauan.

The context of these massacres is important. Four months earlier, the combined units of the Third Amphibious Force and the U.S. Seventh Fleet landed at Leyte Harbor on the Phillippine island south of Luzon. After a beachhead was established, Gen. Douglas MacArthur waded ashore with his famous comment, "By the grace of Almighty God our forces stand once again on Philippine soil." Later in the day, in a radio broadcast, he appealed to the Philippine people:

"As the lines of battle roll forward to bring you within the zones of operations, rise and strike. For your homes and hearths, strike. For future generations of your sons and daughters, strike. In the home of your sacred dead, strike. Let no arm be faint. Let every arm be steel. The guidance of Divine God points the way. Follow in his name to the Holy Grail of righteous victory."

And strike they did. The American invasion sparked the coordination of guerrilla activities throughout the Philippine Islands. By the time the Americans landed on Luzon (January 20, 1945) the guerrillas were strongest in Batangas Province, the southwestern tip of that island. In the mountains outside Taal, two divisions of American-supplied guerrillas were taking shape. This force launched attacks on Japanese posts and supply areas, sabotaged bridges and rail lines, and thus presented the supreme commander of the already disintegrating Japanese forces in the Philippines, General Tomoyuki Yamashita, with a formidable problem.

Shortly after the Luzon landings began General Yamashita had issued orders to "suppress" or "mop up" the guerrilla activity in the islands. (It was this order that formed the basis for his prosecution as a war criminal a year later.) In Batangas, however, this was not easily done. The mountainous jungle was the natural habitat for a growing guerrilla movement, and the landings of American forces outside Manila in January put them between Batangas and General Yamashita, who had fled to the northern town of Baguio. This virtually cut Yamashita's communications with the Batanges command.

Nonetheless, having been told that the sup-

pression of the guerrillas in his area was behind schedule, the commander of a Batangas battalion, Colonel Fujishige, in an attempt to shut off civilian cooperation with the guerrillas, began a campaign of suppression that led to massacre, rape, and torture. An American prosecutor was to repeat the refrain at a trial a year later: "They were massacred—shall we say suppressed!"

The relevance of the Batangas Province massacres by the Japanese in January, February, and March 1945 to the Mylai massacres by Americans twenty-three years later lies not so much in the similarity of the atrocities, but rather in the war crimes trials that followed the Japanese actions and the principles that evolved from those trials. For not only the perpetrators were tried for these massacres, but also General Yamashita himself. As the first major Japanese figure to be tried after the American victory on September 2, 1945, General Yamashita was not charged for ordering the Batangas massacres or even knowing about them, but simply for failing to control the troops under his command.

"The Accused," said the indictment, "a general of the Imperial Japanese Army, between 9 October '44 and 2 Sept. '45, at Manila and other places in the Philippine Islands, while commander of armed forces of Japan at war with the United States and its allies, unlawfully disregarded and failed to discharge his duty as commander to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes against the people of the U.S. and of its allies and dependencies, particularly the Philippines, and he (the Accused) thereby violated the laws of war."

General Yamashita's trial began in late October 1945, barely a month and a half after V–J Day. The prosecution launched its case by parading scores of witnesses who testified to their mistreatment by Japanese troops, particularly in Manila and in Batangas. *The New York Times* reported that "The court continued to hear stories of so many atrocities that people just sat dazed in their seats." But this technique (also used at the Bertrand Russell war crimes held in Stockholm in 1967 to protest American bombing in Vietnam) was to be expected after the opening statement of the U.S. prosecutor, Major Kerr:

"I am frank to say, Sir, that this case will not be an easy one to hear, nor a pleasant one to try. We Americans are a Christian nation; we are even a sentimental nation. It certainly shocks each one of us to confront the truly horrible acts of beings in the form and shape of man that we must present to the commission in this proceeding. . . . [We do not] select instances on the basis that they are the most horrible, the most nauseating, that might be presented to the commission. If we bring before the commission a witness in a stretcher, permanently mutilated, physically ruined for life, it is not because we are endeavoring to impress the commission through the use of shocking evidence; it is simply because the witness has a story of factual information which the commission should hear, and because that witness . . . is a competent and desirable exhibit of the ruthlessness of those who conquered the Philippines."

After several weeks of gruesome tales from Philippine civilians, the trial moved to cross-examine the principals themselves. Colonel Fujishige, the commander in Batangas, was questioned about the killing of women and children and readily admitted giving orders to kill all persons who opposed the Japanese. "There were many instances," he said, "where women bearing arms inflicted considerable damages to my forces. When I was in an automobile, a child threw a hand grenade at me. . . . I told my troops that if they were attacked by armed women and children that of necessity . . . they must be combatted."

Technically, Colonel Fujishige was on safe legal ground. The Hague Convention No. IV of 1907, which served as a main legal precedent for the Yamashita, Tokyo, and Nuremberg trials—as it will in the Mylai trials—supports him: "The inhabitants of a territory (says Article 2) which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops . . . shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war."

The concept of command responsibility, which grew out of the Yamashita case, carries culpability beyond complicity in atrocities. The prosecutor contended only that the accused must have known about atrocities because they were so widespread, just as the American high command in Vietnam must have suspected atrocities there. However, to the prosecution in 1945, it was immaterial if Yamashita knew how his orders were being carried out.

"These orders from Yamashita to 'mop up,' 'suppress' the guerrillas," said Major Kerr, "obviously resulted, in the Batangas area, in the mass killings which followed some time later. Of course, these orders did not say 'massacre all civilians.' He unleashed the fury of his men upon the helpless population, and, apparently, according to the record, made no subsequent effort to see what was happening or to take steps to see to it that the obvious results would not occur—not a direct order, but contributing, necessarily, naturally, and directly to the ultimate result.

"We maintain, Sir, that if the Accused saw fit to issue a general order to suppress guerrillas under circumstances as they existed, according to his own testimony, he owed a definite absolute duty furthermore to see to it that they did not open wide the gates of hatred of his men, leading them to wreak vengeance upon the civilian population. Obviously he did not do that. That is part of his responsibility."

The defense argued that General Yamashita's communications had been cut. The Americans were between him and his Batangas command. His forces were disintegrating. And the guerrillas had exhausted the patience of the Japanese.

Major Kerr: "The defense cries that Yamashita was too far away from the scene of the battle, too far removed from the actual perpetrators, justly to be charged and punished for crimes of those under him. Yet his very government, his entire nation may legally be held responsible—even farther removed from the perpetrators and from the scene of the crime. We say it is in accordance with all the established principles of responsibility in the field of international relations that the commanding officer as an individual be held responsible."

The prosecution not only bore down on Yamashita's responsibility for his troops, it also argued that their actions were an inevitable result of the kind of war the General had waged. Major Kerr: "The Defense saw fit to refer to the victims of the Japanese as the victims of war. Victims of war! Is this warfare? We have another explanation for it. We say they were victims of Yamashita! They are victims of the type of warfare that was conducted by Yamashita, by the troops under him."

On December 7, 1945, four years after Pearl Harbor, General Yamashita was sentenced to hang. Two-and-a-half months later, after the failure of an appeal to the Philippine and U.S. Supreme Courts, in the town of Los Baños, fifty miles from Batangas Province, that sentence was carried out. In subsequent trials sixteen soldiers were tried for their parts in the Taal massacre. Six, including Colonel Fujishige, were hanged; one was shot; two were given life sentences; one was sentenced to thirty years, another to twenty-five years, and a third to twenty years. Four were acquitted. The two platoon leaders, Second Lieutenants Fukuoka and Hosaka, received the lightest sentences, twenty-five and twenty years, respectively. The company commander, Warrant Officer Kobayashi, received a life sentence. The stiffer penalties were reserved for the higher staff officers.

"General Yamashita's record was a blot on the military profession," General MacArthur said shortly before the execution. "Revolting as this may be in itself, it pales before the sinister and far-reaching implication thereby attached to the profession of arms. *The soldier, be he friend or foe, is charged with the protection of the weak and unarmed. . . . When he violates this sacred trust, he not only profanes his entire cult, but threatens the very fabric of international society.*"

In one of the last interviews with Yamashita before his death, the subject of MacArthur was raised, and Yamashita was to say, "After all, it could have been him."

Since the investigation implicating fourteen higher-ranking officers in the Mylai incident, some commentators have argued that the U.S. Army is applying the principles of Nuremberg to itself. However, the Mylai charges do *not* squarely meet the question of war crimes in Vietnam; it would be closer to the truth to say that the Mylai investigation evades the real responsibility. The charges so far are against the instruments of the Pentagon policy in Vietnam, rather than against the policymakers. Nuremberg concentrated on the latter.

War crimes were defined at Nuremberg and Tokyo as follows:

1) Class A: Crimes Against the Peace: Namely, planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a Common Plan or Conspiracy for the accomplishment of any of the foregoing. [The planning of aggressive war was considered the "supreme crime" in the postwar trials.]

2) Class B: Crimes Against Humanity: Namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, of persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.

3) Class C: War Crimes: Namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment, or deportation of slave labor or for any other purpose, of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

If he is found guilty, Lt. William L. Calley would, by the standards of the Nuremberg, Tokyo, and Yamashita trials, be a low-grade, Class C war criminal. But if Lieutenant Calley is on trial for brutality, so is the search and destroy policy on trial for brutalizing him. In *Casualties of War*, Daniel Lang describes the effect of that policy on American troops:

"Day after day, out on patrol, we'd come to a narrow dirt path leading through some shabby village, and the elders would welcome us and the children come running with smiles on their faces, waiting for candy we'd give them. But at the other end of the path, just as we were leaving the village behind, the enemy would open up on us, and there was bitterness among us that the villagers hadn't given us warning. All that many of us could think at such times was that we were fools to be ready to die for a people who defecated in public, whose food was dirtier than anything in our garbage cans

back home. Thinking like that—well, as I say, it could change some fellows. It could keep them from believing that life was so valuable—anyone's life, I mean, even their own. I'm not saying that every fellow who roughed up a civilian liked himself for it . . . he'd start defending what he'd done many hours ago by saying that, after all, it was no worse than what Charlie was doing."

The brutality of the war, however, and the criteria of culpability under the Nuremberg and Yamashita precedents are not limited to the policy of search and destroy. The Mylai area had, according to Maj. Gen. William Peers, who was in charge of the Pentagon's investigation, traditionally been "under Communist domination." It was therefore subject to intense bombardment from the air.

By the end of 1967, said Jonathan Schell, the author of two books on Vietnam, "the destruction of society in Quangngai Province was not something we were in danger of doing. It was something that was nearing its completion. About 70 per cent, by my estimation, of the villages in that province had been destroyed." Most of this destruction, Schell explained, had been done by American aerial bombardment, prompted by reports of village cooperation with the Vietcong.

Most Americans are aware of the impersonal slaughter that takes place from the Vietnamese stratosphere; but many are unaware of its systematic intensity, or of other elements of random brutality:

The TPQ program (night bombings)—Every province in I Corps including Quangngai is authorized five to twelve radar-guided bombings per night. These tactical bomber strikes are based on the scantiest intelligence of enemy activity at a specific map coordinate. A former intelligence agent who worked in this program said enemy hospitals were second only to fixed supply installations when selecting target priorities for TPQ strikes. Destroying enemy hospitals was stressed as a high priority in our Cambodian operations by Vice President Agnew in a recent television interview. And yet the American public was so outraged when several mortar rounds hit our hospital at Camranh Bay early in 1969.

Operation Thor. In a twenty-four-hour period in the spring of 1968, sixty B–52 strikes, the largest number of these "arc light" strikes in the entire war, cut a three-kilometer-wide swath across South Vietnam below the DMZ. No attempt was made to determine what villages lay along this patch. Such are the dimensions of "military necessity" in Vietnam.

Relocation. In the spring of 1967, American reconnaissance planes flew over a ninety-square-kilometer area of the central highlands which was inhabited by the nomadic Montagnards and known as a regrouping area for VC infiltration into the coastal area around Nhatrang and Tuyhoa. The purpose of this mission was to identify every inhabited place. Shortly after the flights, troops of the American Fourth Division moved into the area, rounded up some 4,000 Montagnards, and took them to a newly built village called Edapenang. The Montagnards were relocated so that they could not serve the enemy as bearers and food production personnel, and so the jungle could be opened for unrestricted bombing raids and big operations like Dakto and Hill 875, where American forces sustained 1,654 casualties. Through cultural ignorance we provided water from wells rather than the stream water that Montagnards were used to, built individual family housing rather than the customary long houses, and moved people during their planting season so that they had to be fed for eighteen months. As a result, the population of Edapenang dropped from 4,000 to 1,000. Edapenang was the pet project of the Fourth Division commander in 1967–68, General Peers.

Phoenix program. The emphasis of this operation, which has been incorrectly reported as assassination, is on "bringing in" VC cadremen from villages. One device used toward this end is the "metal trace detection kit," a CIA machine in which ultraviolet light is suppose to detect "tissue aberrations" either on a trigger finger or on the shoulder where a rifle butt would be placed. In 1968 the kit was taken into hamlets in I Corps area, villagers rounded up, a poncho set up like an old-time camera, and each villager forced to submit his body to the test. By an ex-intelligence agent's testimony, all the villagers' hands looked splotchy, and as a consequence the Vietnamese commander ordered them all taken out and tortured with the water treatment until they provided information. The machine required an expert to determine any significant tissue aberrations; there was none on the scene when the agent observed the use of the kit; nonetheless villagers were tortured on the basis of amateur interpretations. When the American agent protested to his commander, the superior shrugged it off. "Oh, what the hell," he said, "it's their show."

It is the high-technology warfare that the United States is waging in Vietnam, not the face-to-face "gratuitous brutality," in Hannah Arendt's term, of Company C that causes the wholesale killing of Vietnamese civilians. It is therefore not surprising that Col. Oran K. Henderson, now charged with making false statements and false swearing, testified to the Pentagon in 1969 that he had seen the bodies of only one woman and two children in Mylai and believed they had been killed by artillery, or that Col. Thon That Kien, the Quangngai Province chief, also tried to convince himself that stray artillery fire had killed all those civilians. Civilian death by artillery or air strike in a free fire-zone is an accident of war; killing civilians with an M–16 is a crime if anyone should dare to press charges.

Where does the culpability for Mylai stop—with Calley, with Westmoreland, with McNamara, with Johnson and Nixon, or with the whole American people? The Hague Conventions of 1899 and 1907 were based on a brand of warfare that could imagine a Lieutenant Calley but not a B–52. And the post-war trials of the Axis figures were careful to avoid charges against the enemy that were applicable also to ourselves. If the Allies had been vanquished in that war, any war trials would surely have centered on the area of aerial bombardment and high-technology weaponry, particularly the saturation bombing of Japanese and German cities and the use of the atomic bomb. Dr. Richard Falk, the international law professor at Princeton, has pointed out the irony that the day the United States signed the charter for the International Military Tribunal at Nuremberg, August 8, 1945, was the day it dropped the atomic bomb on Nagasaki. With this gap left unplugged in the annals of war crimes proceedings, the policy of high-technology warfare has developed in Vietnam without touching the conscience of America.

The Defense Department admits no responsibility. The Peers report devotes an entire chapter to the Pentagon directives and troop information pamphlets regarding the Hague and Geneva conventions and a soldier's duty to respect the Vietnamese and their customs, concerning the need to "handle an enemy captive firmly, promptly, but humanely" and to protect him against "violence, insults, curiosity, and reprisals of any kind." But any Vietnam veteran will tell you that the cards on the treatment of POWs and civilians are handed to the incoming soldier with the same bureaucratic unconcern as are his new fatigues, scrip, and salt tablets.

What is significant, therefore, is not the paper policy but the practice. Which will be more important for the combat soldier: the Nine Rules for humane treatment of the Vietnamese on a card in his wallet, or a pep talk about taking revenge on the gooks the night before an operation into Pinkville?

The fundamental question of the Calley trial relates to the Yamashita trial: Does the kind of war that we are fighting in Vietnam make Mylais inevitable? No Vietnam veteran is shocked by Mylai. He knows that there was more killing at Mylai than elsewhere but that it was not unique in our search and destroy operations. The circle of responsibility goes beyond Calley and his company. (Not that the criminal responsibility need be larger. A crime must have its direct perpetrators.) The political, moral, and command liability will remain unanswered in the trials of those now charged.

The relevant area of consideration is the new concept of justice that the United States introduced at Nuremberg: crimes against humanity. The sheer weight of death and devastation in Vietnam now transcends all political discussion. One million Vietnamese civilians, according to Senator Edward Kennedy, have become casualties of war since 1965. For those crimes no man—not Calley, not Westmoreland, not Johnson or Nixon—stands alone in the dock, but the whole American nation. The technology that is the American wonder at home is the American horror in Vietnam. The American people have approved of its use in both places.

In 1947 the philosopher Karl Jaspers approached the question of German guilt in a way that is pertinent to the question of American responsibility today. He talked of four areas of guilt: criminal, political, moral, and metaphysical. Under his definition, an orgy of accusation about individuals who were responsible for our war policy will not satisfy justice, though those individuals share a higher political liability than General Yamashita.

Jaspers wrote, "We are responsible for our [the Nazi] regime, for the acts of the regime, for the start of the war in this world-historical situation, and for the leaders we allowed to rise among us."

This is the political responsibility that all Americans share. The metaphysical responsibility comes when injustices are committed in our presence with our knowledge. The acceptance of this responsibility, Jaspers says, can lead to a transformation of human consciousness where pride is broken and arrogance is impossible.

"Because of the great diversity in what we believed all these years," Jaspers said to the defeated German people, "what we took to be true, what to us was the meaning of life, the way of transformation must also be different now for every individual. We are all being transformed. But we do not all follow the same path to the new ground of common truth, which we seek and which reunites us. In such a disaster everyone may let himself be made over for rebirth, without fear of dishonor. What we must painfully renounce is not alike for all—so little alike that one man's renunciation may impress another as a gain. We are divided along different lines of disappointment."

The Vietnam War is transforming Americans also, but it is not clear what we will become as a result. Will we allow this country to revel in more vainglorious causes or seek to reclaim our original ideas? Mylai could lead to a new maturity in our recognition that Americans are humans like everyone else, capable of nobility, but also capable of bestiality, and that when our technology places upon us the highest responsibility in the world we must work toward a climate where the nobler instincts can flourish once again.

THE OLD IN THE COUNTRY OF THE YOUNG

Mr. KENNEDY. Mr. President, the United States today has 20 million citizens 65 years of age or over, citizens who have given long service to their

Nation and now should have the opportunity to live their later years in dignity and freedom from want.

But far too often, our senior citizens lack adequate medical care, comfortable housing, good companionship, and meaningful employment. Nearly 7.5 million persons 65 and over are poor or near poor—constantly struggling to make ends meet at a most difficult time of their life. And many more senior citizens are neglected and lonely, idle, and depressed, for lack of any hope in tomorrow.

Mr. President, in an age with such emphasis on youth and change, action and newness, there is a tendency to forget the obligation to our seniors. We must not allow this to happen.

We should not assume, for example, that when a person reaches the age of 65 he can no longer perform useful work or make a contribution to our society.

In many cases it is just the opposite. Our seniors have acquired a wealth of knowledge and talent and wisdom in a lifetime of work and experiences. They are dedicated to serving society. And they are bitterly frustrated by the free time and lack of useful activity which they face.

As individual service to others continues to be encouraged as a means of solving the problems of our society, it would be to our Nation's benefit to allow this able force of citizens to make a useful contribution. Not only would the Nation be enriched, but the older person's life as well.

In Massachusetts and other parts of the Nation, pilot programs are proving that our senior citizens can lead useful, productive lives, often earning needed part-time income for themselves while making an excellent contribution to their fellow man.

As chairman of the Special Subcommittee on Aging I have worked closely on problems and needs and accomplishments of the elderly. I have introduced the Older Americans Community Service Employment Act, which would stimulate employment of low-income seniors in a wide range of community service activities—as day care assistants, teacher aides, hospital attendants, recreation counselors, companions for other seniors, coordinators in programs for the elderly and many other public service jobs.

I have held hearings both in Massachusetts and in Washington, D.C., on the bill and have found great enthusiasm among older citizens for such programs which would enable them to serve society. Those seniors who are already employed in such work speak enthusiastically of their activities, of their new-found pride and dignity. I feel that more older people should be given a similar opportunity to lead a richer, more meaningful life.

The employment problem alone, however, will not cure all the ills affecting our senior citizens. Improvement of health care and medical services for the elderly, an end to poor and depressing housing, increases in social security benefits, relief from inflationary price rises—all of these would help alleviate the problems facing the elderly. And all of these measures would allow our senior citizens to lead the decent lives they deserve.

In a recent excellent article entitled "The Old in the Country of the Young," published in Time magazine of August 3, many of these problems which confront the elderly are discussed, and as the article notes, many of these injustices can be overcome by a reordering of the values of our society.

Efforts must be made by each individual, as well as by Government at all levels, to make the lives of the elderly useful and productive. The great potential of this large group of citizens must be revealed both to themselves and to others. Communication and understanding among the varying age groups will reveal the unique role these forgotten citizens can and should play in our society. And those rights for which we are striving in this country, such as an end to discrimination and a better life for the underprivileged, are rights of the aged as well as the minorities and the poor. For color and poverty have no age limit.

I ask unanimous consent that the article be printed in the RECORD. I urge that it be read by all who seek equal opportunities and a better life for all American citizens.

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

THE OLD IN THE COUNTRY OF THE YOUNG

Edward Albee once wrote a play about a middle-aged couple who, before putting Grandma permanently in the sandbox with a toy shovel, gave her a nice place to live under the stove, with an Army blanket and her very own dish. The play contains more truth than allegory. One of the poignant trends of U.S. life is the gradual devaluation of older people, along with their spectacular growth in numbers. Twenty million Americans are 65 or over. They have also increased proportionately, from 2.5% of the nation's population in 1850 to 10% today.

While the subculture of youth has been examined, psychoanalyzed, photographed, deplored and envied, few have wanted even to admit the existence of a subculture of the aged, with its implications of segregation and alienation. Strangely enough, the aged have a lot in common with youth: they are largely unemployed, introspective and often depressed; their bodies and psyches are in the process of change, and they are heavy users of drugs. If they want to marry, their families tend to disapprove. Both groups are obsessed with time. Youth, though, figures its passage from birth; the aged calculate backward from their death day. They sometimes shorten the wait: the suicide rate among elderly men is far higher than that of any other age group.

The two subculures seldom intersect, for the young largely ignore the old or treat them with what Novelist Saul Bellow calls "a kind of totalitarian cruelty, like Hitler's attitude toward Jews." It is as though the aged were an alien race to which the young will never belong. Indeed, there is a distinct discrimination against the old that has been called age-ism. In its simplest form, says Psychiatrist Robert Butler of Washington, D.C., age-ism is just "not wanting to have all these ugly old people around." Butler believes that in 25 or 30 years, age-ism will be a problem equal to racism.

We have time to grow old—the air is full of our cries

—SAMUEL BECKETT.

It is not just cruelty and indifference that cause age-ism and underscore the obsolescence of the old. It is also the nature of modern Western culture. In some societies, explains Anthropologist Margaret Mead, "the past of the adults is the future of each new generation," and therefore is taught and respected. Thus, primitive families stay together and cherish their elders. But in this modern U.S. family units are small, the generations live apart, and social changes are so rapid that to learn about the past is considered irrelevant. In this situation, new in history, says Miss Mead, the aged are "a strangely isolated generation," the carriers of a dying culture. Ironically, millions of these shuntered-aside old people are remarkably able: medicine has kept them young at the same time that technology has made them obsolete.

Many are glad to end their working days. For people with money, good health, careful plans and lively interests, retirement can be a welcome time to do the things they always dreamed of doing. But for too many others, the harvest of "the golden years" is neglect, isolation, anomie and despair. One of every four Americans 65 or over lives at or below "the poverty line." Some of these 5,000,000 old people were poor to begin with, but most are bewildered and bitter *nouveaux pauvres*, their savings and fixed incomes devoured by spiraling property taxes and other forms of inflation. More than 2,000,000 of them subsist on Social Security alone.

Job discrimination against the aged, and increasingly against the middle-aged, is already a fact of U.S. life. While nearly 40% of the long-term unemployed are over 45, only 10% of federal retraining programs are devoted to men of that age. It is often difficult for older people to get bank loans, home mortgages or automobile insurance. When the car of a 68-year-old Brooklyn grocer was stolen last winter, he was unable to rent a substitute. Though his driving record was faultless and he needed a car for work, he was told falsely by two companies that to rent him one was "against the law."

Youth is everywhere in place,
Age, like woman, requires fit surroundings.
—RALPH WALDO EMERSON.

Treated like outsiders, the aged have increasingly clustered together for mutual support or simply to enjoy themselves. A now familiar but still amazing phenomenon has sprung up in the past decade: dozens of good-sized new towns that exclude people under 65. Built on cheap, outlying land, such communities offer two-bedroom houses starting at $18,000, plus a refuge from urban violence, the black problem (and in fact blacks), as well as generational pressures. "I'm glad to see my children come and I'm glad to see the back of their heads," is a commonly expressed sentiment. Says Dr. James Birren of the University of Southern California: "The older you get the more you want to live with people like yourself. You want, to put it bluntly, to die with your own."

Most important, friendships are easy to make. One relative newcomer to Laguna Hills Leisure World, Calif., received more than 200 get-well cards from her new neighbors when she went to a hospital in Los Angeles. There is an emphasis on good times: dancing, shuffleboard, outings on oversized tricycles and bowling (the Keen Agers *v.* the Hits and Mrs.). Clubs abound, including Bell Ringing, Stitch and Knit, Lapidary and "tepees" of the International Order of Old Bastards. The I.O.O.B. motto: "Anything for fun." There is, in a sense, a chance for a new start. "It doesn't matter what you used to be; all that counts is what you do here," said a resident of Sun City, Ariz.

To some residents the communities seem too homogeneous and confining. A 74-year-old Californian found that life was flavorless at his retirement village; he was just waiting for "the little black wagon." Having begun to paint seascapes and landscapes at 68, he moved near an artists' colony, where he now sells his landscapes and lives happily with a lady friend of 77.

In silent synods, they play chess or cribbage . . .

—W. H. AUDEN.

In fact, less than 1% of the elderly leave their own states. The highest proportion of the aged outside Florida is in Arkansas, Iowa, Maine, Missouri, Nebraska and South Dakota—on farms and in communities from which youth has fled. In small towns, the able elderly turn abandoned buildings into "senior centers" for cards, pool, slide shows, lectures and pie socials. In Hebron, N. Dak. (pop. 1,137), grandmothers use the balcony of the former J. C. Penney store for their quilting. But there is little socializing among the rural aged, who often subsist on pittances of $60 a month, and become even more isolated as public buses disappear from the highways, cutting off their lifelines to clinics, stores and friends.

A third of the nation's aged live in the deteriorating cores of the big cities. On Manhattan's Upper West Side, thousands of penniless widows in dingy single-room-occupancy hotels bar their doors against the alcoholics and dope addicts with whom they share the bathroom, the padlocked refrigerator and the telephone down the hall. "Nine out of ten around here, there's something wrong with them," says a 72-year-old ex-housekeeper living on welfare in a hotel on West 94th Street. "I get disgusted and just sleep every afternoon. Everybody dying around you makes you kind of nervous." Terrified of muggings and speeding cars, the disabled and disoriented do not leave their blocks for years on end, tipping anyone they can find to get groceries for them when their welfare checks arrive.

Close to a million old people live in nursing homes or convalescent facilities provided by Medicare. A new growth industry, nursing homes now provide more beds than hospitals. They are badly needed. But in many of the "homes," the food and care are atrocious. Patients have even been confined to their beds merely because bed care entitles the owners to $2 or $3 more a day. Mrs. Ruby Elliott, 74, recalls her year in a California nursing home with fear and bitterness: "It's pitiful, but people are just out for the money. That whole time I was among the living dead."

Fewer than half of the country's 25,000 nursing homes actually offer skilled nursing. Arkansas Congressman David Pryor recently visited twelve nursing homes near Washington, D.C. "I found two where I would be willing to put my mother," he said. "But I do not think I could afford either one on my $42,500 congressional salary." Pryor is trying to set up a congressional committee to investigate long-term care for the aged.

How terrible strange
To be seventy.

—SIMON AND GARFUNKEL.

Almost everyone hates to think about aging. Doctors and social scientists are no exception. "They think one shouldn't look at it too closely, as though it were the head of Medusa. It is considered a morbid preoccupation," says one anthropologist. But the acute problems and swelling ranks of the American aged have lately stimulated a number of new behavioral studies that are more scientific than any ever done before. They show, among other thing, that people age at very different speeds and that many changes formerly attributed to age are actually caused by other factors. The cliché that a man is as old as his arteries, for example, has been found to be misleading. It is probably more accurate to say that a man is as sick as his arteries, and that such sickness is caused by diet and stress rather than by age.

The ability of elderly people to memorize and recall new information has been exhaustively tested at the Duke University Center for the Study of Aging and Human Development. They can do it, but they need more time than younger people. Their responses are apparently slowed down by anxiety; an older person's goal is less to achieve success than to avoid failure. Changes in the blood of elderly pupils showed that they were undergoing the physiological equivalent of anxiety without being aware of it. Drugs that changed this physiological happening helped them, and their performances improved. Dr. Carl Eisdorfer, who conducted the experiments, suggests that what initially slowed down his subjects was not so much their age as their attitude toward their age.

Old people may be ridiculed when they try to act young, according to San Francisco Psychologist Frances Carp, it is better to fight age than to accept it. In America today, "acceptance of old age holds out few if any rewards," she says. Those who surrender often become debilitated by a devastating "elderly mystique"—and victims of self-fulfilling prophecies. For example, doctors at the University of Illinois studied 900 old people living at home and found many so sick that they could not walk to the door. They had lived for months without medical attention because they felt that they were old and therefore were supposed to be sick.

Actually, the overwhelming majority of the aged can fend very well for themselves. Only 5% of aged Americans live in institutions; perhaps another 5% remain bedridden at home. True, four out of five older people have a chronic condition. "But chronic diseases must be redefined." say Duke's Dr. Eisdorfer. "I've seen too many depressed people leaving their doctor's office saying, 'My God. I've got an incurable disease.' Chronic illness gets confused with fatal illness. Life itself is fatal, of course, but as far as most chronic illnesses go, we simply don't know what they do to advance death. The role of the doctor has to change. Now that infectious diseases are on their way out, the doctor must stop thinking about cures and start teaching people how to live with what they have."

New findings show that hypochondria, or "high body concern," one of the most common neuroses of the elderly, can often be cured. According to Dr. Ewald Busse, director of the Duke study center, if a man's family "keeps criticizing him unjustly, makes him feel uncomfortable, unwanted, he may retreat into an imaginary illness as a way of saying, 'Don't make things harder for me.

" 'I'm sick and you should respect me and take care of me.' It is clear from our studies that if the older hypochondriac's environment changes for the better, he will too. He will again become a reasonable, normal person. This is quite different from the reaction of the younger hypochondiac, who is much sicker psychologically and much less likely to respond to a favorable change in environment."

Recent studies bear out Sex Researchers Masters and Johnson's findings that men who enjoyed sex earlier in life can, if all else goes well, continue to enjoy it. Questionnaires over a ten-year period at Duke showed that the some men's interest in sex changed little from age 67 to 77, although there was a slight drop in activity. Result: a gradual widening in what the researchers coolly call the "interest-activity gap." A much lower proportion of women continued to be interested in sex after 67, but they managed to keep their interest-activity graph lines close together. "It depends on the individual," an elderly San Franciscan points out. "All ages have sexy people."

People expect old men to die,
They . . . look
At them with eyes that wonder when.

—OGDEN NASH.

A common and unfortunate diagnosis of many aged people is that they are senile, a catchword for a number of conditions. There may be organic brain damage—for example, the brain may run short of oxygen because of impaired blood flow. But many of the "senile" actually have psychological problems. One 70-year-old retired financier, who insisted on calling his successor at the company all the time and had all sorts of paranoid suspicions, was diagnosed as having organic brain disease. A combination of psychotherapy and a new job as treasurer of a charitable organization helped the man to recover completely. Other "senile" patients actually suffer from malnutrition, or have simply broken down out of loneliness, perhaps caused by a temporary overload. As one old man put it: "There is no one still alive who can call me John." Explains Harvard Psychoanalyst Martin Berezin: "The one thing which neither grows old nor diminishes is the need for love and affection. These drives, these wishes never change."

Actually, senile traits are not peculiar to the aged. A group of college students and a group of the elderly were recently rated according to the characteristics of senility, and the students were found to be the more neurotic, negative, dissatisfied, socially inept and unrealistic. The students, in sum, were more senile than their elders. Other studies have shown that the percentage of psychiatric impairment of old persons is no greater than that for younger groups.

But younger people are usually treated if their psychological problems are severe. Says New York Psychologist Muriel Oberleder: "If we encounter unusual nervousness, irritability, depression, unaccountable anger, personality change, apathy or withdrawal in a young person, we make sure that he is seen by a physician. But when those symptoms appear in elderly people, they are considered par for the course of old age. We rarely consider the possibility that elderly people who have had a breakdown can recover." Dr. Berezin successfully treated a 70-year-old woman who had a severe breakdown, her first. She had been picked up for drinking, setting fire to her home and other bizarre behavior, including chalking off a section of the sidewalk and claiming it as her own. In therapy, she revealed that she had yearned all her life for marriage and children. Eventually, she mastered her grief and regrets, settled down and began to enjoy the people around her.

Psychotherapy has never been easily available to the aged. Since it demands so much time and effort, it is considered better to expend it on those who have a long life ahead. There is also the still-powerful influence of Freud. If one's behavior is believed to be programmed in the first years of life, one cannot hope to change that program substantially during old age. (Freud, who contributed to age-ism, was also its victim. At 81, discussing "the many free hours with which my dwindling analytical practice has presented me," he added: "It is understandable that patients don't surge toward an analyst of such an unreliable age.")

. . . I reach my center,
my algebra and my key,
my mirror.
Soon I shall know who I am.

—JORGE LUIS BORGES.

Most psychologists have simply ignored the process of aging. Says Harvard's Erik Erikson: "It is astonishing to behold how (until quite recently and with a few notable exceptions) Western psychology has avoided looking at the whole of life. As our world image is a one-way street to never-ending progress, interrupted only by small and big catastrophes, our lives are to be one-way streets to success—and sudden oblivion." But lately Erikson and other psychiatrists have become interested in all stages of man's development, and the "aging" that goes on at every stage.

One practitioner of "life-cycle psychiatry," Washington's 43-year-old Dr. Butler, believes that the possibilities for psychic change may

be greater in old age than at any other period of life. "Little attention has been paid to the wish to change identity, to preserve and exercise the sense of possibility and incompleteness against a sense of closure and completeness." When a person's identity is maintained throughout old age, "I find it an ominous sign rather than the other way around. If the term needs to be used at all, I suggest that a continuing, life-long identity crisis is a sign of good health."

Though many believe that age accentuates personality characteristics, Dr. Butler notes that "certain personality features mellow or entirely disappear. Others prove insulating and protective, although they might formerly have been impairing, such as a schizoid disposition." Some doctors suggest that neuroses and some psychoses burn themselves out with age, and note that the rate of mental disorders declines after the age of 70.

Carl Jung, who lived with great vigor until the age of 85, saw aging as a process of continuous inward development ("individuation"), with important psychic changes occurring right up to the time of death. "Anyone who fails to go along with life remains suspended, stiff and rigid in mid-air," Jung wrote. "That is why so many people get wooden in old age; they look back and cling to the past with a secret fear of death in their hearts. From the middle of life onward, only he remains vitally alive who is ready to die with life, for in the secret hour of life's midday the parabola is reversed, death is born. We grant goal and purpose to the ascent of life, why not to the descent?" Erik Erikson agrees: "Any span of the cycle lived without vigorous meaning, at the beginning, in the middle, or at the end, endangers the sense of life and the meaning of death in all whose life stages are intertwined."

Better to go down dignified
With boughten friendship at your side
Than none at all. Provide, provide!
—ROBERT FROST.

The problems of the aged are not their concern alone. Since reaching the age of 70 or 80 is becoming the norm rather than the exception, more and more of the middle-aged—even when they retire—have elderly parents and other relatives to care for. For the "command generation" there are two generation gaps, and the decisions to be made about their parents are often more difficult than those concerning their children. Various community agencies sometimes help, in Manhattan a private referral service is kept busy helping distraught people find the right place for parents who can no longer live at home. One 81-year-old woman was persuaded to go to a nursing home when her daughter, with whom she had always lived, married late in life. To her own surprise, she is happier than she was before, taking great pride in reading to and helping her older roommate. A difficult decision of the middle-aged is how to allot their resources between children and parents and still provide for their own years of retirement, which may well extend for two decades.

The next generation of the aged may be healthier, certainly better educated and perhaps more politically aware. Those over 65 are now a rather silent minority, but in number they are almost exactly equal to the nation's blacks. Since none are below voting age, the aged control a high percentage of the vote—15%. More and more are banding together. The American Association of Retired Persons, for example, helps its nearly 2,000,000 members get automobile insurance, cheaper drugs and cut-rate travel. A more politically oriented group, the 2,500,000-member National Council of Senior Citizens, played a major role in pushing through Medicare. Now the group is lobbying to improve Medicare, which helps the sick but does not provide checkups, by including some sort of Preventicare.

Aside from health, money is the most pervasive worry of the aged; income maintenance is a major need. Private pension plans need attention too. According to one informed estimate, only 10% of the people who work under pension plans actually receive any benefits, usually because they do not stay long enough to qualify. As presently arranged pensions also tend to lock older workers into their jobs and, if they become unemployed, to lock them out. They are then denied jobs because it is too expensive to let them join a pension plan.

Come, my friends,
'Tis not too late to seek a newer world.
—TENNYSON.

Will able 70-year-olds have more opportunities to work in the future? Probably not. Instead of raising the age of mandatory retirement, business and labor may lower it, perhaps to 50 or below—making workers eligible even earlier for social insecurity. Aside from those fortunate few in the professions—law, medicine, dentistry, architecture—most of the people over 65 who are still at work today are farmers, craftsmen and self-employed tradesmen, all categories whose numbers are shrinking. Of course, people cannot work hard forever. Each man ages according to his own clock, but at long last he is likely to lose much of his strength, his drive and adaptability. Witness the gerontocracy that slows down Congress and the businesses that have failed because of rigid leadership. But there are still many areas where the aged can serve and should, for aside from humane consideration, they can provide skill and wisdom that otherwise would be wasted.

New plans to recruit, train and deploy older workers to provide much needed help in hospitals, special schools and elsewhere will be discussed at the White House Conference on Aging scheduled for November 1971. Meanwhile, a few small-scale programs point the way. One is Operation Green Thumb, which hires retired farmers for landscaping and gardening. Another is the International Executive Service Corps, which arranges for retired executives to lend their management skills to developing countries. Hastings College of Law in San Francisco is staffed by law professors who have retired from other schools. A federally financed program called Foster Grandparents pays 4,000 low-income "grandparents" to care for 8,000 underprivileged youngsters. Although they have numbered only in the hundreds, most elderly volunteers in Vista and the Peace Corps have been great assets. "We know about outhouses and can remember when there weren't any refrigerators," says Nora Hodges, 71, who spent two years in Tunisia and is now associate Peace Corps director in the Ivory Coast. "People in underdeveloped countries rate age very highly. When we meet with this appreciative attitude, we outdo ourselves."

Begin the preparation for your death
And from the fortieth winter by that thought
Test every work of intellect or faith.
—W. B. YEATS.

Life would be richer, students of aging agree, if a wider repertory of activities were encouraged throughout life. Almost everyone now marches together in a sort of lockstep. They spend years in school, years at work and years in retirement. Youth might well work more, the middle-aged play more, and the older person go back to school. Former HEW Secretary John Gardner wants to see "mid-career clinics to which men and women can go to re-examine the goals of their working lives and consider changes of direction. I would like to see people visit such clinics with as little self-consciousness as they visit their dentist." As Psychiatrist Robert Butler puts it: "Perhaps the greatest danger in life is being frozen into a role that limits one's self-expression and development. We need Middle Starts and Late Starts as well as Head Starts."

To get a late start does not necessarily require a federal program. Many an enterprising individual has done it on his own. Mrs. Florida Scott-Maxwell, who at the age of 50 began training to become a psychotherapist, recently wrote down her reflections about aging in *The Measure of My Days*. "My seventies were interesting and fairly serene," she noted, "but my eighties are passionate. I am so disturbed by the outer world, and by human quality in general, that I want to put things right as though I still owed a debt to life. I must calm down."

Old age should burn and
rave at close of day.
—DYLAN THOMAS.

How socially involved older people should be is a question in hot dispute among students of aging. Some believe in the "theory of disengagement," which holds, that aging is accompanied by an inner process that makes the loosening of social ties a natural process, and a desirable one. Others disagree. Says Harvard Sociologist Chad Gordon: "Disengagement theory is a rationale for the fact that old people haven't a damn thing to do and nothing to do it with."

After analyzing lengthy interviews with 600 aged San Franciscans, Anthropologist Margaret Clark found that engagement with life, rather than disengagement, contributed most to their psychological well-being. But not when that engagement included acquisitiveness, aggressiveness or a drive to achievement, super-competence and control. To cling to these stereotypical traits of the successful American seems to invite trouble, even geriatric psychiatry. The healthiest and happiest of the aged people in the survey were interested in conserving and enjoying rather than acquiring and exploiting, in concern for others rather than control of others, in "just being" rather than doing. They embraced, Dr. Clark points out, many of the values of today's saner hippies. Similarly, religion often teaches the aged, in spite of their physical diminishment, to accept each day as a gift.

The ranker injustices of age-ism can be alleviated by government action and familial concern, but the basic problem can be solved only by a fundamental and unlikely reordering of the values of society. Social obsolescence will probably be the chronic condition of the aged, like the other deficits and disabilities they learn to live with. But even in a society that has no role for them, aging individuals can try to carve out their own various niches. The noblest role, of course, is an affirmative one—quite simply to demonstrate how to live and how to die. If the aged have any responsibility, it is to show the next generation how to face the ultimate concerns. As Octogenarian Scott-Maxwell puts it: "Age is an intense and varied experience, almost beyond our capacity at times, but something to be carried high. If it is a long defeat, it is also a victory, meaningful for the initiates of time, if not for those who have come less far."

MEDICAL CARE PROVISIONS OF H.R. 17550

Mr. PROUTY. Mr. President, there are many aspects of the medical care provisions of H.R. 17550 which I favor, including, first, the strengthened supervision of reasonable doctors' fees; second, the health maintenance option, and

third, coverage for the uninsured. I believe that some of the cost-cutting measures in the bill are wise and necessary.

I hope that Congress will add a provision to cover the cost of out-of-hospital prescription drugs, dental care, and the cost of eyeglasses. I have myself cosponsored bills to include such services.

But there is one objectionable provision in the bill, as passed by the House, which I strongly suggest be eliminated. I am joining with the distinguished Senator from New Jersey (Mr. WILLIAMS) in an effort to call the Senate's attention to this problem.

Section 225 of the House-passed bill provides that Federal matching funds under medicaid shall be reduced by one-third for any individual patient after 90 days of care in a skilled nursing home. Present law contains no such cutoff. The purported justification for this cutoff provision is to provide incentives for outpatient care. Thus, section 225 increases by 25 percent the Federal share of medicaid outpatient care and home care services, and also decreases the Federal share by one-third for hospital care after 60 days. It also cuts funds for mental patients after 90 days. These amendments are obviously designed to reduce the growing costs of medicaid, however I fear they do so at the expense of the patient and to the detriment of decent health care, and without any demonstrable savings.

The House-passed cutoff provision is based on an erroneous premise that patients in nursing homes do not require inpatient care after 90 days but may be cared for at home. Such a sweeping and general judgment cannot be made by lawmakers; it can only be made on a case-by-case basis by the physician. Indeed, over two-thirds of all nursing home patients are found to require more than 90 days of care. I believe that H.R. 17550 already contains adequate strengthened safeguards against providing unnecessary health care by placing limits on reasonable costs, by cutting off funds if the program is abused, and by setting up utilization review committees to evaluate the need for care. If such a review determines that care is necessary after 90 days, it is grossly unfair to reduce the funds needed to provide such services.

The magnitude of section 225's evil is enormous. Medicaid patients account for 60 percent of all nursing home admissions. If one-third of the Federal funds are cut off, the States will be required either to scrape up the money themselves or to turn patients out of bed prematurely. In my own State of Vermont the loss of Federal funds for nursing homes alone would be $429,000. Losses of funds for mental care and hospital care brings the total in Vermont to $1,083,000.

I believe strongly that the Federal Government should not build up expectations only to shatter them. After medicare and medicaid were enacted in 1965 and 1966, hundreds of skilled nursing homes geared up to provide for increased admissions. They have operated for 4 years in reliance on an assumed Federal payment. Now they face a midstream cutoff. I hope that the Senate will recognize the unfairness in section 225 and eliminate it from the bill.

SPORTSMEN RESTORE CEMETERIES

Mr. SCOTT. Mr. President, in recent years, we have read with increasing frequency of senseless acts of vandalism. Recently, in response to the despicable desecration of several cemeteries in Weatherly, Pa., the Lehigh and Lausanne Sportsmen's Club undertook to restore the damaged cemeteries and to prevent a recurrence of this crime. Their justification for their actions was described in inspiring words in an article in the Weatherly Herald.

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:

AREA SPORTSMEN RESTORING CEMETERY

Cemeteries in the Weatherly RD 2 area which were desecrated by vandals are now being restored by members of the Lehigh and Lausanne Sportsmen's Club.

In St. Joseph's Catholic Cemetery in the Laurytown area, the club members have repaired and replaced the damaged fence and tombstones that were knocked to the ground. The club has volunteered to patrol the cemetery area to prevent further vandalism and will, in the event anyone is caught trespassing on the property, prosecute to the limit of the law.

Though the majority of the club members are not members of the Catholic faith, they are convinced that every man, regardless of race, color or creed, should and must respect the other man's property, his place of worship and his belief and the final resting place of his loved ones.

Above all, they will not stand for desecration of the American flag, whether it be on a lonely grave in a rural cemetery or in the middle of a thriving and growing community.

Contributions to the repair fund may be sent to the club secretary, Charles Neidlinger Jr., at Box 48 in Weatherly.

HANOI'S BAMBOO CAGES

Mr. SAXBE. Mr. President, there are many famous prisons in the world. Throughout history they have stood as symbols of oppression: The Tillianum, where Roman emperors cast their enemies and where Sts. Peter and Paul were confined; Sir Walter Scott's Tolbooth; the infamous Bastille; the Black Hole of Calcutta; Dachau; Buchenwald; Auschwitz.

North Vietnam has no such famous lockups—we do not yet know their names, at all events, although we may later—but to our men held captive by the enemy, the experience is much the same. The bamboo cages which enclose them are as real as those used on prisoners in the Tower of London, hundreds of years ago; the tortures inflicted upon them are as painful as those of the Spanish Inquisition.

We must remind ourselves—and our enemies—that the lack of notoriety of their individual jails does not mean we have forgotten our men held prisoner by Hanoi.

THE ABM AND THE MIRV—ADDRESS BY DR. ROBERT KILMARX

Mr. GOLDWATER. Mr. President, Dr. Robert Kilmarx, who is senior staff member of the Center for Strategic and International Studies at Georgetown University, delivered a most provocative address entitled "ABM and MIRV" in June at the annual alumni seminar.

He puts the country ahead a few years and portrays the position we will find ourselves in if those who care to cut our military budget and particularly hamstring the MIRV are successful.

I have saved this piece for inclusion in the RECORD at this time because the whole subject of military authorization, including the MIRV, is now before the Senate.

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

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

ABM AND MIRV IN THE CONTEXT OF SALT

(By Dr. Robert Kilmarx, senior staff, the Center for Strategic and International Studies, Georgetown University, delivered at the Georgetown University Annual Alumni Seminar, Georgetown University, Washington, D.C., June 12, 1970)

An address on the need for anti-ballistic missiles and multiple, independently targetable reentry vehicles on ICBMs (MIRV) these days is often an invitation to risk the charge of socio-political irrelevance and insensitivity to higher imperatives. Advocates of new weapon systems are often assumed to be cursed by parochial concerns about the "quality of death," technological arrogance and strategic myopia. Seldom has the wrong debate on the wrong issues been held so long, as in this case. It has a life of its own—impervious to reason. It is perhaps a symbol of some form of leadership decay. For this is the age of the facile solution as well as Aquarius.

Since scenarios are the fashion, here we are in 1978: out of Vietnam—and out of strategic options. We citizens blocked the deployment of new strategic weapon systems lest we be provocative, and violate agreements or their prospect. We cut military R&D, lest we impair non-military advances. Many came to damn technology; more to strangle it. We shifted to some of the right priorities in the wrong way and at the wrong pace—innocently hoping we had thereby contributed to peace, social justice and progress at home and "partnership" abroad. "Sufficience" as a guide to military policy we found could be stretched either way. "Partnership" could mean policy paralysis, since our international partners might not share our vision. Our sense of history yielded to a sense of guilt, of inward reassessment, of vain hope. Religious and moral precepts in some cases had infected our statecraft with a disease of unfounded goodness. Gone or obscured were empirical insights of the cold war. Only other wars—on crime, on drugs or on pollution—absorbed our attention. A new, reigning natural law of politics—a new mandate of priorities—a new "brooding omnipresence in the sky" (to quote Justice Holmes)—had stripped our loins of armor—and of national will and confidence, too. Communism, since no longer monolithic, was not viewed as a threat, as if malignant virus would lose its virulence if it took many forms; as if Soviet or Chinese statism or chauvinism, using traditional tools of power politics, buttressed by new and subtle revolutionary techniques was, by definition, a lesser evil than a pernicious ideology with

proselytising and acquisitive pretensions. Many accept this view even knowing that avowed foes back their new respectability with meaningful degrees of military superiority or myriad legions. Philosophical lovebeads became a powerful weapon. Withdrawal from international commitments was our watchword and an assumed cure for inflation or recession, depending on the portfolio of the beholder. Somehow social justice got caught in this net.

The oracles according to Laird then proved true; the Soviets had developed strategic advantage in Polaris missile submarines, having built 8–12 a year while we had constructed no more than 41 of aging vintage. The Soviet submarine-launched ballistic missile even reached to 3000 n.m.—beyond the range of our hoped for Poseidon. The Soviets had secretly acquired the capability to destroy our 1000 Minutemen ICBM's with SS–9's, each carrying not 5 but over 30 MIRV's with 25 NM or less CEP. Clandestine testing was more difficult to observe as the Soviets had blinded our peaceful satellites and chased away our radar monitoring, ships and planes. We had halted our MIRV deployment long ago because some speech writers and columnists with a "balanced" view had convinced us that there was such a thing as the danger of a *new* arms race with strategic weapons that could now be controlled by skillful diplomacy or even by our own actions. Our ABM deployment had been stopped in Congress at Phase II because influential scientists had overridden their credentials and assumed the garb of military specialists. Politicians sensed the issue while in election heat. The new military prophets and their analytical cohorts in systems trades told us of the technical limitations of ABM, heedless of the fact that hardened detection radar for ABM, booster-phase or mid-course destruct systems, and improved *Sprint* ABM missiles *could* have been developed if others had been permitted. Soon even "laser" would become a dirty word. The political and economic price promised to be incalculable.

And what about SALT? Yes, we had signed an agreement like the President said good Americans should. We had frozen inventories of ICBM launchers, checked the proliferation of Polaris tubes and clipped the wings of AMSA, now the B–1 bomber. Unilaterally we had previously promised to delay development of some major new strategic offensive systems like ULMS for 18 more months while we awaited good news from Vienna. However, the Soviets, meanwhile, accelerated their new weapons tests before an agreement could be reached. This we excused. For we were promised an agreement by our leader. We had done what many in Congress with C–5–itis wanted us to do anyway, for postponing, then cancelling weapons programs is afterall the only way to stop cost growth, schedule slippage and goldplating. We even threw in a clause in SALT about ABM. *They* would defend Moscow; *we* would defend Washington, but we *must* include Congress, too. We had forgotten that uncertainty, diversity and flexibility in the deployment of strategic weapon systems helps to make deterrence work. We ignored the fact that Soviet ABM operational experience exceeded our own, or that their new ABM with a loiter capability was not included. We added a protocol to restrict MIRV, knowing full well that national inspection systems could not tell what changes were made in the business end of a missile without unacceptable on-site inspection. The Soviets were not about to sign until their system had been adequately tested.

We accepted the institutionalized pleas of arms controllers, many of whom often have a quaint approach to such obstinate inspection problems: They ignore them, study them or they accept constraints on blind faith. They seldom get the message that the name of the inspection game is really not just "to catch a thief," but to penetrate and to open Soviet society, to facilitate intelligence overall and to spur on liberal trends. This is not in their department.

We generously borrowed from the text book of the nuclear test ban treaty, believing that an agreement that might deter is better than no agreement at all. We had chosen to ignore the fact that as a result of the nuclear test ban treaty, the Soviets had won assurance that their lead in high yield nuclear weapons could not be matched by the U.S. and that underground testing would permit them to catch up in the sub-kiloton to low megaton range. We forgot past Soviet deception concerning the cut off of production of fissionable materials. We dismissed the significance of the Soviet violation of the spirit of the Space treaty with their development of a fractional-orbital bombardment system (FOBS) that threatened to pin down our bombers in a nuclear exchange. After all, space weapons did not pass our cost-effectiveness tests. We excused the absence of Communist China from the list of signators, looking to the death of Mao to provide a new "open door." As with the nuclear non-proliferation treaty, we felt it was wise to apply only the moral pressures of an overused amorphous pressure group called world opinion to those who would not play our arms control politics, to assume that big power example would ultimately prevail. We gave up CW and BW (Chemical and Biological Warfare) weapons, as too evil to abandon by agreement. We forgot that deterrence, like love, is seldom equal in any union: differences in the system put unlike bounds on the lure of unsanctioned activity.

But back to the present and to the pitfalls of our stake in military weapons progress, ABM and MIRV, with or without SALT. In the United States these days there is little need for a SALT agreement to restrict our military research and development. Our spending for military R&D remained fairly constant until a recent decline, while the Soviets have increased theirs each year by about 10 to 13 per cent. Now they exceed ours. Unless SALT can put a brake on Soviet military R&D progress which is otherwise comparatively insensitive to pressures within Soviet society, the agreement will leave untouched the realms of scientific and technological progress that will become more threatened than either contemporary ABM or MIRV. We should have learned long ago that disarmament by example does not work. In the words of Dr. John S. Foster, Jr., Director of Defense Research and Engineering of the DOD, if present trends continue "the United States will lose its overall world technological and economic leadership. . . . Ten years ago, our total funding for all research and development, public and private (according to the Secretary) was almost twice that of the Soviet Union. Today the U.S. total is only some 20 per cent greater. By the mid-1970's the trends would put us in second position. . . . Looking at defense-related R&D and its application, the Soviet Union is now investing the equivalent of $16–17 billion. We are spending $13–14 billion. "If these trends persist, by the mid-1980's," he hazarded, "the Soviet Union will have a total R&D force of full-time scientists and engineers one-third larger than ours." The Soviet Union is clearly creating a national research and development base larger than ours. We seem to have lost the zeal for technological excellence. This we have done *without* SALT.

As a result, we may well fall hopelessly behind in the development of new weapons concepts that will make present systems as obsolete as the bi-planes and artillery of World War I. Quantum breakthroughs in military technology lie ahead. *We* know the route to take and its portent—so do *they*. It is here that the *real* race must be run or our future national security will be in jeopardy. In the heat of discussion such sensitive areas are never mentioned.

A comforting SALT agreement with the Soviets of its own momentum could further burden our scientific and technical progress although it can have favorable, if transitory, effects in other realms. Our society is particularly vulnerable to the chain reaction effects of arms control agreements on vital elements of military spending and the allocation of national energies, especially in the present climate. For example, if our military budget is slashed beyond $7 billion over the next two years, a step we will probably take even without SALT, further cuts in military R&D are inevitable. This will even weaken our ability to detect SALT treaty violations by advanced means. Important design teams will be broken up. Universities will further yield to the siren call for a divorce from military research. The blow to Lincoln and "I" labs at MIT is the precursor. The reverse brain drain will accelerate. Major corporations will re-focus their profit-oriented efforts to more promising markets, even without Nader. Funding for independent research will be at an end. In-house labs of the government will feel the squeeze and not be able to meet the requirements left unfulfilled. If they try from whence comes the innovation. This is the multiplier effect that is risked in our somewhat capitalistic society in a SALT contract that reflects and makes law but lacks an enforcer.

Reduction of the future mix or level of strategic arms through SALT or without it could also have destabilizing effects on regional balances unless their spokesmen *too* are invited to the table. The Middle East is a case in point. If any of you believe we have a meaningful conventional option in the Med. beyond pin-prick conventional conflict with the Warsaw Pact, I have sad news. A recent visit in Naples at the NATO headquarters called CINCSOUTH has led me to the conviction that the days of "massive retaliation" have returned to that area. And what about NATO's Central Front, if we have to re-target some of our intercontinental attack systems because of agreed force cutbacks or constraints? The conventional defense of the Central Front remains a logistic nightmare. How will our Allies respond to a new, lower plateau U.S. capability, since our strategic nuclear offensive and defensive capabilities have been their *ultimatum* defense? Our much blessed withdrawal from Southeast Asia upgrades the priorities of other areas in which nuclear and conventional weapons are more closely coupled.

The level of strategic weapons capabilities and the danger of escalation of local conflicts should never be viewed as mutually exclusive issues, even to facilitate agreement. Strategic arms limitations * * * from SALT could be low enough to encourage more local risk-taking by the Soviets. What about our ultimate response to the globalization of Soviet naval capabilities in a SALTed world? We cannot close the umbrella without effecting the water too.

But, I come not to bury SALT nor to praise it. Nor do I come to huckster ABM and MIRV but to counsel the large view. The limits as well as the benefits of SALT must be arrayed. The fear of polarity in public discussion must not cut off hard questions from *both* sides. Those who believe we can negotiate realistically from the present prospect of reduced U.S. strength must bear the burden of proof. Those who believe we can insure the sanctity of agreements reached from a level of technological and military inferiority must carry even a heavier cross. In the past, we had sufficient scientific-technological cushion to use as a buffer to overtake quickly a Soviet weapons advance or increase in forces if our estimates of risk or of Soviet intentions were wrong. Now our policy transmission cannot readily put us in high gear because of a weakening technological base.

We must remember that strategic equa-

tions can be even more sensitive to unilateral constraints than to the outcome of direct international negotiations. The inter-relationship of the two is part of the problem. We must face the fact that arms control is but another region of international conflict; its purposes and rules must be fully responsive to overall national strategy and supportive of the aims that guide DOD. About this, the Soviets have no doubts in their own planning. The dialectics of the process are sometimes lost in our pluralistic system, which relies on checks and balances.

Proceed we must, however if only to reduce in part the risk of global conflict and open up what may become new avenues to Soviet constraints. Tomorrow's equation of power may be worse. To paraphrase the spirit of words delivered by President Kennedy, who knew well the diplomatic advantages of strategic military strength; before my term has ended we shall have tested anew whether a nation organized and *governed* such as ours can endure.

RETIREMENT OF EDWARD E. MANSUR

Mr. HOLLINGS. Mr. President, I think it is fitting that we take note of the retirement of one of the strong arms of the Senate—Edward E. Mansur, our legislative clerk.

Ted Mansur has served this body with efficiency and distinction for nearly 25 years. He has earned the gratitude of us all, and his able services will be sorely missed.

Now Ted Mansur embarks upon a well-deserved retirement. His decision to take leave of us now, while still a relatively young man, mirrors an admirable perspective. While on the job, he gave all his energies to the tasks he performed so well. His enthusiasm constituted a large measure of his success. Yet he realizes that there comes a time in a man's life to enjoy the fruits of his labor and to widen the experiences of his life. Having no desire to set new endurance records in the Senate, Ted Mansur now immerses himself in those aspects of life that too many of us lose sight of in our daily involvement here. In an era when we talk much about the quality of life, we would do well to reflect upon the example of this mature decision. I feel sadness in seeing him go, but I feel happiness in seeing a man realize that retirement can be the beginning of valuable new experiences, a period wherein a man achieves a sense of wholeness.

I join with all the other Members of this body in wishing Ted Mansur well.

I ask unanimous consent that an article on Ted's retirement, published in the Washington Evening Star of August 3, 1970, be printed in the RECORD.

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

MANSUR RETIRES AT 54: SENATE "VOICE" CALLS IT A DAY

(By William Grigg)

For 23 years, Edward E. (Ted) Mansur has been the voice intoning the Senate rolls . . . "Mr. AI-ken . . . Mr. AL-len . . . Mr. AL-lot . . . counting, and once miscounting, the Senate's votes.

He retired Friday, happy that his tenure has broken no records. His predecessor, "Uncle" John Crockett, stayed on and on for 40 years, afflicted with Senate fever.

When he finally was retired in 1947, he was still wearing frock coats, Mansur recalls. He died shortly after he retired.

Mansur, however, is not yet 55. He has bought a 47-foot ketch worth nearly $100,000, has a good retirement income and a yen to sail the Caribbean Islands.

GOT THE JOB AT 30

"To get me to work again, somebody would have to offer me a lot more money than I'm worth," he said.

He was 30 when he got the job as Chief Clerk of the Senate, which had just gone Republican. He had graduated first in his class at the University of Missouri Law School, had found there were "almost as many lawyers in the phone book as people to use them," and had become interested when the late Sen. James P. Kem, R-Mo., told him about Crocker's retirement.

Scores of radio announcers also heard of the opening and, thinking a good voice for the roll call was all that was necessary, applied. The Senate's Republicans auditioned them in the Senate Chamber.

Mansur won because of his law background and, he says with a grin, because "there was some politics in it."

PUBLISHES DAILY CALENDAR

As chief clerk, and then legislative clerk when the Democrats took over the Senate, Mansur each day has published the Senate's legislative calendar—a listing of pending bills—and has recorded the votes in the Senate.

He hadn't been there long when he recorded a vote wrong, passing an amendment that should have been defeated. Vice President Alban Barkley announced the wrong result before Mansur discovered the error.

The late Sen. Joseph McCarthy, R-Wis., was the author of the amendment and when Barkley later announced that the amendment actually had been defeated, controversy raged for days and some senators wanted Mansur's neck.

SENATE CLOSELY DIVIDED

Those were hard years because the Senate was closely divided and "the Republicans thought it necessary to oppose everything that Truman did," Mansur says.

Barkley was also the last vice president to spend a lot of time presiding over the Senate. After that, Eisenhower made Nixon "assistant President," but Barkley often found out what Truman was doing only by reading it in the newspapers, Mansur recalls.

Debate was stronger then "and when a senator of prominence spoke—Taft or Vandenberg for example—everybody was in there listening and their arguments could change votes."

Today, senators often speak to nearly empty chambers. Mansur thinks they "speak less to influence each other and more to get their positions on the record or to influence the press."

IT'S A GOOD SHOW

Friday afternoon, other Senate staff members came by to shake Mansur's hand. Some of them, much older than Mansur and still working, seemed bewildered that he would voluntarily retire.

"The Senate is such a good show," one said. But Mansur said he was beginning to feel that he had stayed in a movie theater too long and was seeing the same show over.

There are men working for the Senate—and eager to continue—who could be Mansur's father. There are retired newspaper reporters and aging lobbyists who shuffle the hallways of the Capitol, hoping for a nod from a senator who remembers them when.

But Mansur happily slipped the photographs of his family and his boat from under the glass on his desk and went his own way.

VOLUNTEER MILITARY

Mr. HATFIELD. Mr. President, this is the second in a series of prepared testimony which was to have been given before the hearings on the draft before the Senate Committee on Armed Services. It is by William Keeney, chairman of the Mennonite Central Committee Peace Section, and points out many of the problems presented to the conscientious objector by conscription. I ask unanimous consent that Mr. Keeney's statement be printed in the RECORD.

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

THE DRAFT SHOULD BE ABOLISHED

A statement by the Mennonite Central Committee Peace Section

My name is William Keeney. I am the Dean of Bethel College, North Newton, Kansas and Chairman of the Mennonite Central Committee Peace Section. We are an agency of the Mennonite and Brethren in Christ churches and speak from a 450 year old tradition committed to the Christian gospel of peace and the belief that war is sin.

We are testifying today, as we have before, because of our Christian concern for peace. We speak from our experience of the past thirty years as conscientious objectors to conscription. The concerns we express, however, are not merely for ourselves. We speak with the profound conviction that peace is the will of God for all mankind, that this is impossible until the instruments of war are dismantled and the occasions for war removed.

In this vein we have one main message to communicate today. It is our conviction that the conscription system established through Selective Service should be abolished. There are two sets of arguments why we believe the draft should be ended. The first is based on what the draft is and the second is based on how the draft has operated.

I

We oppose the draft first of all because it is the nation's means of conscripting young men to provide soldiers for its military system. Young men are thus forced against their will to become part of the military structure which exists to kill and, of course the contrary is also true—to be killed.

Mennonites believe that human life is sacred, that each person is created in the image of God and that God's ultimate will is for all persons to become his sons. Dead persons cannot become sons of God. The destruction of life is the opposite of God's will that mankind find "life in all its fullness." Our refusal to participate in a system of killing is a witness against the very existence of the military system.

Secondly, the draft is one of the major infringements on the freedom of the individual person. The very organization of the draft forces young men to work in a system of involuntary servitude. In a country which loudly parades its freedom we find it especially ironic that people live as lottery numbers and under the constant fear they will be forced into a situation where they are confronted with the stark choice of killing or being killed.

Thirdly, the draft is intrinsic to maintaining the large military establishment which threatens to overwhelm not only this nation but other nations as well. The 1967 Selective Service Act is a "Military Selective Service Act". We believe that it is the large pool of manpower provided by the draft which enables the executive to make the quick decisions to go to war without Congressional and public discussion.

These are not new convictions among Mennonites. In 1951 the late chairman of the MCC Peace Section, Harold S. Bender, spoke prophetically to this committee:

"I appear rather to appeal to the committee to conclude without further extension the experiment which has been made with peace-time conscription: first, because of its constant danger as the first step in

a militarization of the mind and spirit of our citizens, as well as of our whole national tradition, with its inevitable threat to freedom of conscience and the democratic way of life; and second, because we fear the baneful influence upon our whole national and international policy at the present juncture of excessive dependence upon military power and measures. It is surely one of the lessons of history that those nations which have most relied upon military might have in the end lost most fearfully. We still believe that it becomes nations to rely more upon good will and spiritual forces than upon guns and bombs, and fear terribly the outcome of the present almost world-wide turning to the most destructive material forces to attain national goals."

Nor are our convictions about the evils of war and preparation for war lightly adhered to. Many of us now live in the United States because our fathers left Switzerland, Germany, and Russia to escape compulsory military service. We still believe strongly that their move was a correct response to those circumstances. Forced conscription is one reason why many of our people have migrated during the past decade from the United States to Canada, Paraguay, Bolivia, Brazil, and Honduras.

These are reasons enough for ending the draft. We are encouraged that many of our fellow citizens, indeed a growing number of those in Congress, fear the effects of militarism and the draft on the quality of life in American society. Not only is the draft an instrument of killing people in far off places, it is an important ingredient in the cheapening view of human life and thereby contributing to the rising violence at home. Those who lose the freedom to choose their lot during the impressionable years of their life are going to be less concerned about preserving freedom during the rest of their lives or perhaps more sadly will lose any notion of what freedom is all about. The draft is not only un-Christian, it is also un-American and should be abolished.

II

Now we turn to the second set of arguments for abolishing the draft—the inequities of the system as we have observed them.

These inequities are well documented. A peace-time draft inevitably discriminates in its provisions for widespread deferments. We have often seen how the person of wealth and status is able to find ways of avoiding military and indeed alternative service because of his position. Indeed we doubt that conscription can ever be justly and equitably administered.

But the inequities we wish to comment on today are those involving conscientious objectors.

Mennonites have historically and for the most part continue to be conscientious objectors to participation in the military. This refusal to bear arms has developed from our belief that killing is abhorrent to God and from our attempt to follow the way of life Jesus taught for all people which includes recognizing the need for governing authorities.

We are not unmindful that the Congress has searched for ways to honor the conscientious scruples of many American citizens. We have certainly been the beneficiaries of such recognition. And now we welcome the growing conscience against participating in war within and without this nation. Yet we are embarrassed and deeply concerned that the provisions for conscientious objection are so little recognized in persons outside the historic peace church tradition.

This is the first discrimination we call to your attention. We have heard and worked with numerous persons who have been refused conscientious objector status or who have had to wage costly legal battles to achieve this status when historic peace church men were readily recognized.

Allow us to illustrate with the case of a young, devout Presbyterian who tried to gain conscientious objector status from his draft board in a Pennsylvania town. His board told him only young men from the Mennonites, Church of the Brethren and Quakers could qualify for such a status. After frequent appeals he was finally granted a I–A–O for noncombatant military duty. But he found such military duty so uncomfortable and unable to get a release as a conscientious objector, he finally joined the migrants for conscience sake in Canada. We Mennonites are distressed and deeply regret this discrimination.

A second discrimination we call to your attention is the simple failure to inform young Americans of the opportunity of conscientious objection and alternative service. Though this has been a feature of the legislation there are vast areas of this nation where such provisions are unheard of. Draft boards and Selective Service do not publicize these alternatives which should be legal rights for all Americans and, therefore, publicized to all Americans. Since conscience is a valued American tradition, objectors should not be subject to any punitive disadvantages because of their convictions.

The third discrimination involving conscientious objectors is the narrow definition of conscience that the legislation and practice entails. Conscience, it has been said is as "American as apple pie". We believe this to be true but far too often both the legislation and the draft boards have refused to recognize the validity of this cherished tradition. While our own conscience is molded in and through the church we do not believe that conscientious objection should be prerogatives for persons of certain doctrinal belief or denominational affiliation. The consciences of those who may not use religious arguments against war as well as the conscience of the person who objects to certain wars as being unjustifiable should be respected. The government should not assume the obligation of determining whose belief is correct. We believe rather that every person who is a sincere conscientious objector should be exempted from military service.

The fourth discrimination is simply the non-recognition of conscientious objectors. Many draft boards do not know how to deal with the conscientious objector. Other draft boards and indeed entire State Selective Service offices do not recognize the legal provisions for conscience. The recent *Study of the Selective Service System* by the Subcommittee of the Senate Judiciary Committee calls this "Lawlessness, plain and simple". The government's inconsistency in administering its own provisions should be sufficiently obvious as to question the integrity of the draft itself.

Finally there is the discrimination that results from requiring an eighteen year old to have well defined convictions regarding participation in the military. We have found that if the new registrant does not immediately secure his conscientious objector status it is always more difficult to secure it later.

CONCLUSION

The conclusion of the Mennonite Central Committee Peace Section is that the draft should be abolished, that the very existence of the draft contributes to the militarism that now dominates American life and threatens the freedom, stability and survival of the world and that the draft has operated most inequitably and being inherently evil cannot be operated otherwise.

This committee knows that the Mennonite churches have always opposed war and military conscription. Though many of us have learned to live with conscription we have always done this with an uneasy conscience. We are appreciative of the alternative service opportunities which have enabled so many to offer a constructive Christian service for peace. Increasing numbers of persons in our brotherhood question the continued acceptance of such an alternative service program, as it represents to them an acquiescence to American militarism. Some of these persons have refused to cooperate with Selective Service; others have moved to other countries. The church respects these convictions and stands with these persons in their Christian faithfulness.

Today we are deeply concerned about the militarization of American life, the impact of war on our national spirit and the erosion of freedom under the impact of war and preparation for war. We appeal now for the reorientation of national values from war to peace, from regimentation to freedom, from militarism to humanity. Our belief is that ending the draft can be a step in this direction. We want to encourage this committee and the Congress this year to turn away from a system that has pervaded American life for thirty years. One of the sources of misery and discontent in the nation and a threat to peace in the world is the draft. It ought to be abolished now.

SENATOR GOODELL PROPOSES THE ESTABLISHMENT OF A UNIFIED TRANSPORTATION TRUST FUND

Mr. GOODELL. Mr. President, for too long, our transportation system—our railroads, our highways, our airports—have expanded without central direction, lacking precisely that element of planning which might have kept our waterways unpolluted, our streets uncongested, and the air we breathe free of smog. This unbalanced system also has developed at the expense of continually underfunded and failing mass transit transportation. It is imperative that we coordinate the various modes of transportation and establish a unified program under which all areas of travel would be funded on a regular and adequate basis.

On July 14, 1970, in testimony before the Senate Committee on Public Works, I proposed the creation of a Unified Transportation Trust Fund. Properly organized, such a trust fund would go far in alleviating the problems of congestion and pollution. Ably directed, such a trust fund would insure that our tax revenues would be utilized effectively. Expertly managed, such a trust fund would be responsive to regional needs, while at the same time providing the apparatus for delivering a sorely needed national transportation system.

Mr. President, I ask unanimous consent that my testimony be printed in the RECORD.

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

A UNIFIED TRANSPORTATION TRUST FUND

(Testimony by U.S. Senator CHARLES E. GOODELL before the Senate Public Works Committee, July 14, 1970)

Mr. Chairman, it is time we realize that we cannot solve our transportation problems simply by covering our land with concrete. Our highway program is in need of fundamental restructuring and reform.

Over a decade ago, with the passage of the Highway Revenue Act of 1956, Congress launched an extraordinarily ambitious highway construction program. We committed ourselves to building a 42,500 mile network

of freeways to link up major population centers, and the federal government has already authorized over $50 billion trying to complete it.

Yet as mile upon mile of superhighway was completed, our railroad passenger service deteriorated; our airports became dangerously congested; and underfunded mass transit systems remained crowded and archaic.

A network of freeways and highways can certainly be one useful part of a balanced national transportation system. However, if it is the predominant component, the entire system can collapse. Anyone who has ever been on the Long Island Expressway at 8:00 o'clock on a week day morning can attest to that fact.

By placing such distorted emphasis on highways, we have made the automobile the greatest single polluter of the air; we have dumped millions of cars on the edges of our cities, and left them to fend for themselves in congested streets; we have uprooted whole neighborhoods to make way for the freeway; and we have bulldozed scenic wonders away.

EXTENSION OF PRESENT PROGRAM

The funding authority for the present highway program expires in 1972.

The state highway commissioners have recommended its extension until 1985, at the staggering cost of $320 billion.

Mr. Chairman, I emphatically disagree with this proposal. It makes no sense to continue to give interstate highways a statutory preference over other modes of transportation for another decade and a half.

As long as the coffers of the highway trust fund overflow while the Federal mass transit program starves, we will be building superhighways to nowhere while our urban areas choke with congestion.

Secretary of Transportation Volpe has recommended that the funding authority for the highway trust fund be extended until 1977. However, he has proposed modifying the program to permit trust money to be spent for safety and highway beautification purposes.

Secretary Volpe's modifications are steps forward. They do not, however, go nearly far enough.

The basic imbalance in our transportation system will not be remedied by improving the details of the highway program. A fundamental restructuring and broadening of the program is needed. That is what I propose.

Mr. Chairman, our nation requires a unified, rational transportation program, supported by a single method of funding. Federal support for different modes of transportation—mass transit, airports, roads—should come from one source of funds and be administered through one program. Different modes of transportation should no longer be supported by competing and separately-funded programs.

I recommend the establishment of a Unified Transportation Trust Fund, after the revenue authority for the highway trust fund expires in 1972.

The Unified Transportation Trust Fund should receive all the revenues that now go into the highway trust fund—gasoline taxes, truck and bus excise taxes and taxes on various automotive parts. The Fund should also receive all the revenues that now go into the recently-created airport trust fund—ticket, gasoline, tire, and air freight taxes, and aircraft registration fees. The Fund might also be supplemented by earmarking other transportation-related Federal taxes—such as the automobile excise tax. An excise tax might conceivably also be imposed on mass transit facilities, the proceeds of which would be added to the Fund.

Once established, the Unified Transportation Trust Fund should support a comprehensive inter-modal transportation program. It should provide funds for the construction of roads, airports, and urban and commuter mass transit systems, in accordance with the particular transportation needs of the regions they serve. Ultimately, the program could be broadened to include construction funds for intercity rail systems.

Moneys from the Fund would be distributed in support of varying transportation modes, in accordance with a national transportation plan developed by the Department of Transportation and approved by the Congress. The national plan would strive to create the balanced national transportation system that now is so grieviously lacking.

The program should involve a major input—both in its planning and administration stages—by regional transportation bodies. This input is essential to assure that the program is truly responsible to regional needs, rather than merely conforming to some bureaucratically-conceived notion of national symmetry.

Such a program would have the following major advantages:

It would eliminate the present imbalance, where there is an excess of money for superhighways and virtually no money for other modes of transportation, such as mass transit.

It would recognize that different areas of the country require a different "mix" of transportation facilities. A rural area that still needed roads, would get roads. A city that needed subways and a new airport, would get these facilities. A suburban county that needed a bus system would get one.

It would be adequately and dependably funded, as the highway program is today. The earmarked transportation taxes would pour automatically into the Fund, thus avoiding the hazards of Congressional budget cuts. This not only assures that there will be enough money to start building a balanced transportation system, but guarantees this money far enough in advance to permit rational forward planning.

It would be conceived as a unified plan, but one which involves full participation in the decision-making process by the regions that will be affected.

RECENT CONGRESSIONAL ACTION ON MASS TRANSIT

Last year, there was considerable discussion about employing the trust fund concept to support urban mass transit. One suggested method was to earmark a portion of the highway trust fund for this purpose.

At that time, I supported trust fund financing for mass transit. I do so today. Only this method assures that a sufficient amount of moneys will be available on a predictable basis. As long as urban mass transit is financed out of general revenues, it will be overpromised and underfunded.

Unfortunately, the Senate did not choose this approach. However, it did adopt the Administration's proposal for $3.1 billion in "contract authority" to finance mass transit. Under this plan, no taxes would specially be earmarked, but once the legislation was adopted, Congress would be contractually committed to appropriate the moneys on a long-term basis. This, it was hoped, would provide the predictability that is so essential for the financing of mass transit projects.

While I preferred the trust fund approach, contract authority is a substantial improvement over the present system of financing mass transit. Accordingly, I supported the contract authority plan. I also introduced one amendment and cosponsored another amendment that would have increased the total amount of mass transit contract authority from $3.1 to $10 billion. Unfortunately, these amendments were not adopted.

Although the House has not yet passed the contract authority legislation, recent action by the House Appropriations Committee threatens to dismantle the contract approach before it is even enacted. The House of Representatives, approving the recommendations of the Appropriations Committee, has approved only $214 million for Fiscal Year 1971 and has avoided granting funds for the long-term contractual approach approved by the Senate. This unfortunate House action continues the existing uncertainties of mass transit funding.

Mr. Chairman, the real solution for mass transit still lies in the trust fund approach. This can best be implemented in the manner I have proposed—by creation of a Unified Transportation Trust Fund that is available for mass transit as well as other modes of transport, in accordance with regional needs.

THE C–5A JET TRANSPORT

Mr. SAXBE. Mr. President, most of us are aware of the sticky financial problems being faced by such major business firms as Lockheed Aircraft Corp., the Penn-Central Railroad, and others. One phase of this problem, at least as it relates to one of our giant defense contractors, is treated in The New Republic magazine of August 1. The article, entitled "The Lockheed Scandal: What Really Happened?" was written by James G. Phillips. Mr. Phillips is a former military editor for Congressional Quarterly and has spent many months researching the subject of defense spending.

In what I thought to be an excellent article, Mr. Phillips treats the issue of the C–5A jet transport from its inception in 1965 to the present. Perhaps his key assertion is that much of the C–5's controversial overrun could have been avoided if the Air Force had really cracked down early in the program. Mr. Phillips writes that of the $2 billion overrun, less than $200 million can be attributed to inflation. Most of the remainder, he asserts, can be traced to the "reverse incentive" caused by the repricing formula between the contractor and the Air Force, often referred to as the "golden handshake."

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

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

WHAT REALLY HAPPENED? THE LOCKHEED SCANDAL

(By James G. Phillips)

Air Force Colonel Joe Warren, a crusty cost-efficiency expert, was unmoved by Lockheed Aircraft's attempt to snow him over its C–5A jet transport program. Lockheed's briefing, he wrote Air Force headquarters almost four years ago, was "like seeing the rerun of an old movie—the plot still has drama and suspense, the script was excellent, the acting superb, but the outcome will be the same as it was the first, second or tenth time it was shown. The contract costs will be exceeded." Warren was right. With the Air Force refusing to impose tough cost discipline on a favored aerospace contractor, Lockheed has run up one of the most whopping cost overruns ever experienced on a weapons procurement program. Worse still, there's been no change in the inner workings of the military-industrial complex, which precipitated the C–5 disaster.

New evidence I have obtained indicates that at least $1.5 billion of the $2-billion C–5A overrun was clearly avoidable. In the first place, the Air Force gave Lockheed the contract (probably for the sole reason of keeping the company in business) despite

known deficiencies in its design proposal that were sure to lead—and did—to expensive redesign work. Even then, much of the overrun might have been salvaged if the Air Force had clamped down on excessive plant overhead rates and blatant inefficiency on the production line. But despite the early warnings by Col. Warren and other cost experts, top Air Force brass and bureaucrats swept these problems under the rug. At every stage, the Air Force's primary interest was in concealing the problem, not solving it.

The C–5 program was destined for trouble from the beginning, and here's why: the contract, signed in October, 1965, contained a novel provision permitting Lockheed to come in with a low bid to land the program, with the virtual assurance of getting bailed out later by the government in the event of trouble. This provision was called the "repricing formula" by the Air Force and later the "golden handshake" by critics. It allowed the company to offset at least part of its losses on Production Run A of 58 aircraft by recomputing the price agreed on earlier for Run B of 57 planes. Although the second run would be undertaken at the option of the government, it appeared almost certain that the Air Force would want the extra planes and more. Air Force long-range airlift plans called for a 120-plane, six-squadron program. The other five planes would be procured from Run C—another option for the purchase of up to 85 planes at a price to be negotiated later.

The "handshake" clause, based on an extremely complicated mathematical formula, provided essentially that if actual costs of Run A exceeded the original contract "target cost" (contract price less profits) by more than 40 percent, target cost of Run B (set at $490 million in 1965) would be increased by approximately $1.25 for every additional dollar spent on Run A above the 40-percent cost growth mark. Cost increases of less than 40 percent would be financed as follows: for increases of 30 percent or less, Lockheed and the government would share responsibility, with the government paying 70 percent. Lockheed's share would be applied against its projected Run A profits of $128 million, which would be evaporated once costs rose by more than 30 percent. If the Run B option weren't exercised, Lockheed would bear full responsibility for all cost growth over 30 percent. But if the Air Force bought Run B, the "golden handshake" would go into effect once cost growth passed that mark. For cost increases of 30 to 40 percent, the handshake would reimburse Lockheed 87 cents on every additional dollar it spent, and above 40 percent, Lockheed would get back $1.25. (Both the 87-cents and $1.25 formulas, however, were pegged to the number of aircraft ordered under Run B, and lesser amounts than these would be paid if the government bought less than 32 of the Run B planes.)

Once a 40-percent cost increase appeared likely, the handshake loomed as a reverse incentive encouraging Lockheed to be less efficient. At this point, it would be in the company's interest to run up even greater costs on the initial production run in order to make 25 cents profit on every additional dollar it spent. Because of the sharing formula on the first 40 percent of extra costs, the cost growth would have to be astronomical before the handshake could turn Run A losses into an overall profit on the program. (The original target profit agreed to for the Run B option was only $49-million.) But at the same time, catastrophic losses would be impossible unless the Air Force decided not to buy Run B or the company actually lost money on its Run B operation—a prospect that appeared unlikely because aircraft costs per unit characteristically decline as a contractor gains experience with a program. Undoubtedly, this protection against big losses was an important factor in Lockheed's decision to cut corners on its bid.

Desperate for new business, Lockheed's management in early 1965 ordered its staff's lowest cost estimate reduced by 10 percent in order to undercut its competitors—Douglas Aircraft (now McDonnell-Douglas) and the Boeing Co. Lockheed's bid of $1.9 billion for research and production, including Run B if ordered, was $79 million less than Douglas' and $300 million less than Boeing's. The Lockheed proposal expressed a high degree of technical optimism that was unfounded under the circumstances. It also made little allowance for inflation though the Air Force had warned all three contractors to take that factor into account as a normal business risk over the first two years of the contract (after that, the contract provided that inflationary increases would be covered largely by the government). Nor did the Lockheed proposal make allowance for the fact that the C–5 award was the first of a new type of contract called "Total Package Procurement," under which the contractor would commit himself to a fixed price ahead of time for both research and production—a risky proposition that might have given Lockheed pause had it not been for the protection afforded by the golden handshake provision. Although an Air Force Source Selection Board found Boeing's proposal superior in its technical aspects, Lockheed won the contract on the basis of its low cost bid. The entire program was to cost $3.4 billion, including the airframe, engines and spare parts.

In a move to narrow the technical edge held by Boeing, Lockheed had hurriedly adopted certain design changes suggested by the Air Force just before submitting its bid. It had vastly underpriced the cost of these changes, increasing its bid by only $48 million. At least one high-ranking Air Force official told company management that its allowance for the changes was far too low, but Lockheed ignored his advice.

Almost from the start of development work in early 1966, Air Force cost experts assigned to a top-level headquarters management group began citing evidence of a big cost overrun in the making. A. E. Fitzgerald, the deputy for management systems who later was to lose his job after testifying to Congress on the C–5's problems, noted early in the year that overhead rates at the company's production facility in Marietta, Ga., were vastly exceeding target. Col. Larry M. Killpack, chief of the Air Force's Cost and Economic Information Bureau, found by year's end that several key parts of the program were overrun by more than 100 percent. On Dec. 8, Killpack concluded in a memo to Air Force Headquarters that "Lockheed is in serious difficulty on the C–5A." Five days later, Col. Warren penned his memo. All these reports fell on deaf ears.

As Lockheed admitted later, the reason for its early overspending was a massive redesign effort related partly to the last-minute technical changes the company had squeezed into its contract proposal. The most significant of these changes had been enlargement of the wing to meet Air Force requirements for the plane's short-field landing capability. But reconfiguration of the wing brought on weight problems, which required a new round of redesign work. After Fitzgerald learned of the extent of the redesign effort, he reported that these engineering problems almost certainly would mean a heavy cost impact when the plane moved from research to production.

By late 1966, the C–5's Systems Program Office (SPO), the office charged with day-to-day monitoring of the C–5 contract, joined the efficiency experts in their concern over the C–5's mounting costs. The SPO had become alarmed at indications from Lockheed management that the company did not intend to make good on the full contract performance specifications. One of the developments that bothered the SPO was Lockheed's proposal for a "tradeoff," as the company described it, relaxing the weight requirements in exchange for increased engine thrust, to be provided at government expense. The proposal was rejected.

In an extraordinary move, the SPO on Feb. 1, 1967, sent Lockheed a "cure notice" indicating the contract would be cancelled unless Lockheed presented a satisfactory plan for improvement within the next 30 days. It was the first such action ever taken by the Air Force on a major weapons program. Although Air Force Headquarters questioned the advisability of the action, the SPO prevailed. Standby press releases announcing the move were prepared both at Wright-Patterson Air Force Base, Ohio, where the SPO is located, and at Air Force Headquarters in Washington. But both were marked for use only in the event of press inquiry, and when press questions failed to develop, neither was ever released. This was one of the most blatant of all the Air Force's cover-ups and one of the most costly in terms of the public interest. Since the plane had not yet moved into production, disclosure of its problems at this stage might have led to enough pressure to induce the Air Force to switch the contract to Boeing or at least bear down on costs.

The cure notice evoked tremendous concern at Lockheed, which was then preparing a public offering of $125 million in convertible debentures. Within the next three weeks, Lockheed met repeatedly with the SPO but to no avail. With time running out, Lockheed finally swayed the SPO on Feb. 21, by promising to dispatch a top-level technical team from corporate headquarters in California to help the foundering Lockheed-Georgia management resolve the plane's technical problems. The cure notice was rescinded.

Despite the presence of the headquarters technical team, it was business as usual on the production line. Col. Jack W. Tooley, a former Army airlift expert working as a civilian adviser to Lockheed, reported that he observed incredible inefficiency in the plant. "From time to time," he recalled recently, "since I had nothing better to do, I would walk through the main plant, observing what was going on. The number of workers loafing on the job was absolutely unbelievable. In fact, my major contributions to Lockheed probably were these trips through the production line, since workers seeing me without a badge and in a suit and white shirt went back to work, as they were not sure of who I was."

Tooley added that he talked at some length with one of the supervisors on the production line, who told him that he had "40 more men in his department than he needed; that he was getting about six hours' work out of eight hours; that when he went to ten hours and over, the production dropped to five hours." Tooley also said he knew "personally of two cases where the indivdual was making $10 an hour, did not have a degree, was not doing anything, and yet spent 60 hours a week doing it because that is what the contract called for. This can be multiplied by many hundreds of times."

The situation was not much better at General Electric's plant in Evandale, Ohio, where the C–5's engines were under production. Here Fitzgerald also found excessive overhead rates and a large part of the work force loafing. After one trip to the facility in early 1967, Fitzgerald wrote Air Force Headquarters: "I observed a total of 134 people, of whom 35, or 26 percent, appeared to be working. The modal pace of work was quite low, approximately 70 percent of normal. Machine utilization appeared to be about 50 percent on the day shift and lower still on the swing shift." Fitzgerald later told Congress that at least $1 billion of the C–5 overrun could have been saved if the Air Force had required reasonable efficiency and

economy of work forces at the Lockheed and GE plants.

Annoyed by the continuous appearance of cost analysts, Lockheed and their sympathizers in the Pentagon began seeking their systematic exclusion from the program. Orders were cut sending Warren to Addis Ababa as Air Attaché. Fitzgerald and other friends of Warren at Air Force Headquarters were able to block that appointment, but Warren was still removed from the program and assigned to a Pentagon computer manager job. Killpack was transferred to Vietnam, and Tooley quit Lockheed-Georgia in disgust.

With its technical problems mounting, Lockheed turned to costly and exotic materials such as titanium to help pare down the excess weight. By now the company had found it was useless to try to wiggle out of contract specifications. Despite some expressions of unhappiness at higher levels, the SPO refused to budge.

Without doubt, the SPO's adherence to the contract dealt Lockheed a stunning blow. When the company had run into production problems on earlier programs, the Air Force would often waive specifications or provide enough contract change orders (sometimes called "contract nourishment" in the trade) to ensure that the company came out well. Lockheed's chief development engineer, on the program later told Securities and Exchange Commission investigators that he never suspected the C–5 contract would be enforced: "As is so frequently the case with multi-layer management," he said, "someone at the top can say do it this way to avoid this, that and another, and these people down below say here's the contract, but that's just a lot of boiler plate and we'll work together." In its 1969 report to stockholders, the company said the Air Force's strict insistence on performance specifications and delivery dates "resulted in expenses by contractor far beyond the original estimate to avoid ever-present threats of cancellation for default. . . . Contract terms were regarded as sacrosanct even though a relaxation of specifications and delivery dates could have greatly lessened costs."

In May 1967, Lockheed moved from research to the production phase of the program with the plane's technical problems far from resolved. At a meeting of the top-level Air Force management group, at least one official complained that more time should have been spent on development. "This is the first major aircraft system," he said, "to begin operational systems development after completing an extensive contract definition phase. The central idea of contract definition is to define achievable performance and to develop realistic schedules and credible cost estimates in relation thereto. Clearly, Lockheed flunks the course on this basis."

Despite continuing SPO concern over the technical difficulties, Lockheed characterized the problems as nonrecurring and refused to acknowledge their potential impact on costs. Late in 1967, Lockheed-Georgia notified corporate headquarters that "the bulk of the program remains before us, giving us ample opportunity for cost savings. . . ." Although Lockheed added a $90 million contingency fund to its cost estimates by the end of 1967, it explained to its auditor, Arthur Young Co., that it was merely being conservative and that the funds would not be needed. Arthur Young's notes indicate unbounded optimism on Lockheed's part. The first indication of a really disastrous overrun on the Lockheed program came in April 1968, when the SPO estimated costs of $2.9 billion through Run B, a $1 billion overrun. The SPO figured Lockheed had known about the cost situation since the early part of the year, since the company at that time had "intensified their efforts to maneuver within the contract framework to get the Air Force to pay for work we contend is already on contract. In addition, they started attempting to limit our visibility on program costs."

Nonetheless, Lockheed insisted the SPO projections were far too high, and it pressured the SPO to change them. SEC investigators found later that Lockheed had threatened to follow the SPO briefing team wherever it went, to shoot down their figures.

But with a decision soon due on the Run B option, Lockheed decided to adopt a low profile and hope that, as before, Air Force Headquarters would not become unduly alarmed at another pessimistic SPO estimate. As the SEC staff put it, the rebuttal package was ready if needed "to help protect Lockheed's position in this respect, but would not be used unless necessary because of the danger of focusing attention on the cost increase." The SPO apparently recognized this same motive in June when it wrote that it was definitely in Lockheed's favor to keep the Air Force "in the dark" on the costs of Run A, because of their potentially adverse impact on a decision to exercise the Run B option.

At this point, however, even the SPO, which had been relatively tough on Lockheed, became concerned over the effect that disclosure of its cost projections might have on the company's liquidity position. Its reports to higher headquarters contained the following notation: "Security considerations. You will see we are estimating that Lockheed will overrun the ceiling price of the contract by a significant margin, that is, they will incur large monetary losses on the program. The SPO has treated this information as extremely sensitive in view of the adverse publicity and stock market implications." SPO said there was no pressure from Lockheed or higher headquarters to insert this warning in its report. It said the suggestion was made "purely and simply because the cost figures . . . were estimates and were not concurred in by the contractor. There was a wide variation between the estimate contained in this report and the contractor's estimate. It was felt that should the Air Force prove to be inaccurate subsequent to wide public disclosure the Air Force would be accused of acting irresponsibly."

Instead, the SPO decided to err on the side of the contractor and let the public be damned. Air Force Headquarters moved quickly to close off possible leaks by directing that the information be limited to top-level reports and be excluded from any document receiving wide circulation. Although Congress had been notified of the SPO's August 1967 estimate of a $331 million overrun, it was not informed of the new projection. Neither was it told of a follow-up study in October, which placed the overrun on the entire program at $2 billion, including $1.5 billion on the Lockheed program. The SEC staff revealed that the Air Force considered rewriting performance specifications at this point to give Lockheed a better break. (Some of the performance specifications were relaxed later, and the Air Force now is planning significant further relaxation in order to avoid another costly redesign of the wing.)

The next episode came in early November, when Richard Kaufman, staff economists for the Joint Congressional Economic Committee's Economy in Government Subcommittee, was setting up a subcommittee hearing on "The Economics of Military Procurement." Kaufman had followed the C–5 program closely and knew of the latest overrun estimate. Although no subcommittee member or staffer had yet contacted Fitzgerald, several Pentagon associates recommended him.

When Kaufman invited Fitzgerald to testify, bedlam broke loose in the Pentagon. Defense Department Comptroller Robert Moot, the Pentagon's top financial officer, warned Fitzgerald that his testimony "would leave blood on the floor." The Pentagon sought to substitute a more manageable witness, but the subcommittee chairman, Sen. William Proxmire (D, Wis.), insisted that Fitzgerald appear. Finally, the Pentagon agreed to let Fitzgerald attend as a backup witness. At the hearing Nov. 13, Proxmire ignored the Pentagon's hand-picked witness and called Fitzgerald immediately to the stand. Fitzgerald confirmed Proxmire's estimate of the $2-billion overrun, leading to his immediate removal from the program and eventual dismissal from his job.

With Congress and the public enraged about the overrun, the Pentagon flatly repudiated Proxmire's figures. Its Public Affairs Office put out a release contending that current estimates for the program were only $4.3 billion instead of the $5.3 billion Proxmire had revealed. Supplementary material requested of Fitzgerald for the hearing record was altered by the Pentagon to show the lower figure. The difference turned out to be the Air Force's omission of some $900 million for spare parts—another item that was badly overrun. The spares were mostly engines and ground equipment—items the Air Force classifies as an operating cost and not as original investment. The Pentagon news release failed to make this distinction, however, thus conveying the impression that Proxmire was overstating costs.

Despite opposition from the Defense Department's Systems Analysis Office, which sought to limit the C–5 program to three squadrons, the Air Force on Jan. 14, 1969, exercised the Run B option, but instructed Lockheed for the time being to limit production to long-leadtime items for only 23 more planes. On grounds of budgetary restraints, the Air Force announced last October that it would curtail the program after completion of 81 planes. With the effect of the golden handshake formula now blunted (because the Air Force was ordering less than 90 planes), Lockheed stood to lose more than $500 million. Contending the Pentagon's exercise of the Run B option required purchase of all 57 Run B planes, Lockheed sued the government for default. (Lockheed now figures it would have broken even on the full 115-plane program.)

The cozy relationships of the military-industrial complex came to light again this spring when Lockheed requested $640 million in emergency financing and Pentagon officials, backed by military enthusiasts in Congress, sought to expedite the company's claim. Even when the Pentagon learned that Lockheed's immediate cash problem had resulted from its commercial program—the L–1011 "airbus"—it still maintained its support of the proposed bailout money. Lockheed was a national asset like the redwood tree.

Even the Securities and Exchange Commission (but not its tough-minded staff) has shown sympathy for the embattled contractor. At the completion of the SEC staff's year-long investigation of Lockheed's cost disclosures on the C–5 program and alleged illegal dumping of company stock by corporate insiders, the Commission announced June 2 that the investigation "did not disclose evidence of unlawful insider trading." The Commission's terse announcement seemed at odds with the findings of the staff's report. Citing specific instances of heavy selling by top corporate officers at critical junctures in the program, the staff raised the "possibility that this was done on the basis of inside information." Rumors abounded that the staff had recommended indictments; the SEC denied it.

Although the SEC release announced the Commission's decision to study cost disclosures on a number of weapon contracts, including the C–5A, it gave no indication of the staff's considerable misgivings over Lockheed's disclosure policy on the C–5 program. In its report, the staff raised the question of "the adequacy of disclosure in annual and interim filings with the Commission and with the [New York Stock] Exchange, as well as information prepared for public distribu-

tion." The staff also raised questions as to the adequacy of Lockheed's description of the cure notice in a registration statement it filed with the SEC in March 1967, covering the $125 million debenture issue. The Commission at first put the staff report under wraps but later made it public under stiff pressure from Congress.

As I said earlier, much of the C–5 overrun could have been avoided if the Air Force had really cracked down. Of the $2-billion overrun, less than $200 million can be attributed to inflation. The rest is due entirely to Lockheed's redesign effort and pure inefficiency on the Lockheed and GE production lines. Even if Lockheed had charged an extra $200–$250 million in the beginning to get its design up to a par with Boeing's (or by that same token if the contract had gone to Boeing), the whole program should have cost no more than $3.8 billion, given reasonable efficiency. Thus about $1.5 billion of the overrun should have been saved. As it is, the Air Force estimates that even the 81-plane program is going to cost $4.6 billion—$1.2 billion more than the original contract estimate for 115 planes. Thus far, the Air Force has spent $2.5 billion on the program and has received one operable plane.

Defense Secretary Melvin R. Laird has sought to prevent recurrence of C–5 type fiascos by setting "milestones" which a contractor must reach before he moves on to the next phase of a weapons program. This policy means little, however, unless Pentagon bureaucrats clamp down on contractor boondoggling. Signs are thus far that they haven't. Pentagon studies already are predicting a $1-billion overrun on Lockheed's S–3A antisubmarine aircraft program, the first major weapons purchase initiated by Laird. Deputy Secretary of Defense David Packard recently succeeded in preempting headlines about that overrun by issuing a non-story that he had warned the Navy to keep close tabs on program costs. Packard acknowledged only a $100-million overrun on the current portion of the contract and did not reveal the present estimate for total cost at completion.

It is too much to expect that Pentagon bureaucrats will move voluntarily to shape up military procurement. That would involve harsh measures against favored contractors and, for the less efficient among them, a bankruptcy or two. The ties that bind Pentagon bureaucrats and the giant contractors—the mutual interest in huge defense budgets, the promise of lucrative jobs in industry for former military and civilian officials, and the feeling that they must stand four-square against an unappreciative public—are simply too strong for that.

Perhaps the only answer is a series of taxpayer suits against government officials who breach the public trust, particularly with respect to concealment of cost problems that could lead to gigantic expenditures later if not brought under control. Not too long ago, the public wouldn't have stood for the C–5 affair. In 1956, T. Lamar Caudle, an assistant attorney general under President Truman, was convicted and sentenced to two years in prison for failing to prosecute tax fraud cases that came under his jurisdiction. The charge on which he was convicted was conspiracy to defraud the government "of the fair services of Caudle." That law ought to be applied to Pentagon bureaucrats.

POLICIES TO BRING INFLATION UNDER CONTROL

Mr. GOLDWATER. Mr. President, one of America's leading economists, Dr. Raymond Saulnier, of Barnard College, Columbia University, testified before the Joint Economic Committee of Congress on July 16.

It is unfortunate that testimony before these important committees is not made more public because it is before these committees that we hear the experts of the country talk on subjects that we are not expert in.

His remarks were addressed to the policies to bring inflation under control, and he makes such cogent arguments for and against certain theories that I feel every Member of Congress should have them available.

Therefore, I ask unanimous consent that they be printed in the RECORD.

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

TESTIMONY BY DR. RAYMOND J. SAULNIER

Mr. Chairman: I have the impression from reading press reports that much of the testimony in these hearings has favored an easing of monetary and fiscal restraints and the adoption of an incomes policy to bring inflation under control. Let me give you my reasons for thinking it would be a mistake to endorse this line of policy.

First, there is as yet too little evidence that inflation is being overcome to justify a relaxation of restraint. Indeed, there may have been too much relaxation already. Markets for some industrial materials and some manufactured goods have softened noticeably in the past few months, but the overall trend of prices is still strongly up; what is more important, there has been no slowing whatever in the alarming increase of labor costs. On the contrary, labor cost increases seem to be accelerating.

Actually we are experiencing a veritable explosion of labor costs. On an annual rate basis total compensation costs for all workers in the US private economy were up 7.7 percent in the first quarter of 1970, more than twice normal productivity gains, and new labor contracts are being written with pay and benefit increases in the 12 percent zone. Annual increases in the construction trades are over 20 percent.

The fact that a 7-to-8 percent increase in compensation barely suffices to meet living cost increases is what makes the whole process of wage inflation so pathetic. Taken as a group, workers are gaining nothing in current buying power from these inflationary packages and they are losing money every day through the declining value of their savings. Needless to say, the whole system of retirement benefits is threatened. In the interests of the worker as well as of the public generally, settlements must be brought more nearly in line with productivity gains. A relaxation of monetary and fiscal policy now would not bring that about; on the contrary, it would almost certainly prevent the necessary adjustment from occurring. Increases in compensation now 7-to-8 percent on the average could become 9-to-10 percent, and new contract settlements would move up from 12 to 15 percent. Is it not obvious that this spiral must be stopped? Somehow we must find a way back to wage-increase packages in line with productivity gains. You can be sure that if we fail in this our economy is in for a lot more trouble than it has seen so far, which is already enough.

The situation is made more critical by the fact that a kind of wage explosion is occurring all over the industrialized world. I have just returned from Western Europe and I am appalled by what I find happening there. Like everyone who follows these economies closely, I expected a certain heating-up in 1970. But the heating-up came faster and is more intense than anyone expected. In West Germany, for example, there are labor cost increases, covering many thousands of workers, of 23 percent in 1970. Elsewhere, 15-to-17 percent increases are common—with Italy leading the parade. Moreover, similar increases are forecast for 1971 and 1972, though these expectations may be upset by the economic slowdown that is bound to follow such excesses.

Obviously, these trends must be brought under control, both in the United States and in Western Europe. The question of how to do it deserves top priority by this committee and I believe it deserves top priority also at the EEC in Brussels and at the OECD in Paris. Indeed, a joint investigation conducted on a crash basis, in which the U.S. government would join as an independent participant with EEC and OECD, is urgently needed and I suggest this committee use its influence to have one launched at the earliest possible opportunity.

Unfortunately, overcoming inflation inevitably involves a slowdown in economic growth. It also involves the risk of recession. And it is folly to think that credit tightness and high interest rates will not inevitably be a part of the process. This absolutely fundamental fact must be recognized: as long as monetary policy accommodates the transference of higher wage costs into higher prices the spiral of inflation will continue. In the US economy and elsewhere the spiral will not be checked except by credit restraints plus restraints on spending, public and private, which result in a sufficient slowdown of the economy to stiffen the resistance of employers, including public employers, to inflationary labor cost increases. And the employers must have the support of government in their resistance.

It is not a question of leaping back in one giant step from egregiously inflationary wage settlements to settlements closely in line with productivity improvement. The object should be to work our way back, bit by bit, to a balance between labor cost increases and productivity gains consistent with reasonably stable prices. Inflation having been allowed to gain such momentum, it will take a few years, I fear, to make the adjustment. The process can be speeded considerably, however, if government can win the support of labor—rank and file as well as leadership—in achieving the needed result.

To date, there has been all too little progress in checking inflation. Indeed, I have had to revise my ideas recently as to how much effect there will be from the downturn in the economy, since activity seems to be bottoming out at about its present rate and could be rising again toward the end of the year. The recovery is likely to be slow and bumpy, but there is a high enough probability that aggregate demand will be increasing in the second half of this year in fairly sizeable quarterly jumps to suggest that we will move into 1971 still with a good deal more inflation than is comfortable—probably around 3½ to 4 percent a year, as measured by the GNP deflator. Moreover, a distinct possibility exists that, as the momentum of increases in aggregate demand become greater, the momentum of inflation will be similarly increased. If this is the way things go, it is a sure bet that in the not too distant future it will be necessary to undergo another spell of restraint. It is precisely such an outcome—a US version of stop-go—that is invited by proposals to relax restraints now.

These hearings are designed to develop ways of avoiding such an outcome. Let me outline more specifically the anti-inflation program I believe is needed.

First, although no success in anti-inflation program is possible if money and credit policies are not right, I do not put money policy in first place as an action measure. On the contrary, I put fiscal policy in first place, and I do so because fiscal policy is directly the business and responsibility of the executive and legislative branches of government, and there is little chance of success in a program to overcome inflation unless it is built on a foundation of unquestioned fiscal re-

sponsibility at the federal level. The budget is the mirror of government and the mirror must reflect the right image—the right image is fiscal strength.

The Congress has a crucial role to play in this—its task in the present situation should be to see that appropriations bills are enacted that will enable the executive branch to hold spending in fiscal 1971 at the fiscal 1970 level.

Second are questions of taxes. I thought it was a mistake to plan abandonment of the surtax in advance of a significant reduction in the cost of the Vietnam war and it still looks like a mistake to me. Accordingly, I should like to see the committee support all reasonable steps to increase federal revenues— hopefully without another long public debate about "overkill." What we need is a budget surplus and, though it will be a man-sized task to accomplish, at least a start could be made by putting the post office on a self-supporting basis through enactment of adequate postal rates. After all, this alone would cut expenditures between $1 and $2 billion a year.

Obviously, it will require more than wiping out the post office deficit to solve our federal fiscal problem. It looks to me as though a beginning should be made with some version of a value-added tax, and I suggest that the committee lend its support to such a move. In my view, we have needs for public services at the federal, state and local level so enormous and of such high priority that we shall need federal revenues far beyond any now in sight. If we do not raise the needed revenues by taxation, and by elimination of low priority spending, we will either fail to meet pressing needs for public services, or we will live for a long, long time in an economy afflicted by the three basic economic evils: inflation, slow growth and direct controls. This is a syndrome we must avoid.

Third, I have on more than one occasion called attention to things government can do to help overcome inflation by the way it operates its own programs. I have in mind specifically the policies followed in procurement and construction, extension and insurance of credit, setting wage floors under Walsh-Healey and Davis-Bacon, setting rates in regulated industries, etc.

In his recent talk on the economy, President Nixon indicated he was establishing a group within the executive branch with the idea of using such programs to help check inflationary developments. Although the announcement got little press attention, it could, if carried out vigorously and imaginatively, be one of the most important steps taken by government in recent years in the fight against inflation. In any case, the new group will need lots of support. It will need support from the White House, and it will need support of the Congress, as well. I was chairman of a similar group in the second half of the fifties, and I know from my own experience that it will not be easy to persuade all divisions of the federal bureaucracy so to conduct their affairs as to moderate rather than exacerbate inflation. But they must be persuaded.

Fourth is monetary policy. Considering the present momentum of cost and price inflation and the extreme precariousness of financial markets, and considering the spectacularly unsatsifactory condition of our balance of payments, it is not easy to see that money policy of late has been an outstanding success. Indeed, the attempt to use Regulation Q to restrain the use of credit, and the veritable explosion of credit outside the banking system to which this led, must be regarded as one of the least successful experiments in the long history of our Federal Reserve System. What is important now is to deal constructively with the present financial situation. In my view, what we need is a credit policy that will, first, reestablish a viable balance in the financial system between commercial financing done inside the banking system and financing done outside the banks and, second, facilitate the funding on an intermediate and longterm basis of the presently excessive volume of shorterm financing.

Simplistic formulas such as a 4 percent per annum growth of the money supply will not help much as a guideline for such a policy even if we could be sure what is meant, as a practical matter, by the money supply. What is needed is a skillful blending of credit ease and credit restraint, which is necessarily something of an inconsistency, unfortunately, but not as much of an inconsistency as it may sound. If there is a basic rule to be followed by the Federal Reserve at this time it is this: See to it that the US economy has enough access to credit through the banking system to avoid a liquidity crisis and to avoid a spiralling downturn but no more than that until there is solid evidence that wage and price inflation is under control.

Fifth and finally, I come to the incomes policies that are much in the news nowadays. It is not easy to comment on these because everyone who proposes them seems to have something different in mind—perhaps that is what gives them their charm. I believe myself in strong presidential leadership on the relation needed between wages, productivity, prices and profits, and I have myself, in an earlier age, helped to compose a certain amount of official rhetoric on the subject. All the same I have deep reservations about much that is currently said on the subject. The one comment I would make is this: as is demonstrated beyond peradventure by the wage explosion occurring now in Western Europe, where incomes policies have been in vogue nearly everywhere for ten years or more, there is no hope at all for controlling inflation through such means in the absence of adequately disinflationary fiscal and monetary measures. The most serious mistake we could make in the United States at this time would be to adopt some version of an incomes policy with the thought that it would be a shield behind which we could safely resume expansionist monetary and fiscal policies. Believe me, down that road lies the bankruptcy of economic policy.

Strong presidential leadership on wages, prices, productivity and profits is another matter. On an earlier occasion I put my views on this as follows:

"There is an important role to be played by political leadership at the White House level in clarifying the objects and methods of the administration's anti-inflation effort, especially to the leadership of labor and business. This is accomplished in part through the President's annual economic message. Additional messages are provided for in the Employment Act, and should be issued as circumstances require. . . . A more dramatic and potentially more effective step would be for the White House to convene annually a summit-type conference of the leadership of business and labor to discuss the state of the economy. . . . It would provide the President and his chief economic aides an opportunity to clarify administration policies and give a frank evaluation of the policies of business and labor. . . . A meeting of this kind is as close, in my judgment, as one should come to government intervention in wage and price decisions, apart of course from interventions mandated in the Taft-Hartley law and related statutes. There is no place in the formula . . . for individual arm-twisting or for assaults on individual industries or companies. And I would try to keep arithmetic out of it. What it would provide is presidential leadership in the best American tradition of shared responsibility between the public and private sectors of the economy."

A program such as I have outlined above would, I feel sure, ultimately overcome inflation. Obviously, it should be accompanied by programs designed to offset unwanted side-effects. But it is a mistake to believe that disinflation can be entirely painless, and it is a mistake to expect that it can be accomplished quickly. Even with a program of the sort I propose, the struggle against inflation will certainly have to continue into 1971. The point is that, in the absence of such a program there is little chance that inflation will be overcome even in 1971.

UNITED STATES STANDS ALONE AMONG MAJOR POWERS IN NOT RATIFYING THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on January 30 of this year, the United Kingdom became the 75th nation to ratify the Genocide Convention. With that action, the United States became the only major power in the Western World to refrain from ratifying this convention.

How long are we going to refuse to stand up and be counted? The Genocide Convention was first submitted to the Senate by President Truman in 1949, and full-dress hearings were held by the Committee on Foreign Relations the following year. But for 20 years there has been no action on this whatsoever by the U.S. Senate. For 20 years we have given in to fears that some action by U.S. citizens, whether at home or abroad, might give rise to a charge of genocide and embarrass the country.

Mr. President, it is far more embarrassing for the United States to have to apologize for not ratifying the Genocide Convention.

Mr. President, this country should not have to apologize for such an omission. In the fields of human rights, individual freedoms, and constitutional safeguards we have always prided ourselves on being second to none. In ratifying the Genocide Convention we cannot go wrong; we can only err by abstaining.

It is time we added our name to the list.

Mr. President, I ask unanimous consent that the list of countries that have ratified the convention as of the present time be printed in the RECORD.

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

LIST OF COUNTRIES

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian SSR.

Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federal Republic of Germany.

Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Israel, Italy, Jamaica, Jordan.

Laos, Lebanon, Liberia, Mexico, Monaco, Mongolia, Morocco, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Republic of Viet-Nam, Romania, Saudi Arabia, Spain, Sweden, Syria, Tunisia, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yugoslavia, Unit-

ed Kingdom of Great Britain and Northern Ireland.*

FEDERAL REVENUE SHARING

Mr. PEARSON. Mr. President, on September 23, 1969, I cosponsored, with the Senator from Tennessee (Mr. BAKER) and 32 other Senators, the proposed Revenue Sharing Act sent to Congress by President Nixon.

This bill (S. 2948) would restore balance in the federal form of government in the United States; would provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; would achieve a better allocation of total public resources; and would provide for the sharing with State and local governments of a portion of the tax revenue received by the United States.

Underlying my firm support for the concept of revenue sharing is the basic conviction that strong and financially viable State and local governments are essential not only to a healthy federalism but also to the best possible performance of governmental services. The enactment of a revenue sharing measure would recognize a substantial role for the States and would provide a broad scope for decentralized decisionmaking. If the benefits of American diversity are to be exploited and enhanced, then the Federal Government must aid in creating a fiscal environment that will enable States and localities to exercise wide latitude in determining their own priorities and solving their own problems.

When fully implemented, the legislation will provide a total annual national distribution of $5 billion. At my request the Treasury Department has supplied a breakdown as to the amount of money that will be received by each general government in Kansas.

Based on 1968 population and 1967 revenue and income data, the total annual amount distributed to Kansas will be over $61,500,000 with almost $43,000,000 going to the State government and with over $18,500,000 to local governments.

I ask unanimous consent that the complete table be printed in the RECORD.

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

Total U.S. distribution: $5 billion.

Total Kansas State and local government distribution: $61,733,606.

Percentage that must flow through to local governments: 30.38 percent.

State government share: $42,979,050.

Local government share: $18,754,556.

Total to cities	$7,508,858
Abilene	35,382
Anthony	8,931
Arkansas City	98,715
Atchison	63,401
Augusta	35,791
Baxter Springs	34,700
Belleville	10,090
Beloit	12,612
Bonner Springs	10,430
Caney	12,203
Chanute	28,224
Cherryvale	7,022
Clay Center	41,654
Coffeyville	145,141
Colby	19,907
Columbus	11,385
Concordia	25,292
Council Grove	12,203
Derby	22,020
Dodge City	67,355
El Dorado	79,626
Ellinwood	7,499
Emporia	90,943
Eureka	12,339
Fairway	12,885
Fort Scott	29,042
Fredonia	5,999
Galena	5,045
Garden City	65,242
Garnett	5,999
Goodland	15,884
Great Bend	76,695
Hays	66,264
Haysville	12,953
Herington	12,135
Hiawatha	18,748
Hoisington	15,884
Holton	11,180
Hugoton	11,044
Hutchinson	192,112
Iola	22,974
Independence	41,995
Junction City	73,218
Kansas City	642,191
Kingman	9,544
Larned	24,474
Lawrence	262,671
Leavenworth	123,530
Leawood	22,429
Liberal	61,492
Lindsborg	12,203
Lyons	11,998
Manhattan	95,851
Marysville	17,725
McPherson	37,154
Medicine Lodge	7,431
Merriam	18,202
Mission	26,178
Mission Hills	12,135
Mulvane	11,180
Neodesha	12,135
Newton	90,670
Norton	21,270
Olathe	67,287
Osawatomie	15,475
Ottawa	36,950
Overland Park	69,264
Paola	26,178
Parsons	44,858
Phillipsburg	11,317
Pittsburg	77,717
Plainville	8,113
Prairie Village	39,745
Pratt	30,473
Roeland Park	12,817
Russell	56,925
Salina	235,334
Shawnee	13,498
Topeka	748,677
Ulysses	21,611
Valley Center	7,635
WaKeeney	8,863
Wellington	66,264
Wichita	1,647,676
Winfield	162,934
All other cities with less than 2,500 population	977,534

Total to counties	$10,700,722
Allen County	120,871
Anderson County	78,604
Atchison County	72,332
Barber County	54,811
Barton County	153,662
Bourbon County	70,014
Brown County	84,466
Butler County	185,635
Chase County	46,017
Chautauqua County	41,108
Cherokee County	101,578
Cheyenne County	66,605
Clark County	45,131
Clay County	70,082
Cloud County	87,330
Coffey County	46,426
Comanche County	45,471
Cowley County	139,141
Crawford County	101,101
Decatur County	41,103
Dickinson County	95,715
Doniphan County	46,290
Douglas County	152,162
Edwards County	38,722
Elk County	38,722
Ellis County	128,097
Ellsworth County	40,290
Finney County	80,717
Ford County	108,259
Franklin County	133,210
Geary County	112,213
Gove County	62,378
Graham County	91,147
Grant County	66,196
Gray County	45,335
Greeley County	39,540
Greenwood County	82,967
Hamilton County	49,357
Harper County	71,650
Harvey County	123,257
Haskell County	47,926
Hodgeman County	50,653
Jackson County	63,878
Jefferson County	56,447
Jewell County	57,606
Johnson County	570,200
Kearny County	47,176
Kingman County	70,286
Kiowa County	66,605
Labette County	142,277
Lane County	39,336
Leavenworth County	125,302
Lincoln County	47,789
Linn County	51,675
Logan County	45,812
Lyon County	210,859
McPherson County	156,457
Marion County	92,238
Marshall County	87,466
Meade County	49,835
Miami County	101,169
Mitchell County	43,358
Montgomery County	128,779
Morris County	47,176
Morton County	53,925
Nemaha County	59,856
Neosho County	131,915
Ness County	48,267
Norton County	70,627
Osage County	52,357
Osborne County	45,608
Ottawa County	61,628
Pawnee County	70,286
Phillips County	48,471
Pottawatomie County	61,833
Pratt County	73,218
Rawlins County	40,040
Reno County	238,879
Republic County	79,490
Rice County	97,488
Riley County	100,214
Rooks County	46,290
Rush County	61,288
Russell County	95,975
Saline County	194,975
Scott County	52,834
Sedgwick County	1,195,620
Seward County	167,706
Shawnee County	403,789
Sheridan County	45,199
Sherman County	47,858

* The United Kingdom ratified the Convention on Genocide on January 30, 1970.

In a notification made on accession, the Government of the United Kingdom extended the application of the Convention to the following territories for whose conduct of international relations the United Kingdom is responsible: Channel Islands, Isle of Man; Dominica, Grenada, St. Lucia, St. Vincent; Bahamas, Bermuda, British Virgin Islands, Falkland Islands and Dependencies, Fiji, Gibraltar, Hong Kong, Pitcairn, St. Helena and Dependencies, Seychelles, Turks and Caicos Islands.

In a notification received by the Secretary-General on 2 June 1970; the Government of the United Kingdom extended the application of the Convention to Tonga.

Smith County	$60,538
Stafford County	64,219
Stanton County	45,335
Stevens County	66,605
Sumner County	158,571
Thomas County	48,744
Trego County	57,129
Wabaunsee County	38,586
Wallace County	25,769
Washington County	67,969
Wichita County	27,610
Wilson County	94,829
Woodson County	40,018
Wyandotte County	597,537
Total to townships	544,976
Baker	136
Center	273
Center	2,522
Clay	273
Delano	1,295
Delaware	1,500
Hill City	273
Kickapoo	1,363
Manhattan	341
Medicine Lodge	1,704
Oakley	682
Ogden	2,522
Palmyra	2,522
Plainville	68
Reno	1,773
Riverside	3,681
Rockford	1,295
Salem	7,158
Shannon	1,773
Shawnee	3,681
Shawnee	4,908
Soldier	7,158
WaKeeney	2,522
Wamego	273
Washington	68
Wild Cat	341
Williamsport	1,704
All other townships with less than 2,500 population	493,164

FATHER HERMAN

Mr. STEVENS. Mr. President, this year marks the 175th anniversary of the Russian Orthodox Church in America. The culminating event will be the canonization of Father Herman of Spruce Island, Alaska. Father Herman, I am informed, will be the first saint of any church ever to be canonized in the United States.

His canonization is especially significant because it illustrates the long and deep-seated adherence to the Orthodox Church in America of Aleut Natives of the Alaska Peninsula, Kodiak, and the Aleutian Islands. Also, the Tlingit Indians in southern Alaska, most notably around Sitka where St. Michael's Cathedral was built in 1816, have a long-established relationship with the Orthodox Church.

Father Herman was a member of the first Russian mission ever to work outside his own country. During a time when fellow Russian adventurers, trappers, and merchants were exploiting resources and enslaving the Aleuts, Father Herman befriended and protected the Natives at the risk of his own freedom.

It is very difficult to research the history surrounding Father Herman because much of what was written about him was written in Aleut or Russian. However, my staff has had the good fortune to work with an expert, Mr. Charles Whittier from our own Library of Congress, on the history of the Russian Orthodox Church, as it was then called, who has compiled a salutory brief biography on Father Herman. I ask unanimous consent that Father Herman's biographical information prepared by Mr. Whittier be printed in the RECORD following my remarks.

On Sunday, August 9, 1970, the final rites of canonization for Father Herman will be held at the historic Russian Orthodox Church of the Resurrection at Kodiak, Alaska. The rites will be conducted by His Eminence, the Most Reverend Ireney, Archbishop of New York, Metropolitan of the Orthodox Church of America and His Grace the right Reverend Theodosius of the Sitka Diocese.

Mr. President, the saintly benevolence Father Herman characterized to Alaska's Aleut people, beginning 175 years ago, yielded a lasting faith in his church that has not diminished today.

It is my hope the canonization of Father Herman will serve to yield new benevolence and understanding to provide the Aleut and other native people of Alaska the rewards of their faith in their church and the rewards of their faith in America.

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

BIOGRAPHY OF FATHER HERMAN

Born in 1756 somewhere near Moscow, Fr. Herman (whose very name is unknown before he entered the monastic life) was received into the great Troitski-Sergievsky[1] Monastery at the age of 16. Later he lived in seclusion in the wilderness near Lake Lodoga. Finally he entered the venerable Valaam Monastery on the Holy Island of Valaam in Lake Lodoga. His dedication to the Virgin and his life of prayer were early noted: an area called "Hermanova" was so designated because to it he would retire in solitary devotions. In 1793 he was among those who volunteered to form the Alaskan Mission, the first mission of the Russian Church outside Russia.

The mission (8 monks and deacons, headed by the Archimandrite Joseph (who was later drowned)) landed at St. Paul's Harbor, Kodiak, in September of 1794. Within a year, over 7,000 native Americans had been baptized, mostly Aleuts. Conflicts developed with the Russian-American Trading Company, headed by Alexander Baranov, over the treatment of the Alaskan natives, whose rights the missionaries upheld. In 1800 Baranov placed the members of the mission under house arrest and forbade contact with the natives. The next year, the missionaries administered the oath of allegience to the Czar to the natives in an attempt to extend imperial protection to them. Threatened with violence by Baranov, the monks withdrew to their compound and refused to hold public services for a year. Between 1808 and 1818, Father Herman, steadfast in behalf of the natives, withdrew to Elovoi (Spruce) Island, where he built a cell and chapel; here he lived in prayer, nursing the sick, feeding the hungry, and ministering to the natives. In time he maintained a small school and orphanage. The island he renamed New Valaam in memory of his beloved Monastery. In 1823 a small church was built, dedicated to the "Meeting of Our Lord." Tales of miracles, healings, and the like surrounded him, in the tradition of the wonder-working saints of the Eastern Church. His reputation for holiness and simplicity of life spread abroad, attracting many pilgrims and visitors, including the great explorer, Bering. Father Herman died in 1837. Popular veneration of his memory has continued to the present day.

In 1867 the first collection of information about him, attesting to his sanctity and wonder-working powers, was compiled and published (in 1868) at the Valaam Monastery in Russia. Further data was made available in the outline of the History of the Russian Mission, published at Valaam in 1894. In 1903 the Russian Theological Encyclopedia compared him with the Desert Saints of the Early Church, noting the aura of sanctity which affected birds and animals in his presence. His corpse was said to have remained incorrupt.

Father Herman represents the flowering of Russian monastic spirituality in America. The survival of Orthodoxy in Alaska has been attributed to the zeal of the first missionaries and of their native converts, the absence of racism in the Russian mission and its leaders, and such contemporary elements as the use of the vernacular (in the liturgy), the cultivation of a self-reliant church, and an indigenous (native) clergy. The Russian American mission derived much of its strength from the leadership of the first Archbishop of the area, Veniaminov, later Metropolitan of Moscow, founder of the Orthodox Missionary Society, and one of the greatest figures in Russian Church history—and the father of Alaskan anthropology. It was Veniaminov who firmly established the policy of protecting native tribal rights and who introduced both Aleut and Tlingit into the liturgy. However, the influence of a life such as that of Father Herman cannot be underestimated in explaining the ardent faith of the natives whose religious traditions have survived to this day, despite many trials.

The shrine raised on New Valaam to Father Herman has been preserved to the present day (with its relics of St. Seraphim of Sarov), partly due to the devotion of a Russian monk who went there in 1935. In the eyes of the natives, Father Herman was already a saint. (Troparia in his honor were in existence in the early 1900's.) He embodied "the qualities which characterised the Age of Saints from the desert of Mesopotamia to the remotest of the Western Isles—ascetism, humility, devotion, unworldliness, sympathy with the weak, both in nature and in humanity, gentleness, spiritual nobility."[2] Such is the message of Father Herman of Kodiak.

[1] Founded by St. Sergius of Radonezh.

[2] N. K. Chadwick.

FBI INVESTIGATION OF KENT STATE SHOOTINGS

Mr. BYRD of West Virginia. Mr. President, the Akron, Ohio, Beacon Journal, of July 23, 1970, contains an article which reported the FBI had drawn certain conclusions regarding the propriety of the activities of the Ohio National Guard in connection with the slaying of four students at Kent State University. This report has received wide circulation.

It has long been the policy of the FBI not to draw conclusions from its investigations. This is as it should be. An investigative agency should be no more than that—it should collect the facts and report them to proper authorities without any conclusions or other expressions of opinions. This is the way the FBI always has operated and it is the way the FBI operated in connection with its investigation of the Kent State shootings.

I am informed that the FBI conducted a very detailed investigation of the events at Kent State and furnished to the Department of Justice a complete and objective report of the facts it developed, and that the FBI report did not conclude that "six of the Ohio National Guardsmen could be criminally charged." I am

also advised that the FBI report did not conclude the shootings "were not necessary and not in order." I believe that such conclusions, if they were made, came from some source other than the FBI. I think it is very important that this matter is made clear, for it is totally foreign to our form of government to have an investigative agency making conclusions concerning the possible prosecution of individulas.

SECTION 225 OF SOCIAL SECURITY AMENDMENTS OF 1970: INCENTIVES, OR RETREAT?

Mr. WILLIAMS of New Jersey. Mr. President, I have already commented on the fine work done by the House Ways and Means Committee and by the entire House in developing and passing H.R. 17550. This bill proposes many far-reaching and progressive improvements to the social security and medicare programs, and it is certainly worthy of the careful attention now being given to it by the Senate Finance Committee.

My earlier statements have dealt with my suggestions for improving social security and medicare coverage still further.

Today, however, I will deal with a provision of H.R. 17550 which I regard as a potential threat to the quality of care available to older Americans under medicaid. I am referring to section 225(a), which—in the name of "Establishment of Incentives for States to Emphasize Outpatient Care under the Medicaid Program"—would actually strike a severe blow at the fundamental purposes of medicaid. In addition, at a time when State governments stand in desperate need of new sources of funding for vitally needed programs, section 225(a) would actually increase the cost of the medicaid programs to the States.

For my own State of New Jersey, the official Department of Health, Education, and Welfare estimate of additional cost is $5.2 million. This may be a conservative appraisal; I have asked for an estimate from the State government of New Jersey. Unofficial estimates, however, put the cost at upwards of $10 million.

How can a so-called "cost-cutting reform" actually increase State costs and decrease quality of care? Here are the major provisions and some discussion of their origins:

Section 225(a) would provide:

First. A 25-percent "bonus" in Federal matching moneys if they elect to treat patients through outpatient service and home health services instead of treating these patients through their nursing home system. As an example the State of New York is presently reimbursed at the 50-percent level in its medicaid program. If the State of New York elected to treat a patient instead through its home health system the Federal government would assume 75 percent of the cost.

Second. A cut in the share of Federal matching funds going to general and tuberculosis hospitals by one-third after 60 days of inpatient care.

Third. A cut in the share of Federal matching funds by one-third, after a patient has spent 90 days in a nursing home; further cuts with the continued tenure of the patient.

Fourth. A cut in the share of Federal matching by one-third after a patient has received 90 days care in a mental hospital with the complete elimination of Federal matching monies after a patient has received 275 days of care in his lifetime.

Apparently, the impetus for 255(a) began on February 27 when President Nixon announced that the Federal Government was in need of a reorganization. He recommended the abolition of some 57 agencies in the Government that had outlived their usefulness, including the much publicized Federal Board of Tea Tasters. Almost hidden in this proposal was the suggestion that the Federal Government has no business in longterm care and that the current medicaid program was in error to the extent that it was paying for services other than medical treatment.

It was projected by the President that cutting out care for the chronically ill would result in a savings to the Federal Treasury of $235 million.

I wish to make it clear, Mr. President, that I am for tight cost controls in all Federal programs and I have no quarrel with President Nixon's efforts at eliminating waste and bringing efficiency to the Government. But I do take strong exception to his cutting back on programs for the elderly which in general had been underfunded in the past. And specifically, I take objection to the Federal Government's summarily pulling out from medicaid and the area of long-term care.

The vast majority of medicaid patients in nursing homes and mental institutions have no home of their own and no family. They have an average age of 85 and suffer from one or more chronic and crippling diseases. They seldom write letters to their Congressman complaining of cuts in the medicaid program.

What is puzzling is that in the early 1960's our hearings were replete with testimony that the States were having difficulty with the financing of long-term or institutional care. This, I recall, was one of the major reasons that the medicaid program was enacted.

In this regard, the medicaid program has been very helpful to the States, although in recent years many States have experienced substantial problems raising their share of matching funds. California and New York, for instance, must raise 50 percent of the cost of their medicaid programs while Mississippi need raise only $1 to receive nine from the Federal Government.

There can be little doubt, Mr. President, that the States and local governments are hard pressed to raise revenues. This is evidenced by escalating real estate taxes which so adversely affect elder citizens.

I must say it is a curious kind of revenue "sharing" which the President is proposing in section 225(a) of the Social Security Amendments. For 5 years the Federal Government courted the participation of States in the medicaid program. Now that they are participating, the Federal Government intends to cut back support of the program to such an extent that the States again will have to bear the huge financial burden of caring for a segment of the population that has no resources of its own and is in desperate need of shelter, treatment, and care. It is unlikely that the States could come up with the funds to make up for the Federal pullout. The size of the Federal cutback as indicated by the administration is to be $235 million.

What inevitably follows for my State as well as the other 49 is that services on behalf of the infirm elderly will have to be reduced. It would be one thing if these programs were substantially funded, but this is not the case. A quick survey of the budgets of the 50 States will clearly indicate that the programs for the infirm elderly are at present clearly and sometimes shamefully underfunded. And these are the programs that we seek now to cut even further.

The proposal also provides for a cut in the share of Federal participation with general and tuberculosis hospitals by one-third after 60 days of inpatient care.

Mr. President, I am well aware that hospital costs have soared and I certainly favor firm cost control measures. However, we must again recognize the health characteristics of the older population as well as their generally low level of income when considering such cutbacks. A long term illness can cause financial disaster to even those elderly who benefit from medicare. Medicaid is a program for the needy and, in some States, the medically indigent. Obviously, this patient will not be able to pay for hospital care if he should need more than 60 days in a general or tuberculosis hospital. The fact that the States cannot afford to bear the full burden of such care should be clear to all of us; what with the number of hospitals closing all across the country and the precarious financial condition of many more such institutions. Many municipal hospitals receive most of their revenue from medicaid. If this proposal stands, how will they pay for up-to-date equipment and well-trained staff?

What will happen to elderly mental patients if section 225(a) goes through? The proposal would cut one-third of the Federal participation after 90 days of a patient's care in such an institution—and after a period of 275 days, will refuse to assume any part of the cost of their care.

Thus, the Government is, in effect, turning its back on the most helpless and unfortunate members of our society. The same is true for the elderly who reside in nursing homes under medicaid. These patients average 85 years of age and, like the elderly mentally ill, are afflicted with many disabilities and maladies which make it almost impossible for them to fend for themselves in the community. Senator Moss will be able to tell us more about what this proposal will do to these patients and to the entire operation of medicaid nursing homes.

Certainly, I can sympathize with the nursing home operators who have written me to express their concern with section 225(a). These people know all too well the precarious condition of State budgets. The following excerpt from a letter I received from Mr. Eugene J.

Friedman, president of the New Jersey Nursing Home Association, reflects the dismay expressed in similar correspondence from New Jersey and other States throughout the country:

The provision which gives us concern reduces Federal participation in the cost of skilled nursing care after the first 90 days of such service. This means, in effect, that the States will have to pick up the difference or reduce this care. New Jersey's Medicaid program already is at a minimal level and there is a real question whether skilled nursing care could be reduced here. Thus, there is a strong possibility, if H.R. 17550 becomes law without change in this provision by the Senate, that a new burden will be imposed on the State treasury.

At this point, I feel we should take a close look at the "incentives" which are offered to the States under section 225 (a). On the face of it, a 25-percent bonus to States if they elect to treat patients in their own homes or expand outpatient facilities, looks extremely worthwhile. Many elderly persons suffering from one or more chronic conditions would certainly prefer to be cared for at home by a home health aide. Outpatient clinics should most definitely be expanded and improved.

However, the elderly population represents the lowest percentage of those persons utilizing outpatient services of any kind. And perhaps with good reason. Older people cannot bear the long waits at clinics, the cursory treatment at the hands of overworked staff—many of whom are not trained to deal with the complicated health problems of the aging—and often, they have great difficulty even getting to the clinic due to inadequate and expensive transportation systems. I question the kind of expansion the States would institute for outpatient services to this isolated, often neglected group of Americans.

If the States elect to treat medicaid patients who have used up their allotted 90 days of care in nursing homes, or 275 days of care in mental institutions by utilizing home health services, artificial "homes" in the guise of renovated residential hotels might have to be created.

A great many of these patients, due to their advanced age, have no families and no homes of their own to return to, once discharged from these institutions.

Thus, it would appear that the incentives offered in section 225(a) represent a disguised retreat by the Federal Government, rather than a viable incentive to States to improve the care and services to their older populations.

These and other considerations lead me to speak out against section 225; to ask the Finance Committee in whose charge the present house-passed bill lies, to delete this section.

In closing, one final point. I hope that the administration will review this situation and follow the recommendations put forth by its own task force on medicaid and related programs in the so-called McNerney report released last month.

To quote from some pertinent language in that report:

Page 36, McNerney Report—"We are aware of the legislative proposal now under consideration to limit care in mental institutions (H.R. 17550). We fully support the Department's commitment to modern concepts of care for the mentally ill and the development and implementation of alternatives to inpatient care in mental institutions, using Title XIX funds where possible. Maximum effort should be encouraged in planning for alternate care, guided by the needs of the patient."

"In such a flexible approach to care based on a patient's needs, an arbitrary limitation on duration of care of patients in mental institutions is inappropriate, and the task force recommends against imposition of any limitation."

Page 142, McNerney Report—"The task force is deeply concerned about the Administration's proposals to reduce the Federal share for skilled nursing home benefits (SNH) after defined intervals.

"In the absence of real alternatives to SNH care such an approach is likely to result in an undesirable contraction of benefits. Moreover it is inappropriate to talk about 'misuse' of SNH beds so long as meaningful alternatives that provide acceptable levels of care across a broad spectrum are not readily available."

Page 12, McNerney Report—"As part of the American welfare tradition—subject to social stigma, grudging public support, inadequate financing and general unpopularity among competing public services—medicaid has suffered the worst of the ills that befall our health care system. In addition to falling prey to the same current inflationary forces that plague the rest of American health care, in some instances medicaid has been forced to pay less-than-adequate prices for frequently less-than-adequate-services—to go hat in hand on behalf of its beneficiaries."

In the face of such recommendations from a task force created by the administration to study this program; and from the evidence presented in my statement, as well as those of my colleagues, one can only hope that this regressive measure will be deleted from the final Social Security Amendments of 1970.

Mr. President, I ask unanimous consent that a statement prepared by the Senator from Indiana (Mr. HARTKE) be printed in the RECORD.

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

EFFECTS OF SECTION 225 OF THE HOUSE-PASSED SOCIAL SECURITY BILL

Mr. HARTKE. Mr. President, the Senate will soon be asked to consider the merits of the House-passed Social Security Amendments of 1970. This legislation, which is now before the Senate Finance Committee, is commendable in many respects. It provides for much-needed improvements in the Social Security program.

However, I am deeply disturbed about one provision in the bill: Section 225(a), "Establishment of Incentives for States to Emphasize Outpatient Care under Medicaid Programs."

According to the Administration, this measure will save the Federal government $235,000,000 by eliminating custodial care for the aged in nursing homes and mental hospitals. President Nixon has said that the original purpose of Medicaid was to provide medical treatment, not long-term care.

Mr. President, I believe this is a faulty argument. First, the actual intent of Title XIX was to provide quality health care as a right, not a privilege, to all Americans in need. As a member of the Senate Special Committee on Aging I have heard testimony at countless hearings which indicates clearly that health care needs of an older person are quite often far different than for a younger individual, because of the high percentage of chronic illness among the elderly, their inadequate income levels and their very serious mobility problems.

Secondly, although President Nixon has said that the States should bear the burden for custodial or long-term care of the aged, the fact remains that the States are hard pressed for funds. This Committee has had reports of excellent nursing homes across the country refusing admission to Medicaid patients because they cannot afford to offer the kind of care these people should receive under the existing rate of pay. This has traditionally been the case. Indeed, a major reason for the enactment of the Medicaid program in 1965 was that States were having problems financing long-term or institutional care for the elderly.

Medicaid is a program for the needy or medically indigent—poor people. If, as Section 225(a) provides, an indigent elderly individual can only receive care in a skilled nursing home for 90 days, or care in a mental hospital for 90 to 275 days, or intensive care in a general or tuberculosis hospital for 60 days, he will be at a distinct disadvantage when his allotted time is up. He certainly is not going to be able to pay for his own extended care—and the States will not be able to pay for any additional institutional care for him. Evidence of this may be found in projections from the States themselves, on losses they will have to bear if Section 225(a) becomes law.

It is estimated that New York will lose $105,000,000; California $20,400,000; and my own State of Indiana estimates a loss of over a million. Compared to the large losses that will be sustained by New York and California, this loss may seem small, but when one considers the condition of most State budgets these days, it means a great deal in terms of services to older people who have no resources of their own. Where are these States (and others) going to get the funds to continue to care for their ailing elderly? Not from the "bonus" offered in Section 225(a) contrary to what we are expected to believe. The bonus to States in this provision is a 25 percent increase in Federal matching funds for expansion of outpatients and home health services.

Nebraska, for instance, will gain $24,800 for home health services under Section 225(a) but will lose $3,185,668 for nursing home care and $399,828 for care of aged mental patients—a total loss of $3,965,772 in fiscal 1971. Projected losses for fiscal 1972 total $4,758,537.

Thus, the "bonus" or the "incentives" as worded in the title of Section 225(a), are in reality simply cutbacks in federal funds.

Moreover, it is important to consider the needs of the population that will be most severely affected by this provision. Most older people receiving services under Medicaid are chronically ill and require long-term treatment and care. For the most part, they are without family and have no home of their own. Obviously, home health services will not help an older mental patient who has spent years in a mental hospital once he is discharged, since he usually has no home to return to. The same is true for Medicaid nursing home patients. Because of their advanced age, they too often have no real "home" and no family.

When considering the "incentive" of increased funds for outpatient services, we should remember that older people represent the lowest percentage of those utilizing outpatient facilities of any kind, all across the country. Why, then, would they suddenly make use of the "expanded" outpatient facilities provided by Section 225(a)? For example, if a hospital expands its outpatient services by hiring more staff and enlarging its facility, a younger person might be able to make use of this expansion. But an older individual who lives perhaps a mile or more away from Hospital X is still going to have difficulty getting to the "expanded" out-

patient facility. This will be true in metropolitan urban areas, and in rural settings where the elderly will be further disadvantaged because in such areas the closest clinic may be miles away from the person's residence.

During 1969 I conducted hearings for the Committee on Aging on "Older Americans in Rural Areas". Since my own State of Indiana has a large rural population, this subject is of special concern to me. Mr. President, all of the testimony received in those hearings had direct bearing on my argument here. The elderly are the people who have been left behind in rural America, while their children and relatives move on to hoped-for greener financial pastures in suburbs or urban centers. Most do not drive and public transportation systems are virtually nonexistent, creating an unbearably isolated existence for these people. When an elderly individual becomes ill in rural America, he may have to travel miles to receive medical attention. If he must be hospitalized, or if he requires nursing home care, he may have to wait weeks or even months to be admitted to the overburdened facilities in rural areas. Indeed, if he is unfortunate enough to suffer from mental disorders, as well, the State hospital is often the only resource for him. In many rural States the lack of adequate nursing facilities causes the State hospital to become "home" to the chronically ill as well as the mentally ill.

Home health services could be of great benefit to these rural elderly and I agree that such care should be included under Medicaid and Medicare. This will require a great deal of expansion, however, including the recruitment and training of large numbers of personnel. It has been extremely difficult to recruit physicians and related medical personnel to come and stay in rural America. Recent cutbacks in health care training will not help, but will only serve to make a bad situation even worse.

Thus, I question the reality of such "incentives" as expanded home health and outpatient services to this population group.

It has been suggested that elderly patients who have used up their allotted time in nursing homes, mental hospitals and general or tuberculosis hospitals, be placed in "custodial" or domiciliary type homes, where the care is less costly. There is good reason why such care is less expensive. These facilities are usually simply boarding homes without trained personnel. They provide no medical attention, no skilled nursing and very little attention of any kind. What is provided in such places is food (not always the best) and shelter (not always clean or comfortable). This may well be the type of "home health" care that many of the discharged elderly mental patients and nursing home patients will receive under Section 225(a). If the States are to sustain their losses under Section 225(a), they may have to create "artificial homes" such as these, to make use of their home health "bonus" funds.

If that happens, we may well see a proliferation of such "homes" and a new kind of abuse of the Medicaid program. A strong utilization review committee would certainly be able to control costs, over-utilization and abuses of these facilities under Medicaid and I am happy to see that there is a provision for the same type of utilization review as in Medicare for Medicaid in the Social Security Amendments. If there is such a provision, why the decrease in Federal support? Indeed, there have been abuses under Medicaid, but why should the elderly poor, homeless and infirm, be required to suffer for "crimes" they did not commit? Why should the States have to suffer for the abuses of a few operators and physicians when such abuses did not occur in all States and are relatively few in number?

The "incentives" offered in Section 225(a) are in my opinion, simply a euphemism for the repeal of the adult service categories in the Medicaid program. If this punitive measure is allowed to stand, Mr. President, we will have cut the heart out of the Medicaid program—which offered so much hope to so many low-income ailing old people.

Mr. President, lest I be misunderstood, I would like to state I am in favor of tight budgetary controls, but I sincerely believe this measure to be an exercise in false economy. For the reasons I have outlined above, the Federal government may spend as much—perhaps more—as we are now, in providing services to these people because no true incentives have been offered to the States.

It is my hope that Section 225(a) will be deleted by the Senate Finance Committee before it reaches the Senate floor, and as a member of that Committee I intend to work toward that end.

Mr. MOSS. Mr. President, on July 21, I commented on the House-passed social security bill indicating my support for its general provisions and stating my objections to section 225(a) and its effects. Today I would like to amplify these earlier stated objections.

Section 225(a) has four parts, the first of which promises to the States an additional 25-percent bonus in Federal matching funds if the State will agree to treat medicaid patients through its home health services rather than through its nursing home system. The second part cuts Federal matching funds going to a general or tuberculosis hospital after an individual has received 60 days of care. The third provision cuts the Federal matching share paid to States for nursing home care by one-third after a patient has received 90 days of care and the fourth provision cuts the Federal matching by one-third after a patient has received 90 days of care in a mental hospital. This fourth part also commands that if a patient has been compensated by the Federal Government for a stay in a mental hospital of 275 days in his lifetime, that he becomes forever ineligible to receive any Federal funds going toward his care.

Section 225(a) accordingly is the codification of the Presidential suggestion that the Federal Government does not belong in the field of long term care. With this amendment the Federal Government seeks to withdraw from the field to the tune of $235 million which represents a projected savings in Federal funds.

It should be noted at this point that the amendments relate to medicaid—a program where the States receive matching funds from the Federal Government to help pay for the medical costs of indigents of all ages. It is from the destitute, the needy, and the poor that the Federal Government now seeks to recover $235 million.

Further, the Federal Treasury will gain $235 million by this withdrawal so the States must lose $235 million. The appropriate question then is, Where will the States find the replacement revenue? Suprisingly, however, that is not the question which emerged. The central question under discussion when the House passed the bill was: Do the States really need this revenue in the first place?

It was the contention that the above question can be answered in the negative. It follows logically that if the States did not need the funds initially, the sudden withdrawal of dollars at this point will cause no problems to the States and will have the salutary effect of fattening the Federal Treasury. What is implied is that the States have been spending medicaid funds simply to squander them like the proverbial drunken sailor.

Not only was it implied, it was stated explicitly that some people in the States are more interested in collecting Federal dollars than in the appropriate level of care for medicaid patients.

It is also curious that although section 225(a) contains four subsections as I have enumerated above, only one subsection was discussed at the time the bill passed the House and that is the subsection which cuts funds going to nursing homes by one-third after the patient has been in a nursing home 90 days.

It was argued that the States have become free with Federal medicaid funds and as a result skilled nursing homes in the States are overutilized. As further evidence it was pointed out that nursing homes have become big business and that corporations could not enter the field unless there was great profit to be gained.

Mr. President, it is possible that our skilled nursing homes are overutilized in terms of having patients who do not need medical but only custodial care. But one sound reason for rejecting this premise with regard to medicaid patients is that these patients are indigents—what we used to call welfare patients. They tend to be the oldest residents in nursing homes and with old age most patients have more than one chronic and disabling condition.

This fact reveals the bare bones of the faulty premise on which section 225 is based. The premise seems to be that medical science has advanced to the point that these patients can be "made well," returned to their homes or to institutions where they receive less care at less cost to the Government.

These patients who need the full spectrum of skilled nursing home care probably never will be made well enough to return to their homes and yet the Government has arbitrarily decided that its responsibility to these patients ends at 90 days.

It is recognized that these patients who suffer from chronic conditions and advanced age are expensive to care for and that they require more attention than their younger counterparts. Unfortunately this fact is not taken into consideration when States compute reimbursement rates.

The fact is that medicaid patients in general represent the least profitable class for a nursing home operator. Indeed, many nursing homes have refused to take medicaid patients because rates are so low. Others take patients only out of charity. Still others raise the rates for paying patients to make up for the losses they encounter when they accept medicaid or "welfare" patients.

Unfortunately some of the evidence gathered in our recent series of hearings conducted by my Subcommittee on Long-Term Care indicates that some nursing home operators segregate their

"welfare" patients. These medicaid patients grouped together in one wing of a home receive less attention from staff and sometimes separate meals of lesser quality.

The fact is that medicaid reimbursement rates are woefully inadequate. California reimburses at the rate of $14 a day with paying patients averaging $25 a day and up. The State of Michigan pays $14.48 a day for nursing home care while the audited cost of county owned and sponsored nursing homes averages better than $20 a day.

The States are aware that these rates are inadequate and they would like to raise them to reasonable levels but the States collectively have been in desperate straits financially. Many have difficulty raising their share of the matching funds and doubtless they will have far greater difficulty after the proposed Federal withdrawal.

With this background I find it impossible to accept the notion that States are "big spenders," likewise I am not impressed with the argument that States are not interested in the appropriate level of care for their patients.

The States presently have programs of utilization review under their medicare programs and they should all have programs for medical review under medicaid such as are called for in my 1967 amendment to the Social Security Act. To the extent they do not, the Government must assume the responsibility.

For the sake of clarity I refer to Public Law 90–248, section 234(26) which commands the States by July 1, 1969, to establish programs of medical review under medicaid. Medical review teams composed of physicians and other appropriate health and social service personnel make periodic inspections to evaluate each individual patient's need for skilled nursing home care. These teams assess the adequacy of the care being given the adequacy of the services available to promote the maximum physical well-being of patients and inquire into the feasibility of meeting the health care needs of patients through alternative institutional or noninstitutional services.

Mr. President, medical review is called for by a statute which the Congress enacted in December of 1967. The deadline for States to be in compliance with this provision has been exceeded by well over a year and to date HEW has only issued preliminary regulations telling the State how to go about complying with the law. If these regulations were forthcoming and States were to institute these programs as required, we would go a long way toward separating those in these institutions who need medical care from those who can be classified as custodial.

This decision should be made on the site by a team of professionals, evaluating medical, social, and psychological evidence. It should not be made arbitrarily and remotely by dropping the Federal financial ax from the pinnacles of Capitol Hill.

The 25-percent bonus which is offered to the States if they will elect to treat patients through their home health services instead of in a nursing home is another example of this fiscal gimmicky.

At this point let me again make it clear that I appreciate the value of home health services. It was my 1967 amendment—Public Law 90–248, section 224—which made it mandatory that the States have home health programs and outpatient clinics under their medicaid program as of June 30 of this year. Likewise I have spoken out against the restrictive interpretation of "skilled nursing home care" which has had the effect of drying up the medicare home health program.

With the enactment of section 225 these home health services will be much used by the States to take advantage of the additional 25 percent in Federal matching funds. Unfortunately the majority of patients presently in medicaid nursing homes have no home or family to which they can be returned. The spector of the States buying old hotels, creating artificial homes and the bringing in of services is far from fantasy.

It is likewise reasonable to speculate that physicians will continue to solve the nursing home dilemma as they have all through the years. Under the medicare program patients were suddenly rendered incompensible by newly announced regulations all of which were given retroactive effect. To the patient it was the end of federally financed nursing services. The choice facing physicians was whether to return the patient to his home, family, et cetera, or to return him to the hospital. There can be little doubt that physicians resolved the dilemma almost overwhelmingly in favor of returning the patient to the hospital. This fact can be seen by the increase in medicare's average stay in the hospital for 1969–70.

This is more than a matter of passing concern for me since my 1967 amendment had the effect of raising standards in medicaid nursing homes and necessitated the spending of additional dollars by nursing home operators for more nurses and orderlies, for fire safety equipment and dietary services, et cetera. Through the provisions of section 225 the Government has announced that far from helping pay for these additional services, it is going to make substantial reductions in its commitment to the field of longterm care.

These losses to the States will be substantial. If section 225 is passed my State of Utah will lose almost $2 million which is proportionately just as important a loss to us as the loss of $105 million by New York and the loss of $18 million by Oklahoma.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the losses projected by the States if section 225(a) becomes law for those States which have to date reported to me and I ask that it be printed at this point in my remarks.

Certainly it is not inappropriate at this time to raise the question of where will the States come up with replacement revenues. From all the facts I doubt that the States will be able to make up the difference after this precipitous withdrawal by the Federal Government. The obvious conclusion is that services must be cut. Nursing home medicaid reimbursement rates may actually be lowered. Patients in need of nursing care may well once again be relegated to boarding homes.

All of this is bad news to nursing home operators who know all too well the condition of State budgets. Many have had to fight to keep rates at their present level. Nursing home operators know that the enactment of section 225 would mean a giant step backwards—a retreat into the past at a time when they are just beginning to shake off the unsavory reputation that has followed them since their arrival on the health care scene.

But this proposed amendment goes further than to cut funds going to nursing homes. It also cuts Federal funds going to mental institutions by one-third after a patient has received 90 days of care with a full cutoff of funds once an individual has received 275 days of care in his lifetime. Is the suggestion here that mental institutions as well as nursing homes are overutilized? Are many patients in mental institutions who do not belong there? If so where do they belong? In a skilled nursing home for 90 days? Perhaps in a custodial nursing home or maybe they can be served with Home Health Services. All of this is left unclear.

What is clear is that the Federal Government is determined to save $235 million at the expense of the destitute. A patient in a skilled nursing home is on notice that Federal Government responsibility wanes after 90 days. A patient in a tuberculosis hospital has only 60 days of security. A patient in a mental hospital can count on 90 days unless he has used up his lifetime total of 275 days. After these deadlines are reached those in need of long-term care need not look to the Federal Government.

These consequences are staggering to the imagination and they lead me to ask the Senate Committee on Finance to delete section 225(a) of the House-passed bill. As an alternative I ask that they join me in calling for prompt implementation of the provisions of my 1967 amendment which called for programs of medical review under medicaid in each of the States. If HEW were encouraged to issue regulations to advise the States in their efforts to comply with the law we could have a functional program of medical review which would serve the needs of individual patients in insuring that they receive the requisite kind of care, and the needs of the Federal Government could likewise be served in that patients determined not to be in need of skilled nursing home care would be designated to proper facilities.

I say again that the decision should be made by professionals evaluating medical, social and psychological evidence not by the Congress on the basis of financial considerations.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks the resolution on section 225 from the Georgia Commission on Aging.

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

NURSING HOME CARE TOTAL IMPACT FIGURES FOR EACH STATE REPORTING

	1971
Alabama	$4,000,000
California	20,400,000
Colorado	4,000,000
Connecticut	2,000,000
Georgia	7,400,000
Idaho	818,629
Indiana	*1,041,000
Louisiana	4,250,000
Maryland	5,421,700
Massachusetts	5,000,000
Nebraska	3,500,000
New York	105,000,000
North Carolina	2,500,000
Oklahoma	18,000,000
Pennsylvania	13,100,000
South Carolina	2,734,959
Tennessee	8,000,000
Texas	9,167,230
Utah	2,000,000
Washington	1,288,000
Vermont	1,083,032
Virginia	2,420,000

*Represents only Indiana's projected loss to skilled nursing homes.

RESOLUTION ON H.R. 17550—PROPOSED AMENDMENT TO SOCIAL SECURITY ACT

Whereas, the House Resolution 17550 proposal to amend the Social Security Act contains some commendable provisions for improving the well-being of the elderly and deserves the support of our Senators, there is one section which provides for a reduction in the matching formula for funds states spend in caring for long-term care patients in skilled nursing homes after the patient has spent 90 days (in any year) in a long-term facility;

Whereas, it is the opinion of the Georgia State Commission on Aging that this is an unwise and precipitous proposal at this time;

Whereas, the Georgia State Commission on Aging wishes to call to the attention of the Senators that the poorest of the poor are currently being excluded in many instances from nursing home care because neither they nor their families can afford the supplement which the patient or his family must pay for nursing home care under the present system of funding. It is logical to expect that a reduction in federal matching would place even a greater burden on the meager and non-existent resources of older people;

Therefore, the State Commission on Aging wishes to go on record urging the Senators of these United States to postpone for at least one year any act which decreases the funding formula on indigent patients in long term care, to make during this interceding period of time a full study of the effects of this proposed legislation, and to seek alternatives to assure proper utilization of skilled nursing homes.

Passed in full session at the July 15, 1970 meeting of the Georgia State Commission of Aging.

HUGH W. GASTON,
Chairman, Georgia Commission on Aging.

PRESIDENT'S COMMISSION ON CAMPUS UNREST

Mr. ALLOTT. Mr. President, I have a suggestion concerning the great national quest to understand the young. I suggest that we disband the President's Commission on Campus Unrest and all read the Wall Street Journal.

The President's Commission on Campus Unrest has already heard the testimony of Prof. Sidney Hook, so it is all going to be downhill from now on, anyway. And the editorial page of the Journal contains more good sense on the subject of American youth than is apt to be unearthed by the next 10,000 professional "youth experts" summoned before the Commission.

For example, the Journal's August 3 lead editorial is headlined "Educating the Self," and it concerns this observation:

> Many older adolescents and young adults are pressured by a combination of the draft, the demands of an increasingly complex society and the rising expectations of their parents to prolong formal education well into their twenties. Yet the years from age 17 to 30 are for most people a time of identity-seeking, sometimes in considerable confusion. A wide variety of life experiences may best help a person work through it constructively.
>
> A university campus, needless to say, is not designed to offer such a range of experiences, nor should it be. And if external factors tend to pressure large numbers of young people to remain in school when for many education in the truest sense might better be gained elsewhere, the resulting frustration is all too understandable.

To help ease the confusing pressures on young adults, the Journal suggests four measures.

The first is termination of the draft and establishment of a volunteer army. This is a firm goal of this administration.

The second measure is reform of university admissions policies. Such reform, the Journal suggests, should be twofold. On the one hand, some young people who now automatically go to college—and are restless and unhappy there—should be kept out. And some nonyoung people should be encouraged to go to college.

This latter is particularly important. One of the most unstable and unhealthy things about today's large campuses is that they constitute a most unnatural community. What could be more unnatural, and foredoomer to tumult, than a conglomeration of 30,000 or 40,000 late adolescents in a town of approximately half that number. Senators are invited to contemplate the embattled and exciting town of College Park, Md.

Third, the Journal suggests that we, as a Nation, reassess the current importance we place upon possession of bachelor's degree.

Fourth, the Journal suggests that young people try to understand the rudimentary fact that neither society nor any of its subsidiary institutions—such as institutions of higher education—can give them, ready made, a "meaning" for their lives. Hence it is irrational to rail against colleges and universities which educate but do not give soothing shape to the individual's soul.

Mr. President, the most salient words in the Journal editorial are these:

> Indeed, a long-range solution to the problem of early adult confusion involves change too intangible for government programs.

That is the lesson we all must relearn each day in Government. It is dangerous hubris to assume that Government can deliver all the great commodities of life. Further, this is a lesson which should be learned as an essential catechism by all those who serve on such things as the President's Commission on Campus Unrest.

There seems to be something about service on such Commissions that causes normal men to go lusting after Government solutions to private problems.

Mr. President, so that all Senators may familiarize themselves with the Journal's wisdom, and in the hope that members of the President's Commission may take time from their musings to read the RECORD, I ask unanimous consent that the Journal editorial be printed in the RECORD.

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

EDUCATING THE SELF

One of the more valid—and infrequent—observations about the problem of the young goes like this:

Many older adolescents and young adults are pressured by a combination of the draft, the demands of an increasingly complex society and the rising expectations of their parents to prolong formal education well into their twenties. Yet the years from age 17 to 30 are for most people a time of identity-seeking, sometimes in considerable confusion. A wide variety of life experiences may best help a person work through it constructively.

A university campus, needless to say, is not designed to offer such a range of experiences, nor should it be. And if external factors tend to pressure large numbers of young people to remain in school when for many education in the truest sense might better be gained elsewhere, the resulting frustration is all too understandable.

There is great soundness to this insight, and for this reason we are pleased to print elsewhere on this page the testimony of S. I. Hayakawa, president of San Francisco State College, which discusses the problem of early-adult confusion in America, and which received too little public notice at the time of its presentation.

At the same time, we must confess to a bit of hesitance over making this point, for it is easily misused. Mr. Hayakawa himself, for example, follows his sound diagnosis with a questionable remedy. He suggests the problem of young adulthood in America might be eased by replacing the draft with a program of compulsory national service for all young people; he ignores the important fact that personal growth is, after all, a deeply personal matter and is best enhanced by personal freedom, not more social management by government.

Indeed, a long-range solution to the problem of early adult confusion involves change too intangible for government programs. It will occur, we think, as both the young and the old gain more tolerance for a notion well enough understood in other societies: That instead of launching himself into some lifelong pursuit at an immature age, a person of 20 or so might do well to spend a couple of years traveling, meeting people, working at various kinds of jobs, or just sitting around and mediating in an attempt to find out what life, for him, is really all about.

It may be argued that such self-education should be left entirely to the individual, that the rest of society need not worry about it. Yet with the problem of the young as serious as it is right now, we are tempted to consider at least a few possible developments which, over the long term, might prove beneficial.

First, rather than establishing a national service program to complement the draft, the Federal Government might do away with the draft altogether and establish a volunteer army. Although the problems are not minor, it is a direction many now favor. In any event, more bureaucratic government involvement in the lives of young people can only serve to deepen the bitterness of the alienated.

Second, universities might begin to think of implementing strong admissions and other policies designed to admit only those young students who truly understand what academic life involves and who truly have an interest in it. They might also give some thought to the idea that a university need not be an exclusive preserve of the young, but rather a place for people of all ages and situations to come for periods of study at various times of life.

Third, parents of young people and prospective employers of young people might begin to take a different view of the importance of a college degree. To be sure, a college education is essential for some kinds of success, but for other kinds, an understanding of one's self and of the real world may be far more important. And as Mr. Hayakawa suggests, the self-understanding may make a postponed college education far more meaningful.

Finally, the young themselves might somehow gain an increased familiarity with a simple insight that too often seems strangely incomprehensible to them. It is that personal identity, a sense of meaning in life, is not something given by society, but created by the individual. Often it is necessarily an arduous task, and all the more so in a huge nation changing rapidly in a host of ways.

Whether the young and the old can get together in order to accomplish such changes—which, it must be understood, can at best provide only partial solutions—is by no means certain. But surely they are worth some thought, for if the problem of early adult confusion is not to be solved easily, neither can it be safely ignored.

RETIREMENT OF EDWARD E. MANSUR, LEGISLATIVE CLERK OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Nevada (Mr. CANNON) relative to the retirement of Senate Legislative Clerk Ted Mansur.

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

STATEMENT BY HOWARD W. CANNON

RETIREMENT OF EDWARD E. MANSUR, JR., LEGISLATIVE CLERK

Mr. President, last Friday marked the final day of service to the Senate for one of this Chamber's most widely respected employees, Edward E. "Ted" Mansur.

Ted Mansur has served with distinction as Legislative Clerk of the Senate for the past 23 years. When I came to the Senate 12 years ago, Ted had already established himself as one of the most knowledgeable experts in the field. We in the Senate will certainly miss him.

Mr. President, in saluting Ted Mansur today, I would be remiss if I did not compliment his wife Carolyn and their daughters, Leslie and Carter. I know they are pleased to be able to have more time together with Ted and will enjoy tremendously their hobby of boating.

To Ted and his family, I am delighted to wish Godspeed and to again express appreciation for his contributions to our Nation in his 23 years of Federal service.

BASIC QUESTIONS OF INTERNATIONAL POLITICS

Mr. ALLOTT. Mr. President, during the several important foreign policy debates we have had during the spring and summer, I have been the fortunate recipient of extensive memorandums prepared by Prof. Stefan T. Possony.

Professor Possony is professor of political science and director of the international political studies program at the Hoover Institute on War, Revolution, and Peace at Stanford University. His publications include numerous articles in scholarly journals and such books as "Tomorrow's War," "Strategic Air Power," "International Relations," "A Century of Conflict," "Lenin, the Compulsive Revolutionary," "Strategic des Friedens," "The Geography of Intellect," and "The Legality of the U.S. Action in Vietnam."

In the coming days we will be debating other important matters with vast implications for our foreign policy. What we do about them will be determined, in large measure, by what we think about the most basic questions of international politics.

I have enjoyed and profited from Professor Possony's thinking. I do not agree with all that he says. But I share his concern with the misconceptions that seem to be influencing our estimate of the world's dangers. So that all Senators may profit from his thinking, I shall be placing some of his memorandums in the RECORD in coming days. Today I ask unanimous consent that three of Professor Possony's memorandums be printed in the RECORD.

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

COMMUNISM AND NATIONALISM

There is a misconception in many minds that nationalism and communism are mutually incompatible or hostile. Historically, American and European nationalisms have been anti-communist in orientation. One of the main roots of resistance against communism has been the notion of national independence and the incompatibility between national self-determination and communist imperialism. Nationalists also have objected to Marx's thesis that the proletarians have no fatherland; to Stalin's thesis that an "internationalist" communist must regard the USSR as his country, right or wrong; to the normal attitude on patriotism by communists who are living in non-communist states; and to the communist doctrine, now usually muted, on the ultimate "merging" of language, cultures, and nations.

Not all of the classical nationalist movements have been strongly anti-communist and some nationalisms in the developing world have cooperated with communists.

The communists themselves are not necessarily hostile to nationalism. Aside from the question of "national communism," the communists always have been meticulous in giving support to national objectives and making full use of the "national factor" in their strategy. In fact, they are past masters in exploiting ethnic differences and struggles. The constitutions of communist states place heavy emphasis on national structure and provide to *most* ethnic groups their measure of "autonomy" and "self-government." The USSR consists of 15 "union republics," which contain autonomous republics, *oblasts*, and *okrugs*. China is divided in autonomous regions, districts, and *hsien*. There are two autonomous regions in North Vietnam.

The emphasis both on "Russian" and "soviet" nationalism was very heavy during World War II, and continues heavy even now. The Maoists also play upon nationalism and they take Chinese chauvinism into full account.

The slogan that the proletarian has no fatherland was never withdrawn but Marx, Engels, Lenin, and Stalin, to name only those, were in many ways nationalists themselves. Marx was called "the Red Prussian" and he favored German unification. He also supported the unification of Italy, and Irish and Polish liberation.

Lenin got involved with the national problems of the Russian Empire during the revolution of 1905. As the communist use it, the concept of "national liberation" is a composite of communist and nationalist thinking: the independent nation is to become socialist, the nation dominated by non-communists is to be "freed" and communized. The communist-ruled nations join in a communist commonwealth.

Lenin wrote: "We would be very poor revolutionaries if, in the great liberation war of the proletariat for socialism, we should be unable to take advantage of any national movement directed at imperialism, in order to sharpen and deepen the crisis."

Lenin and Stalin have given decisive support to such "nationalist" or "fascist" leaders as Kemal Ataturk, Mussolini, Pilsudski, and Hitler. Stalin cooperated with the Kuomintang, and he sought arrangements with German and Japanese military leaders. He supported German nationalism against the nationalism of Poland and France, and Polish nationalism against that of Germany. Mao Tse-tung utilized the strong nationalistic revulsion of the Chinese against the Japanese. Khrushchev and Brezhnev have been supporting Nasser and the Arab nationalists, etc.

In terms of theory, history, and strategy it is therefore wrong to think in an "either-or" pattern. Ho Chi Minh unquestionably was a nationalist, equally unquestionably he was a communist. The same applies to the entire leadership of his party. It does not speak of scholarship if some writers propound the thesis that Ho Chi Minh—who, by the time of his death was the senior leader of the International Communist Movement—really wasn't a communist at all. In Ho's thinking communism and nationalism were combined, but the communist ideology was predominant and included nationalism; not the other way around.

There are differences between various communist leaders and parties, but a person who would put nationalism at the top of his value pyramid, would be purged or would have to break with the International Communist Movement.

Normally, the ally of an enemy is regarded as an enemy also. There may be differences in the degree of secondary or ancillary enmity. For example, we have no current reason to be concerned about Pakistan, which is an ally of Red China; and we don't worry about Hungary, which is an ally of the USSR. Furthermore, it is good practice to try to split a hostile alliance. But as long as an alliance keeps together and persists in active hostility, all of its members are necessarily hostile. We cannot therefore treat North Vietnam as though it were just one single enemy, doing its own thing in splendid isolation. It is a member of an extensive and expansive alliance system, and its allies support it because they believe North Vietnam's actions advance their own objectives.

Alliances are based on predominant harmony or identity of objectives and interests among the partners. The alliances of the Free World are derived primarily from harmony of national interest, e.g., all partners want to preserve their independence. In varying degrees, these partners also are committed to a democratic form of government.

Within the communist world the commitment to communism is basic and divergent national interests, as they exist, for example, between Bulgaria and Yugoslavia, and between Hungary and Rumania, are supposed to be submerged. This principle may break

down as it did in the case of Yugoslavia, depending on power-relationships and the strength of nationalist feeling. It is important to realize, however, that the sino-soviet split cannot be explained simply by the ascendancy of nationalist over communist convictions. This split was caused by imperialistic requirements, economic necessities, strategic difficulties, divergencies in strategic concepts, and nuclear problems. It was *accompanied* by a highly significant ideological divergence. Nevertheless, the broad panoply of communism still is covering the two splitters.

The declared intention of *all* communist parties and states is to bring about world communism. Consequently, communist aggression, wherever and whenever it occurs, will serve the central purpose of communist world conquest, regardless of what other purposes aggression may be designed to accomplish, and regardless of whether there will be a single communist *hegemon*. We do *not* know whether the other communist states would hold Hanoi to the conquest of South Vietnam only, or would allow the conquest of the rest of Indochina or would in addition authorize the conquest of Thailand, or conversely would reserve Thailand for China.

The communists do make the difference between big and little brothers, notably in the case of the Great Russians and the Han Chinese. But they also acknowledge the limitations on the strength of each nation.

The question of Thailand seems to be unresolved. Yet there would not be any thought of the Vietnamese conquering Thailand. The take-over of the country is the task of the Thai communists. The question is, what would be Vietnam's role in the seizure of Thailand? Apparently China has staked out for itself the conduct of operations, but a communist-unified Vietnam would have about 30 battle-tested divisions, while China finds it difficult to project its power into Southeast Asia. Even if the Chinese were to run the operation it is pretty unlikely that Peking would consider incorporating Thailand as another province of China. China and North Vietnam could act jointly against Thailand or they might divide the work. Both or neither may grab territory. It is merely certain—or almost so—that neither will rest after victory.

Consequently, the take-over of South Vietnam, Laos, and Cambodia by Hanoi would not mean the end of the conflict. Instead Vietnam, or a new Indochinese communist empire, or China, or all together, would put resources and forces into promoting new "people's wars".

Would we let Thailand go? Or Malaysia? Or India? Is it not simpler to solve the problem in the *smallest* Asian theater that we can find?

That in the end the communist states will fight against one another is entirely likely, but this does not alter the fact that if communist aggression is not stopped, regardless of whether that aggression emanates from a single "conspiracy" or from a poly-centric alliance, it will spread like pollution. It does not even particularly matter whether the aggressor is communist or not. What matters is that there is aggression, that the aggressor is a member of an alliance system that has declared itself to be hostile to the United States, and that successful aggression always tends to spawn new aggression. It also matters that the United States policy has been to oppose aggression as a matter of principle.

ANAMNETIC ANALYSIS

The argument is sometimes advanced that we should tolerate the North Vietnamese aggression, because in so doing we would contribute to the splits within the International Communist Movement. This reminds me of a similar argumentation of the mid-1930's. At that time Italy was attacking Abyssinia, on the grounds, which was not entirely unreasonable, that if France and Britain were entitled to run empires in Africa, so was Italy. Indeed, the Italians needed land more urgently than the other imperialist countries. Of course, an important deal was involved: Mussolini wanted his African empire as a price for allying himself with France and Britain against nazi Germany.

I must confess with considerable embarrassment that in 1935, the pro-Italian argument appeared plausible to me. If Italy had taken a firm position against Hitler, this would have made a considerable and desirable difference. It might have slowed down the nazis and possibly have prevented World War II.

Mussolini was the protector of Austria, my own homeland. I hoped that he would protect his own protectorate—this would have saved the lives of many Austrians, including those who later were forced to fight in an imperialist war against the USSR and succumbed in the battle of Stalingrad.

Abyssinia appeared a small price to pay for peace. I wasn't thinking of sacrificing Abyssinians for Austrians—the presumption was instead that Italy would do the Abyssinians a lot of good. Since the Italians were good colonizers and had no reason to do harm, this thought was not half as far-fetched as the notion that the communist take-over of South Vietnam would be helpful to the South Vietnamese.

The argument turned out to be utterly wrong. It also was immoral—the distant foreigner *was* expected to pay our bill. The Italians, though they were fascists, did not behave too badly but Mussolini did not protect Austria and he did not join the democracies. The totalitarian philosophy drove him into the totalitarian camp with nazi Germany, contrary to Italy's political tradition and geography.

Those who thought as I did had been wrong in treating ideology with contempt although, God knows, few fascists took fascism seriously. Yet Mussolini's way of thinking was completely misunderstod. The irony was that the attempt to make a deal with Mussolini backfired. Both France and Britain experienced serious political crises because appeasement was as yet unpopular. Mussolini, his blackmail accomplished, joined Hitler and continued his aggressions, sometimes against Hitler's wish.

A non-ideological, 18th century image of foreign policy is still very much alive in the minds of advocates of a Vietnam deal.

Analysis of what those advocates say almost invariably shows that they either deny ideology as a policy-making or policy-deciding factor, or else deny it as a factor which creates or maintains alliances and leads to aggression.

The triumphant announcement that there is no or never was a communist conspiracy does not reflect very serious study. It usually is advanced by persons who have not given the matter much thought but who accept the cliché because it sounds plausible. Actually, the denial of conspiracy is rarely directed at the legal concept of conspiracy. It amounts to an *oblique denial that there is such a thing as the International Communist Movement*. The further denial is often added that communism as such is of no significance to American security. Bland assertions that "there is no International Communist Movement" and "communism is no threat" would be regarded as nonsense or evident self-deception. But more or less the same mental impact can be achieved by asserting that there is no communist "conspiracy."

It will be found that such a pleasing interpretation often is paired with the conviction that communism is merely another economic system, the implication being that the United States could just as well live and prosper with different economic arrangements. The elements of communism which really pose a threat to the United States and anybody else, in terms of political institutions, freedom, democracy, law, human dignity, happiness, and sheer protection against torture and survival, are simply ignored. Communist economics indeed are no threat—they don't work. But massive force and power, violence proneness, totalitarian dictatorship, and a firm will to victory—those are very real threats; and they won't go away if we merely resolve not to see them.

The wishful denial of the communist threat leads ultimately to the denial of the reality of communism. By contrast, those who have persuaded themselves that the reality of communism is in no way repugnant, inevitably deny the reality of the communist danger.

Conversely, the inflating of the communist threat and misinterpretations of communist reality also lead to wrong conclusions about the danger in which we find ourselves. Ignoring or belittling, let us say, the terroristic aspects of *all* communist dictatorships including that of North Vietnam results in a false evaluation of those systems. Yet the ignoring of change, for example, in Czechoslovakia, as well as the belittling of the Czech events in 1968, also result in false and self-defeating policies. The evolution which is taking place in the USSR is quite real and promising. Ignoring it is just as wrong as exaggerating it. Judgments about what has changed and what has remained unchanged must not be formulated in generalities, but must be specific. There must be awareness of time factors. A development which looked hopeful two or three years ago may have continued, or it may have stopped. I fail to detect the required sophistication in the Senate debates of these problems.

I am still more surprised that we do not distinguish between the dictatorships and the subjects the dictators are ruling. In the *Congressional Record*, the USSR is customarily referred to as "Russia," yet there is no such state. The citizens of the USSR (a term which does not have the same meaning as "Soviet Union"), and even the dictators in the Kremlin, are usually called "Russians". Yet half of the citizens of the USSR are *not* Russians; only a very small minority among the Russians as well as among the other ethnic groups in the USSR are communists; the Kremlin rulers are not all Russians and those who are, act as Russians, Russian imperialists, soviet imperialists, and international communists. Similarly, there is no evidence whatever that the population of North Vietnam is predominantly communist, or that the communist bosses speak for the people of North, let alone South Vietnam.

This method of looking at partial evidence and of relying on the most hopeful interpretations has been applied to soviet weapons development and to the danger of nuclear war—the axiom is proclaimed that there won't be such a war, and an axiom is necessarily true because it must be true. I simply want to mention this large subject, but I will not deal with it. However, I must stress that the nation as whole and the Senate in particlar seem to be looking at only a small portion of the many activities the communists are engaged in.

There is no awareness of how many guerrilla wars are underway at this moment: Senator Bennett stated that so far the communists waged subversive warfare against 19 countries. They were successful in four cases, and are continuing their efforts in nine countries. The Senator listed six failures—all since the end of World War (*Congressional Record*, May 20, p. 16366). This list is incomplete, but it is long enough.

The psychological operations undertaken by the communists are ignored although thirty years ago there was nation-wide pre-

occupation with nazi propaganda. The operations that are connected with the war in Indochina, such as the communist guerrilla activities in the Himalayas, or in Malaysia, are ignored.

The Middle East, where the conflict is just as much due to Moscow's instigation as the struggle in Vietnam, is thought about separately in its own waterproof compartment. Neither shooting war is seen as what it really is, namely a part of the confrontation between the USSR and the United States.

To top it all, the very substantial military preparations by the USSR along the borders of Red China, while occasionally reported, have not taken their rightful place in our political consciousness. Hence we don't see either that these shooting wars are part of the confrontation between China and the U.S., as well as elements of the conflict between China and the USSR.

In summary, the communist threat continues and is being *developed* through a bold and ambitious world-wide strategy which, of course, is executed through concrete actions in specific areas at specific times, sometimes through conflicts between communists and anti-communists, sometimes through conflicts instigated between non-communists, and sometimes through conflicts between communists.

The communists have prepared themselves intellectually for this endless contest through attention to dialectics. The habit of dialectic thinking helps to anticipate changes, to work on contradictions, and to relate events and trends on a world-wide basis. They never would think of disconnecting Vietnam from the rest of the world. On the contrary, if there were no connection, they would forge one.

The United States remains intellectually ill-prepared. Our greatest single weakness, it seems to me, is what I like to call *anamnetic analysis*. This type of analysis rests on forgetfulness and selective memory; on partial evidence, obliquity, and embellished facts; and in the last analysis on the rejection of the historical record and of the rules of evidence.

It remains true that the future is unpredictable. But we never will make good decisions if we ignore the lessons of the past and the facts of the present. We can't know what will happen but we can learn that which is known and knowable.

Senators have quoted Confucius to the effect that a man who makes a mistake but does not correct it, makes a second mistake. Quite so. But the first order of business would be to identify precisely what the mistake really was, and not simply to assume that one already knows.

THE MEANING OF U.S. STRATEGY

The soviet threat, or more broadly the communist threat within which the soviet factor predominates, has been in existence since 1917 and it became the somewhat belated *raison d'être* of American strategy by 1947. Communist strategy went through several cycles of lowered or increased intensity, or ebbs and flows, as Stalin put it, but on the whole it was strategy of steady and systematic pressure. The success of this strategy is attested by the growth of the USSR's absolute and relative power, the extension of soviet influence on world affars, and the expansion of the communist dominion.

Soviet strategy often is held to be opportunistic and lacking in purpose, but its consistency is, in fact, rather astounding. Despite considerable fluctuations and some very substantial modifications as, for example, in the strength of our deterrents U.S. strategy also has been remarkably consistent and persistent.

U.S. strategy derives its ultimate inspiration from the U.N. charter and that charter's opposition to aggression. War strategy is in essence a national application of the charter against those communist states that would be aggressive. Under Article 51 we are entitled to such self-defense until the U.N. Security Council takes over on the happy day when the aggressor loses the protection of the veto. This day will come only when the USSR opposses aggression by its friends and does not itself engage in aggression.

The United States pursues its strategy in conjunction with many other states, for which purpose it is allied with most of the leading nations outside the communist bloc. These alliances are "mutual" in nature, that is each member is expected to help the other partners. While additional military power has been generated through the alliance systems, U.S. military strength predominates and the security of virtually all allies is basically dependent upon the American guarantee. The United States has aimed at increasing the defense capabilities of its allies, so that it does not need to bear the main burden indefinitely and everywhere. There have been some successes in that direction, but the United States is somewhat overcommitted, while in terms of armaments and participation in security programs, many of its allies remain undercommitted.

There are socio-economic causes of why the defense efforts of many allies are limping, and those cannot be eliminated over night. In some allied states, there is not much political will for contributing a reasonable share to the common defense. Other allies are not satisfied with U.S. performance. The U.S. itself has soft-pedalled its leadership.

For reasons which go beyond the problem of preventing communist aggression, the United States, together with the USSR, adopted the nuclear non-proliferation treaty. The effect of this treaty has been, and necessarily must remain, that the United States assumes the major defense missions within the Free World, whereas the USSR, if it lives up to the treaty, carries that crucial burden within the communist bloc. In the absence of this treaty the explicit and implicit commitments of the U.S. would be reduced but the treaty was accepted in the hope that it would strengthen international security.

The United States also has associated itself with many smaller states, including quite a few countries in the developing world, and it has contributed to their defense capabilities through various aid programs. Some of those countries have been strengthened, others are not yet in a position where they can successfully defend themselves.

Except for the nuclear forces of France and Britain, which are weaker than those of Red China, the U.S. must buy and operate all of the expensive long range strategic systems. But few of our allies have seen fit to help us in opposing the people's war which, according to General Giap, "is the model of the national liberation movement of our times," and which, therefore, poses a threat to every non-communist country. We have regional, multi-lateral, and bi-lateral alliances, but the Free World as such is not organized for common defense, and for all practical purposes the U.S. alone is engaged in multi-regional or global strategy. As the British move out from east of Suez, the situation is becoming more acute.

Within that framework, American strategy has been characterized by three main undertakings: deterrence, containment, and efforts to liquidate the global conflict through negotiation.

Our efforts to deter communist aggression, especially nuclear aggression, have been based on superior strength in long-range and tactical nuclear weapons and sufficient strength in conventional forces. Our deterrence strategy has worked quite well inasmuch as aggression against the United States, Europe, and Japan did not occur. The USSR was not strong enough for major war. Our deterrent posture, however, is weakening in both nuclear and conventional strength and it remains to be seen whether a "balance" of strategic power will be enough to keep the peace. Aside from quantitative relationships such as superiority or inferiority, the ability of the United States to protect and preserve strong strategic forces against nuclear surprise attack remains crucial.

There have been different approaches to the technological and operational implementation of deterrence and conflicting opinions about the economics of reliable war prevention. But so far as I know no expert has argued that deterrence is unnecessary because there is no threat. Nor has there been an articulate opinion to the effect that deterrence cannot work as a strategy or that deterrence would be undesirable.

However, the application of the deterrence doctrine to "limited war" and to "people's war" has always been dubious. Those lesser forms of aggression could threaten the survival of American allies and hence could involve the United States in larger conflicts. Not all areas threatened by this form of aggression are necessarily important to us, but some areas undoubtedly are. The idea that the communists should be dissuaded from launching lesser aggressions, has never been disputed, but the type of deterrence that is applicable to the USSR—namely the threat of nuclear retaliation and the Kremlin's ability to understand this threat—is not applicable to guerrilla commanders and primitive states. Retaliation is unlikely and hardly effective, the threat of reprisals cannot be properly assessed, and guerrillas cannot always be held back.

Accordingly, the United States has undertaken many military moves to drive home the point that those types of aggression do not pay, that they will be resisted, and that the aggressor will be defeated. Deterrence of the global type can be attained *sans* war through forces-in-being and technological maneuver. Deterrence of the local or regional type requires *victory* by the deterring power. If that victory cannot be achieved and if on the contrary, the people's war aggressor wins, it would *not* follow, as General Giap stated, that "the United States . . . can be defeated anywhere in the world". But deterrence would be failing.

Containment is the second strategic undertaking of the United States. This means that if the communist opponent reaches out to take over a country, we will try to repel the attack. The significance is that containment operates when deterrence breaks down. If successful, it re-establishes deterrence and preserves the integrity of the Free World. Containment is, essentially, the antidote to the protracted world revolution. If that revolution were called off, containment would not operate; if the revolution continues, containment is the pre-requisite to its cancellation.

We have not always lived up to this concept of containment which we began to apply in the late 40's to protect Greece, Turkey, West Berlin and West Germany. We did not contain the communist conquest of China (except for Formosa), North Vietnam, and Cuba.

I will not discuss the question of whether we could have prevented the fall of those countries, nor explore why it was our deliberate or inadvertent policy to facilitate the communist take-over of China and Cuba. (We also facilitated Ho Chi Minh's coming to power in 1945, but that was before the containment policy was instituted.)

My point is far more elementary, namely that our troubles with the USSR have been continuous since the end of World War II and that the fall of those three countries to communist domination has not in the slightest mitigated the troubles with the Soviet Union, instead it has exacerbated our diffi-

culties. In addition, each of the three countries which became communist because we failed to invoke the containment strategy, has concentrated on aggravating the cold war and on stimulating hostility against the United States.

We also dropped containment in the case of Eastern Laos and thereby made possible the subsequent North Vietnamese aggression.

The insight that breaches of containment are inadvisable and that it should be possible to stop some aggressions with limited means led President Kennedy to his preoccupation with "counter-insurgency" and resulted in the massive U.S. involvement in Vietnam under President Johnson. The idea was also that this sort of aggression must not be tolerated against a state whose survival we guaranteed; that we must learn how to contain people's wars effectively and thereby deter the next attacks; and that Mao's, Ho's and Giap's test case must be made to fail.

For a number of reasons we did not do a very good job at this undertaking. We went to Vietnam for excellent reasons but we picked a highly deficient strategy. Consequently, we are now in a situation where we again face a failure of containment, not only in Vietnam itself, but also in the Eastern Mediterranean, where containment is being applied ineffectually. The communist advance is not very visible and it may not be permanent but penetration into the Mediterranean has occurred and heavy political infiltrations have resulted. Hesitant containment has not worked, and the new soviet method of expanding by naval means is baffling our planners.

The strategy through which we were implementing containment in Indochina was counter-productive—I hope we never fight a really strong opponent in the way we fought North Vietnam. Although containment should keep the alliance together, the Vietnam exercise was accomplished by an erosion of our coalitions.

The third undertaking—negotiation—covers many subjects. It need be mentioned merely that three fundamental purposes are involved: First, negotiations deal with those economic and political factors which can be handled diplomatically. Second, negotiations are conducted, hopefully, to achieve some measure of arms control. The question of whether the arms limitations agreements which were concluded, basically, between the U.S. and the USSR, have been *mutually* beneficial or will in the end prove to have favored the USSR unilaterally, has not yet been answered. Much will depend on the internal evolution in the USSR which is beyond the ken of negotiation. Third, continuous communications may facilitate the arrangement of compromise and prevent open conflict between the U.S. and the USSR.

Many of our negotiations have been inconclusive. Some were counter-productive, but others did probably avert catastrophic developments. Yet it has not been possible to negotiate meaningfully on the termination of the conflict. There has been talks with China and North Vietnam, but it would be inaccurate to describe those as negotiations.

Negotiations certainly have not proved to be a panacea to our problems. Much publicity is given to diplomacy, but the efficacy of this technique is overrated. Those who deplore armaments, conflicts, and confrontations usually propose that we should negotiate and negotiate again. This would be an excellent proposition if it were acceptable to our opponents and if the communists were to give up the notion that diplomacy is a conflict technique, which often is designed to cover a military retreat or to substitute a method of conquest cheaper than force.

Negotiations with communists cannot be rendered more effective by perpetuating them, by making known to the opponent that we will do almost anything if he only would talk, by offering major concessions in advance, and by giving the impression that we will allow ourselves to be out-negotiated.

Negotiations cannot succeed if they are our main, let alone our sole effort, instead of being integrated with deterrence and containment.

In other words, we have a well thought-out strategy for which no really attractive alternatives have yet been proposed. The execution of this strategy was not always effective and very rarely efficient. In several instances, we did not carry out the strategy to which we had committed ourselves on a bipartisan basis. In those instances we experienced failure. The aberrations proved the value of the "normal" strategy—the one we had thought through and the one to which we were committed openly.

The main difficulty we experienced with our strategy has been that it is expensive. Yet it is cheaper than would be any of its alternatives, e.g. aggressive war, piecemeal surrender, or capitulation *en bloc*. It also is cheaper than would be a strategy of isolationism which, predictably, would result in the encirclement of the United States.

Another difficulty is that our strategy is not designed to produce quick-fix solutions but must be applied steadily over decades. The American people, including Congress, tend to be impatient. After a while when this strategy is no longer explained over and over again, probably because a psychological saturation point has been reached, its meaning is forgotten. Consequently, our actions are misinterpreted and become erratic and impulsive. We usually return to the old strategy—there is no attractive alternative, as I pointed out—but only after painful set-backs.

This is precisely the sort of behavior which we should avoid in future, because it makes the job more difficult and because the opponents are tempted to miscalculate. *The so-called crisis about Vietnam did not erupt because we have been failing but because we have been succeeding too slowly.* Its main psychological root, at least in the Senate, is impatience—thus it appears to me. I am just as aware of the casualties as anybody else but, again, alternative strategies would be more costly. French strategy in 1940 was based on the concept, "nous sommes avares du sang français". A more realistic strategy would have saved French lives.

A member of Congress expressed his belief that a democracy like the United States cannot engage in protracted conflict because its morale cannot endure. This notion amounts to saying that in a world where protracted conflict is being waged aggressively by totalitarian dictatorships, democracy cannot survive. If democracy has an inborn weakness which precludes effective self-defense, then it is high time to diagnose this defect and cure it. I am personally convinced that democracy is superior to dictatorship in all aspects of statecraft and I want to register the fact that I have never seen any reasonable proof which shows that, from a defense point of view, a democracy is necessarily helpless. On the face of it, the argument if stated as a generality, is silly since democracies have won many gruelling wars. Back in 1939, I debated this very question with British General J. F. C. Fuller, the "father of the tank". I conceded that dictatorships have initial advantages in the preparation and launching of conflict but that subsequently the strong points of democracy should prove decisive. Retrospectively, Hitler and Mussolini did not win; but Stalin did—we helped him.

It is certain that a democracy cannot function well if it is misinformed. During World War II, American public opinion was fully cognizant of the facts of Hitlerism, but it was taught to think naively about Stalinism. Hence the unsatisfactory outcome of that major war.

What is the situation today?

The treatment of the current and developing threats against the Free World and the United States in the American press and in Congress tends to be complacent. There are occasional alarms and warnings but those are not taken too seriously or they are discounted as Pentagon "budgeteering". In the midst of two shooting wars the attitude still prevails that the "cold war" is gradually running down. The threat is not seen as a whole but only in its individual symptoms. For example, connections between the SS–9, the USSR's first-strike missile, and Vietnam, or the inter-relationships between American domestic troubles and the types of our defense programs, are kept neatly separated. It is almost impolite to point out that, at this writing, it is the Kremlin, which is deploying the SS–9, which is pushing rapidly ahead with ultra-modern strategic weapons, which is instigating conflicts in the Middle East, which is supporting the North Vietnamese aggression, which is conducting political offensives in Germany and Italy, and which is supporting Cuba (which in turn is training American revolutionaries).

All this activity is in line with the idea that the communists will "bury" us. We were told that Khrushchev did not mean "burial" in the literal sense; and this explanation tranquilized the United States.

To be sure, Congress and the Executive have taken many steps to preserve and modernize our military strength, and numerous Members of Congress are seriously concerned about current ominous changes in the international power balance. Yet only very few Americans recognize the threat in its totality.

A confused people is not skillful at defense. A people from whom the danger is hidden by paper curtains and television screens cannot sustain long-range strategy. And a people that is subjected to an alternating current of peace and conflict "signals" must tend toward hysteria.

The mechanisms through which the desire for freedom and will power can be significantly weakened have been described by the Pavlovians; and, unfortunately, drugs constitute "technological progress" over orthodox conditioning.

Are we taking our primary problems serious enough? Or are we sublimating them through clichés and concern about secondary problems?

CONGRESSIONAL CHANGES IN THE BUDGET

Mr. ALLOTT. Mr. President, as I have previously promised, I intend to continue to place in the RECORD the scorekeeping reports prepared with such diligence and scrupulosity by the able Representative from Texas (Mr. MAHON) and the Joint Committee on Reduction of Federal Expenditures of which he is chairman.

We now have available the joint committee's most recent scorekeeping report, cumulative to July 28. It contains three items of special interest.

The first is a survey of congressional changes in the budget, which reads as follows:

CONGRESSIONAL CHANGES IN THE BUDGET

(a) Budget authority for fiscal 1971:

1. House actions to July 28, 1970 on all spending bills—appropriations and legislative—have increased the President's requests for fiscal 1971 budget authority by $7,735,754,000.

2. Senate actions to July 28, 1970 on spending bills—appropriations and legislative—have increased the President's budget authority requests for fiscal 1971 by $4,193,265,000.

3. Enactments of spending bills—appropriations and legislative—to July 28, 1970 have added $2,198,408,000 to the President's budget authority requests for fiscal 1971.

(b) Budget outlays for fiscal 1971:

1. House actions to July 28, 1970 on all spending bills—appropriations and legislative—have added a net of $2,413,052,000 to the President's total estimated outlays for fiscal 1971.

2. Senate actions to July 28, 1970 on all spending bills—appropriations and legislative—have added a net of $2,413,052,000 to the President's total estimated outlays for fiscal 1971.

3. Enactments of spending bills—appropriations and legislative—to July 28, 1970 have added $553,434,000 to the President's total estimated outlays for fiscal 1971.

(c) Budget receipts requested by the President for fiscal 1971 requiring Congressional actions total $4,622,000,000:

1. House actions to July 28 on revenue proposals total $708,000,000 (including a net of $173,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,087,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

2. Senate actions to July 28 on revenue proposals total $757,000,000 (including $439,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,304,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

3. Enactments of revenue proposals to July 28 total $322,000,000, leaving a balance of $4,300,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

Mr. President, the joint committee's report also contains two tables which are of special interest at this time. They are the budget summary on page 5 and the "Supporting Table No. 3"—Revenue proposals affecting the fiscal year 1971 budget on page 13. I ask unanimous consent that these tables be printed in the RECORD.

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

(See Exhibit 1.)

Mr. ALLOTT. Mr. President, the story these figures tell is remarkably unambiguous. They are compiled by a bipartisan committee and reflect the competent handling of objective data. The sad fact is that only five of the 14 appropriations bills have passed Congress. Two of them contain congressional action that adds nearly a billion dollars to the President's requests.

The Denver Post of July 27 contained an editorial that shed some much needed light on the question of Congress' real culpability for our current budgetary problems. It comes down hard on the irresponsibility of Congress in adding to the budget—as in the $453 million addition to the education bill and the $541 million addition to the housing funds—without providing either offsetting budget cuts or additional revenues.

Mr. President, so that all Senators may take note of the Denver Post's stern words, I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2).

Mr. ALLOTT. Mr. President, the story we are now hearing with increasing frequency is that congressional restraint is just around the corner. The theory is that someday in the near future spending restraint will be practiced by those who have recently been busy adding inflationary spending to the President's prudent and responsible requests. According to this theory, fiscal restraint will blossom like the green bay tree when it comes to spending for national defense.

Mr. President, I hope that the big spenders have a better plan than that. It would only compound the damage if, after weakening the economy by fueling the inflationary fires, they were to turn around and try to compenstate for this by weakening the Nation's defenses.

This would be the wrong attack on the wrong object with the wrong consequences. The hard fact is that the Defense budget submitted by Secretary of Defense Laird has been pared down as far as prudence permits.

As I have repeatedly emphasized in this Chamber, under Mr. Laird's leadership we have managed to reduce the percentage of the Federal budget devoted to defense. This has been accomplished by a variety of measures. Among the most significant was the administration decision to gear down our military effort to a point at which we would have a capability suitable for a "one-and-a-half-war" strategy, as opposed to the "two-and-a-half-war" strategy which was so generously funded by Congress for the previous two administrations.

Mr. President, is it not clear—from the figures I have inserted in the RECORD today, and from commonsense—that Congress can practice fiscal restraint without nibbling away at our Nation's defenses? The primary responsibility of the Federal Government is to provide for the national defense. Thus, when it comes to apportioning finite resources to the many demands of our complex society, it is shortsighted and irrational to mutilate the defense budget—and thereby mutilate defense planning—to compensate for spending exuberances practiced in other fields of Federal endeavor.

There are many things wrong with the appropriations process as practiced by this Congress. However, until recently it has not seemed that these inadequacies contituted a direct threat to national defense. It now is becoming clear that, for example, the rise in "uncontrollables" in the Federal budget encourages budget cutting to focus on the defense budget. This tendency is only aggravated when Congress goes overboard in spending in other areas—as it has gone overboard in connection with education and housing spending.

In the coming days and weeks and months of what is becoming another long-distance Congress, I intend to keep up a steady conversation—I hope it will not be a monolog—on the appropriations process. I hope that the subject of this conversation will not be Congress' continuing dereliction of duty. I hope that a continuing discussion of the facts—a discussion made possible by the outstanding work of Representative MAHON's joint committee, will itself contribute to an improved track record in the remainder of this Congress.

EXHIBIT 1

SUPPORTING TABLE NO. 3—REVENUE PROPOSALS AFFECTING THE FISCAL YEAR 1971 BUDGET

[In millions of dollars]

	Estimated receipts for fiscal year 1971	Congressional action on fiscal year 1971 revenue proposals to date		
		House	Senate	Enacted
Revenue estimate in the fiscal year 1971 budget	202,103			
Revenue estimates as revised by subsequent proposals and reestimates	204,109			
Adjustments for interfund and intragovernmental transactions and applicable receipts	16,928			
Total gross receipts	221,037			
To be derived from existing revenue legislation	216,415			
Estimated revenues to be derived from proposals in the fiscal year 1971 budget:[1]				
Excise taxes-extension of present rates (H.R. ——):				
Automobiles	[2]260			
Telephone service	300			
Social security-increase wage base (H.R. 17550)	205	204		
Unemployment insurance-increased benefits (H.R. 14705)	([3])	194	194	[4]194
Railroad retirement (H.R. 15733)	104			([5])
User charges:				
Aviation services (H.R. 14465 Public Law 91-258)	370	331	318	322
Highways (H.R. ——)	259			
Other (H.R. ——)	24			
Subtotal, revenue proposals in the 1971 budget	1,522	729	512	516
Estimated revenues to be derived from other proposals:				
Estate and gift taxes—acceleration (H.R. ——)	1,500			
Proposed tax on lead used in the manufacture of gasoline	1,600			
Ad valorem tax on cigars (H.R. 1002)		[4]—21		
Wagering tax amendments (S. 1624)			[4]17	
Currency write-off (S. 3825)	([6])		228	
Total, revenue proposals	4,622	708	757	516

[1] Without congressional action on each item, estimated receipts will be reduced by these amounts.
[2] Excludes $90,000,000 floor stocks refunds required if legislation not enacted.
[3] No effect on fiscal 1971 revenue: $153,000,000 in 1972, $668,000,000 in 1973, and $719,000,000 in 1974.
[4] Committee action.
[5] Subject to or in conference.
[6] Request assumed budgetary impact in fiscal year 1970.

BUDGET SUMMARY

A SUMMARY OF FISCAL YEAR 1971 AND FISCAL YEAR 1970 FEDERAL BUDGETS—REFLECTING CONGRESSIONAL ACTIONS AFFECTING THOSE BUDGETS DURING THE 2D SESSION OF THE 91ST CONGRESS

[In millions of dollars]

Summary totals	Budget authority (obligational and lending authority) (1)	Budget outlays (expenditures and net lending) (2)	Budget receipts (3)	Budget surplus or deficit (4)
Fiscal year 1971:				
Net total budget estimates as submitted Feb. 2, 1970	218,030	200,771	202,103	+1,332
Net total budget estimates as revised by subsequent budget amendments and release of May 19, 1970	220,722	[1] 205,343	[1] 204,109	[2] −1,234
Adjustments for interfund and intragovernmental transactions and applicable receipts	+16,928	+16,928	+16,928	
Total gross budget estimates	237,650	222,271	221,037	−1,234
Budget estimates not requiring further action by Congress (previously enacted or permanent)	87,706	125,959	216,415	
Prior year's budget authority		(96,484)		
Current (1971) budget authority	(87,706)	(29,475)		
Budget estimates requiring action by Congress	149,944	96,312	4,622	
BOX SCORE				
Effect of congressional action on budget estimates to July 28, 1970 (net changes from the revised budget):				
House	+7,736	+3,105	+29	−3,076
Senate	+4,193	+2,413	+283	−2,130
Enacted	+2,198	+553	+146	−407
Effect of congressional inaction on negative budget and new revenue proposals (see tables 3 and 4, pp. 13–15)	+2,024	+2,134	−4,106	−6,240
Fiscal year 1970:				
Net total budget estimates as submitted Feb. 2, 1970	209,051	197,885	199,386	+1,501
Net total budget estimates as revised by release of May 19, 1970	[3] 210,626	[4] 197,585	196,400	[5] −1,185
Net total budget estimates, as changed by congressional action in the current session	[3] 211,731	198,101	196,200	−1,901
Actual net total as enacted by Congress and reported by the Treasury	[3] 211,731	196,752	193,844	−2,908

[1] Differs from the revised estimates for outlays ($205,557,000,000) and receipts ($204,303,000,000) in the President's May 19, 1970 statement on current 1971 budget estimates by $214 million for outlays and $194 million for receipts. These amounts are the increases for outlays and receipts included in the President's May 19, 1970 revised budget estimates which are also carried in this report, for scorekeeping purposes, as Congressional additions to the 1971 budget.

[2] The President's May 19, 1970 statement reflects a projected deficit for 1971 of $1,300,000,000 ($1,254,000,000).

[3] Partially estimated.

[4] Differs from the revised estimate for fiscal 1970 outlays ($198,200,000,000) in the President's May 19, 1970 statement by $615 million. This amount is the outlay increase included in the May 19 revisions which are also carried in this report, for scorekeeping purposes, as Congressional additions to the 1970 budget in the current session.

[5] The President's May 19, 1970 statement reflects a projected deficit for 1970 of $1,800,000,000.

EXHIBIT 2

[From the Denver Post, July 27, 1970]

NEEDLING OF CONGRESS JUSTIFIED

President Nixon was being somewhat political when he warned Congress Monday that the people would "turn on" it in the November elections if it continues to appropriate more money than he has requested. The Democrats control Congress, as Republican Nixon is keenly aware.

Nevertheless, beneath the politics the President has a solid point. Max Frankel clarifies it in an article elsewhere on this page.

It is indeed long past time that Congress improved its ways of handling of appropriation bills. Specifically, it should have to add up the amounts it is spending and meet the same budget ceiling it tries to impose upon the President.

It is flatly irresponsible for Congress to add $400 million to the President's budget for education, for instance, without bestirring itself either to find out where offsetting cuts can be made, or else to increase revenues enough to cover the added appropriations.

As things are now, Congress passes each departmental appropriation as it comes along with only the vaguest idea of what total spending will be until the final days of each session.

It makes no serious attempt to set spending priorities between, say, farm subsidies, defense, supersonic transports and education. Instead, Congress sets a spending "ceiling" for the President and leaves to him the politically hot task of withholding spending of some of the appropriations in order to stay under the ceiling.

Then, like as not, when the President does refuse to spend some of the money Congress has allotted, some congressman will rise to criticize the President for invading the prerogatives of Congress.

This is a nonsensical, irresponsible system—if you can call it a system.

It would, as Frankel points out, revolutionize the politics of Congress if that body were to try seriously to set spending priorities for the nation. And the semi-fossilized elders who run Congress are afraid to get into priority-setting—afraid pet projects would get cut out in any rigorous priority-setting process.

The fact remains that the present nonsystem of handling appropriations in Congress is unworthy of any legislative body that wants to be taken seriously.

And President Nixon will be quite justified in continuing to needle Congress until it does improve its handling of its major responsibility—the spending of the people's money.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is the unfinished business before the Senate?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17123) 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.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment is one which would change the policy and require that no information concerning the identity or location of the person, company, or corporation to whom any contract has been awarded by the Department of Defense shall be given to any individual, including any Member of Congress, in advance of a public announcement by the Secretary of Defense of the identity of the person, company, or corporation to whom such contract has been awarded.

The amendment provides further:

On and after the date of enactment of this act, whenever the identity of the person, company or corporation to whom any defense contract has been awarded is to be made public, the Secretary of Defense shall publicly announce that such contract has been awarded and to whom it was awarded.

Recently, a special panel appointed by President Nixon made a strong recommendation that the Defense Department stop the practice of announcing the awarding of these contracts either through Members of Congress or through political organizations back in the States on the basis that such procedure gives the impression that some influence may have been involved in the awarding of the contract.

I want to make it clear that in offering this amendment I am not suggesting that such has been the case. I merely state that when a Member of Congress makes the announcement those who receive the contract automatically figure, "Well, he must have had something to do with it because he knew I got the contract before the company was even notified."

Also, the company that was the unsuccessful bidder perhaps would feel that the mistake it made was that it did not contact the respective Member of Congress or his congressional delegation.

With this amendment we are trying to eliminate the appearance that some influence may have been exerted with respect to the contracts.

I pointed out yesterday that if a Member of Congress has had anything whatever to do with obtaining a contract, or if the Department of Defense has awarded a contract on the basis of the recommendation of a Member of Congress, they were both in violation of the law which prohibits Government contracts from being awarded on the basis of political pressure or influence. Yet, if a Member of Congress announces the awarding of a contract the industry involved naturally feels that he must have been of some assistance and, likewise, the unsuccessful bidder would feel his mistake was in not having contacted a congressional delegation. The policy which gives the impression that influence peddling is the normal procedure is the policy we are trying to correct.

For this reason I hope that the amendment will be overwhelmingly approved by the Senate.

Mr. STENNIS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am heartily in accord with all the purposes as well as the wording of the pending amendment offered by the Senator from Delaware. I think there is a great deal to the reasons he gives. It is a regulatory matter with reference to contracts that may be awarded for the procurement of military hardware which are authorized in the bill.

The amendment has fairness on its face and fairness in its substance. I think things will move better and more smoothly and in a more orderly way if this should be required in the law. In saying that, I do not suggest by any means that there has been any wrongdoing in the past. In fact, I feel certain that there has not been. It is one of the things that we can speculate on. The press has sometimes speculated on it. But, all the evidence I have is that these matters are handled on a very high plane.

Some of the amendments offered to the procurement bill—the part that pertains to procurement—I think are irrelevant. The purpose of the bill being strictly on the question of authorizing military hardware, we should keep it within that field. But this amendment is relevant. It has bearing. It is a reasonable regulation on a minor matter to a degree, but it can be important. I think it will be appreciated by the Department of Defense officials who have to deal with this problem. I am glad to support the amendment. I commend the Senator from Delaware. With his usual perspicacity and perspicuity, he thinks these things through.

Mr. WILLIAMS of Delaware. I thank the Senator from Mississippi for his support.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I want to thank the distinguished Senator from Mississippi for his support. I join him in emphasizing that in offering the amendment I do not in any way wish to give the impression that influence has been used.

I have questioned this procedure several times in years past, but unfortunately I have not been able to get it corrected. This is the first time we have had a convenient bill to make it a legislative procedure. I have no evidence, nor have I had any reason to think there is any evidence, that there has been improper influence used under this administration or in any preceding administrations with which I am familiar, but, as I stated, it is a procedure which does give the appearance that there may have been. It is that point we are trying to avoid.

We all admit and agree that not only should political influence in the awarding of Government contracts not be encouraged but neither Congress nor the administration should condone a policy which gives the appearance that there may be some influence peddling.

It is for this reason that I am offering the amendment in order to change that practice. I feel reasonably certain that the Department of Defense will, likewise, strongly approve of this amendment because it will simplify and reduce their problems as well as the expense of having to go through all the redtape to notify, in advance, the Congressmen, political organization, or political committees back in the respective States.

To that extent, it will save some money in the cost of operation, but, primarily, it is to avoid the appearance and to eliminate the possibility of influence peddling.

Mr. President, I am ready to vote. I understand that we have an order to vote at 12:15 p.m. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOLLINGS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. 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. BROOKE. Mr. President, the report of the blue ribbon Defense Panel includes many important recommendations which deserve careful study by the Congress and the Executive. At this time I shall not comment upon the merit of the various proposals with one exception. The Panel recommends a long-needed change in the policy of announcing defense contract awards through congressional offices. The longstanding practice of advanced notices to congressional offices has created totally unwarranted implications that congressional offices have somehow been influential in the process of selecting defense contractors. Were this in fact the case, the integrity of the defense procurement process would be gravely jeopardized. Actually, the customary advance notification has been merely a device for permitting those of us in Congress to be the bearers of glad tidings to our constituents, and I no less than my colleagues, have been pleased to convey such good news.

However, the Panel's recommendation is surely well grounded. Even if the process of congressional announcement in no way impairs the impartiality of contract awards, it breeds a cynicism and suspicion that political influence has been brought to bear. While the shortrun benefits of making these announcements may be attractive to those of us in Congress, those benefits are outweighed by the tendency to undermine public confidence in the decisionmaking process of the Defense Department and indeed of the entire Government.

For this reason, I wholeheartedly endorse the Panel's recommendation on this point.

I believe this policy should be applied uniformly, as the Commission urged, and I welcome Senator WILLIAMS' leadership in offering this amendment. I hope the Senate adopts it unanimously.

I shall, of course, continue to do everything in my power to see that the workers and employers of Massachusetts are permitted to compete fairly for all Government business.

Mr. HATFIELD. Mr. President, I strongly support the amendment of my good friend and colleague (Mr. WILLIAMS of Delaware) to prohibit advance notification of the awarding of defense contracts.

Yesterday, Senator WILLIAMS summed up a telling argument in favor of this amendment when he noted that if the Department of Defense did award a contract on the recommendation of a Member of Congress, it is a violation of the law.

When the public reads that a Member of Congress announces an award, it gives the impression that it was through his influence that it was awarded to the particular company. I believe that Congress should help to dispell such ideas by approving this amendment.

Mr. President, I think that we also should examine the possibilities for broadening application of this policy to other Federal grants and awards. We know the staffs of Senators and Congressmen spend time racing to the telephone to be first to announce this grant or that award.

I am not sure at this time how such a policy could be written or implemented. I plan to study this possibility, however, and I urge my colleagues to do so.

Mr. THURMOND. Mr. President, I support the amendment by the senior Senator from Delaware (Mr. WILLIAMS), which would permit only the Secretary of Defense to announce contract awards by his Department.

Presently the practice of allowing Members of Congress advance notice on contract awards is a time-consuming exercise which does not serve any useful purpose.

Also, while the practice is merely a courtesy afforded Members of Congress there is the likelihood the newspaper reader may receive the impression that the award was made through the influence of the Member. Of course such influence is illegal.

This procedure for the handling of DOD contract announcements has been followed by all administrations since I have been in Washington. Earlier this week by passing the Postal Reorganization Act we made an important step in taking politics out of the Post Office Department. Passage of the Williams amendment to H.R. 17123 would help to take a little of the politics out of the DOD by requiring a new procedure for contract announcements.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Pursuant to the previous order, the Senate will now proceed to vote on the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 252 Leg.]

YEAS—77

Allen	Fulbright	Moss
Allott	Goldwater	Murphy
Anderson	Goodell	Muskie
Bayh	Gravel	Nelson
Bellmon	Griffin	Packwood
Bennett	Gurney	Pastore
Bible	Hansen	Pearson
Boggs	Hatfield	Percy
Brooke	Holland	Prouty
Burdick	Hollings	Proxmire
Byrd, Va.	Hughes	Randolph
Byrd, W. Va.	Inouye	Saxbe
Case	Jackson	Schweiker
Church	Javits	Scott
Cook	Jordan, N.C.	Smith, Ill.
Cooper	Jordan, Idaho	Sparkman
Cotton	Long	Stennis
Cranston	Magnuson	Stevens
Curtis	Mansfield	Talmadge
Dole	Mathias	Thurmond
Dominick	McClellan	Williams, N.J.
Eagleton	McGee	Williams, Del.
Eastland	McGovern	Yarborough
Ellender	McIntyre	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fong	Mondale	

NAYS—0

NOT VOTING—23

Aiken	Hartke	Ribicoff
Baker	Hruska	Russell
Cannon	Kennedy	Smith, Maine
Dodd	McCarthy	Spong
Ervin	Metcalf	Symington
Gore	Montoya	Tower
Harris	Mundt	Tydings
Hart	Pell	

So the amendment of Mr. WILLIAMS of Delaware (No. 817) was agreed to.

AMENDMENT NO. 819

Mr. COOPER. Mr. President, I send to the desk an amendment to H.R. 17123, which I offer on behalf of myself, the Senator from Michigan (Mr. HART), and the following Senators:

Mr. CASE, Mr. BROOKE, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MATHIAS, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROXMIRE, Mr. SAXBE, Mr. SCHWEIKER, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COOPER. 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 7, line 1, strike out "$1,031,600,000" and insert in lieu thereof "$838,600,000".

On page 16, line 8, strike out "$322,000,000" and insert in lieu thereof "$192,800,000".

On page 17, beginning with line 15, strike out all down through line 5 on page 18, and insert in lieu thereof the following:

"SEC. 402. (a) No funds appropriated pursuant to this or any other Act may be obligated or expended in connection with deployment of the Safeguard Anti-Ballistic Missile System, or any part or component thereof, at any site other than the two sites at which deployment was heretofore authorized by law (Malmstrom Air Force Base, Great Falls, Montana, and Grand Forks Air Force Base, Grand Forks, North Dakota).

"(b) The provisions of subsection (a) shall not apply to the obligation or expenditure of funds for research, development, testing and evaluation activities carried out in support of any advanced anti-ballistic missile program at sites heretofore established for such purpose."

Mr. COOPER. Mr. President, I am not going to make an extended statement now. The amendment I have introduced is an ABM amendment. I have introduced the amendment, first, for the senior Senator from Michigan (Mr. HART), for myself, for the Senator from New Jersey (Mr. CASE), who is in the Chamber, and for other Senators as cosponsors. A list of the sponsors is attached to the amendment.

Last year our amendment was known as the Cooper-Hart amendment. This year it is known as the Hart-Cooper amendment.

I shall make a brief statement. We have offered an amendment to the military procurement authorization bill 17123.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. Let us have order so that the Senator from Kentucky may be heard.

Mr. COOPER. The Senator from Michigan (Mr. HART), I, and other Senators—I have already referred to the Senator from New Jersey (Mr. CASE), who spent a great deal of work on the bill—have offered the amendment to the military procurement bill to limit deployment of the Safeguard anti-ballistic-missile system to the two sites approved by the Senate last year, at Malmstrom and Grand Forks Air Force bases.

The amendment would not reduce the funds requested for continuation of the deployment at Malmstrom and Grand Forks. It would provide a total of $1,027,200,000, including $35 million for additional Sprints to be used at the approved site, $365 million——

Mr. STENNIS. Mr. President, with the consent of Senators, I insist on order so we can hear. Other conferences are going on. We hear them, but we do not have a chance to hear the speaker.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, will the Chair maintain order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. The sum of $365 million would be available for advance research and development, for research and development of a system specifically designed to protect the Minuteman ICBM force. Such a "dedicated hard site system" has been advocated by many distinguished weapons scientists; and

representatives of the Department of Defense have stated in hearings that such a system would provide the most effective protection for the Minuteman deterrent within present technology.

I shall refer particularly to the testimony given before the House Committee on Appropriations, where representatives of the Department of Defense testified that the so-called Safeguard system was to fill in for a few years, but that a hard point system other than Safeguard had to be constructed if the threat to U.S. land-based missiles should be expended.

The Hart-Cooper amendment would strike funds requested for deployment at Whiteman and Warren Air Force Bases, a saving a $322.2 million.

If, as is reported, the SALT talks should result in agreement for no ABM, described as zero ABM, obviously no Safeguard ABM sites would be necessary. If the SALT talks result in agreement on the construction of command centers at Moscow and Washington, as has also been reported, the planned Safeguard deployment at the sites requested by the Department of Defense would of course not be required.

If no agreement is reached in the SALT talks, and SS–9 deployment by the Soviets continues, our amendment would provide funds for the accelerated development of the best means of protecting our Minuteman deterrent. We believe that the development of an advanced ABM system, in the event that the SALT talks should fail and deployment of SS–9 continues, is essential to the security of our country. The continued development of the Safeguard system would not provide an effective system for the protection of U.S. land-based missiles—and for the security of our country.

Well over $1 billion was authorized for Safeguard in 1969. There is a carryover, as of May 31, of $224 million. These amounts, plus this year's authorization, provide ample funds for work on the evolving prototype system at Malmstrom and Grand Forks to keep existing production lines intact, and, by maintaining forward momentum, would provide ample bargaining strength for the SALT talks, the administration requires.

Mr. President, this is a short statement. Our argument will be elaborated by many of the sponsors. We have studied these matters since last year and I should think that the debate could go forward and there would not be a long waiting time until a vote can be taken.

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

Mr. COOPER. I yield.

Mr. CASE. First of all, I want to say that I appreciate the Senator's permitting me to be associated with him in the sponsorship of this amendment, and his reference to me in his opening statement.

I agree fully that this is the product of many minds, and represents a broad concensus as to the best approach to make this year to the problem. I believe it will succeed. I certainly think it should succeed, because the advice that has come to us from the most knowledgeable scientists in this field makes it very clear that to do more than this amendment would do in the field of an anti-ballistic-missile system at this time would be wasteful of money, energy, and resources, and should not be done.

I commend the Senator from Kentucky for taking the leadership here, as he has so many times in matters that to him are personally distasteful because they represent opposition to an administration which is in the charge of his party and mine. He has never failed and has never hesitated to do distasteful things when he felt they ought to be done, and the leadership he is providing at this time is just another example of his tremendous service to the country in the U.S. Senate.

Mr. COOPER. I thank the Senator.

Mr. President, the Senator from Michigan (Mr. HART) is away today in Michigan, where an election is taking place. Otherwise he would have presented the amendment. He will speak on it as we proceed.

I see that the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who is a sponsor of this amendment, is in the Chamber. He always lends great strength to any cause for which he fights.

Mr. MANSFIELD. Mr. President, I wish to take this occasion to express my support for the amendment just offered by the distinguished Senator from Kentucky (Mr. COOPER). He, together with the distinguished Senator from Michigan (Mr. HART), has furnished significant leadership in this particular area. Others have contributed immensely as well.

May I say that I think the amendment now at the desk goes a long way toward meeting the administration's objectives in developing a relationship between the ABM and the SALT talks now underway in Geneva. As I understand it, the amendment provides for the full funding of phase 1 of the Safeguard program at Malmstrom Air Force Base in Great Falls, Mont., and Grand Forks Air Force Base in Grand Forks, N. Dak. It provides also additional research and development funds covering a continued investigation into an ABM system that would be free of the many technical difficulties already confronted in the development of Safeguard. If adopted, this amendment would not provide funds for Whiteman in Missouri and Warren in Wyoming. But it appears to me that the Hart-Cooper interests have gone about 90 percent of the way in seeking an accommodation with the administration and should satisfy every argument raised that the ABM should be continued at this time to help the SALT negotiations and to put together the components to see exactly what we have. As far as I am concerned, I intend to stand fully behind this particular amendment as the wisest possible alternative to what the administration is seeking in terms of the Safeguard program.

Most importantly, I think this amendment is one which will achieve the greatest and widest support. I believe it has the most validity and would give us the most favorable posture strategically. I would hope that those of us who are interested in this question of the ABM would not be diverted in other directions. I would hope that we could recognize the always prevalent distinction between the possible and the impossible. The best is sometimes the worst enemy of the good. Last year, the Senate devoted great energies and time to study the full ramifications of the ABM—first as a weapons system and whether it could perform its stated mission if deployed; and, secondly, the effects deployment would have on the arms race.

Last year, the President in advocating the deployment of the first two sites stated that any future expansion of these initial sites would be predicated upon the international situation that existed when the time for any future expansion had arrived and the experience that had been gained from the first two sites.

When the first two sites were deployed, this country and the Soviet Union had not even agreed to sit down and talk about the limitation of strategic systems including the ABM. Today, when the consideration of the ABM expansion is before us, not only are we talking with the Soviet Union at Vienna but we are receiving most optimistic reports about the progress of these talks. The international situation seems in this context to have significantly improved.

I don't know what positive information could have developed from the assembly of the components at the first two sites or elsewhere; nothing has really been put together at those sites, and in fact I understand as well that the work is running several months behind.

The pending amendment would provide close to $1 billion of new money for the initial two sites. It is every additional dollar that the administration requested for these first two sites. The amendment does exclude the start of two additional sites until these first two sites are further along so that the Congress and the Defense Department will be able to study just what the experience of the initial assembly has been.

Many of those Senators who are convinced that the Safeguard is technically deficient, that it could not perform its mission even if built exactly to design and operated exactly to specifications, have expressed a willingness to embrace this amendment because of the administration's argument that failure to permit the ABM to be continued could adversely affect the SALT negotiations. In spite of the fact that proceeding with this ABM weapons system could well stimulate the Soviet Union to maintain a comparable bargaining posture by continuing their SS–9 production to keep pace, the combined judgment of the sponsors of this amendment is that we should be willing to commit this additional $1 billion to provide our negotiators every argument they feel they need. A comprehensive SALT agreement would be well worth every dollar to our people and the people now born and yet to be born throughout the world.

To reiterate, under the Hart-Cooper proposal, research and development will be carried on during the course of site construction in Montana and North Dakota; and I think it ought to be said, again and again and again, that the Safeguard ABM system is far from per-

fect; that the radar component is most vulnerable to attack and if damaged in attack, the whole system fails. As far as the Spartans and Sprints are concerned, they still need vast improvement if they are to perform their respective missions, and as far as the computer component goes, it is far, far from perfect when faced with a program as difficult as is that needed for a missile attack.

To show how difficult the computer problem is, I think I should say, incidentally and in all good humor, that some weeks ago I received a letter signed by several Members of this body, asking for funds to elect a Republican senatorial candidate. It was the product of a computer selection of possible contributors.

The reason I mention this is that this was a simple computer problem to solve; and if a simple problem can generate a computer mistake of that sort, asking a Democrat to contribute funds to a Republican candidate—in violation of Federal law, I believe—just think of how critical—how terribly vital would be the computer function in the far wider and more serious situation involving the ABM.

The fact is research is not completed. It is far from finished. There are bugs in the system. It is imperfect. It is not accurate. These things have to be worked out. And on the basis of the Hart-Cooper proposal, work can go forward on this system, not only during the construction of the ABM sites at Malmstrom and Grand Forks, but also through the use of the additional Safeguard research and development funds outside of the projects themselves.

So I would hope that those of us who are interested in a workable and feasible system and those of us who are interested in the SALT talks as they relate to the ABM, will be aware of how fundamental the Hart-Cooper amendment is. I hope we will not be diverted in other directions or in other ways. I hope that together we can put our whole support and effort behind the Cooper-Hart amendment, which I think accommodates fully each argument proposed by the administration. It takes into consideration the significance of the SALT talks, and it contemplates the construction of a system which, if needed, will be workable—a system which the taxpayers can be assured will return to them a comparable value for what they have expended in tax dollars.

So I commend the distinguished Senator. I am delighted that this is the pending business, and I hope the Senate will give it its most serious consideration.

Mr. COOPER. I thank the Senator. I must say that his short speech has provided the best arguments for our amendment. I am glad that he will be associated in this effort because, he has the knowledge, good judgment, and trust of the Senate.

Approximately 26 Senators have joined as cosponsors of the amendment. I note in the Chamber the Senator from New York (Mr. JAVITS), who has worked in the development of this amendment every day with good counsel. The Senator from Maryland (Mr. MATHIAS) is also a cosponsor.

I will provide the list of additional Senators, other than those I have named.

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

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I shall, on a separate occasion, state my views as to why I think it is highly desirable to adopt this amendment in the interests of our country; but I wish to state at this time that the amendment, to my mind, commends itself very highly to the Senate.

I hope Senators will study this amendment precisely because of the reason assigned by the administration for pushing the ABM into new locations now—to wit, that it will represent an aspect of the negotiation with the Soviet Union respecting the limitation and control of nuclear weapons.

We believe—I think it is fair to say that—that the amendment as it stands, as submitted by Senator COOPER, for himself, Senator HART, and the other sponsors, represents the best contribution which can be made to the success of the SALT talks; that there is a real philosophical and strategic issue here as between us and those who oppose the amendment.

I hope Senators will understand, therefore, that, as is proper and as is compatible with the consequence of this effort, the issue is being met which the administration has raised—to wit, is this or is this not the most conducive to success in the SALT talks?

Our case—which I think we can make—is that the amendment is more conducive to the SALT talks than the approach which the administration would take in respect of broadening the extent of deployment of the ABM.

Mr. COOPER. I thank the Senator. He has made a very effective and telling point—that is, if, as argued, the continuation of the ABM effort is essential to the SALT talks, his efforts to have a system which is effective would be much more important in the SALT talks than the continued deployment of a system which even representatives of the Department of Defense say will not be adequate.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HOLLINGS). The Chair, on behalf of the Vice President, pursuant to Public Law 84–372, appoints the Senator from Illinois (Mr. SMITH) to the Franklin Delano Roosevelt Memorial Commission in lieu of the Senator from New York (Mr. JAVITS), resigned.

ADMINISTRATION OF THE NATIONAL PARK SYSTEM

Mr. BIBLE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1039, H.R. 14114. I have discussed this matter with the majority leader, and it meets with his approval to call it up at this time.

The PRESIDING OFFICER (Mr. MCINTYRE). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14114) to improve the administration of the national park system by the Secretary of the Interior and to clarify the authorities applicable to the system 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.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a detailed explanation of this bill which is contained in the report accompanying the Senate bill, S. 2985, Calendar No. 1018.

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

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 2985) to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The basic purpose of S. 2985, which was submitted and recommended to Congress by the Secretary of the Interior, is to update and clarify the law with respect to the administration of the various units of the national park system. The system has grown and developed both in number and variety over the years—it now consists of some 278 separate units—and inevitably certain of the earlier laws are no longer adequate to cover present-day needs. Enactment of S. 2985 would be of substantial help.

BACKGROUND

No longer does the national park system consist exclusively of natural and scientific areas. Rather, the concept has broadened to include battlegrounds and historic places, as well as areas primarily significant for their outdoor recreation potential. As the system has expanded, its value to the public has increased. Places where nature prevails, or where history has been made, or where some phenomena occurred, or where outdoor recreation needs can be satisfied, cannot be made by man. They can easily be altered or destroyed, but they can also be protected and appropriately administered so that the long-term interests of the public can be served. This is the objective of the national park system to conserve and protect for the edification and enjoyment of the American public—now and in the future—areas and places of national significance.

In the decades which followed the establishment of our first national park in 1872, the Congress enacted statutes providing for the general administration of our parklands. Basic to this administrative authority was the enactment of the 1916 Organic Act of the National Park Service (39 Stat. 535) and the Antiquities Act of 1906 (34 Stat. 225). From these statutes have emerged numerous acts authorizing specific additions to the national park system and various statutes involving their administration, but there has been no updating of the general statutes in the 17 years since the approval of the act of August 8, 1953 (67 Stat. 495).

NEED

All of the 278 areas of the national park system are interrelated—each serves a different specific purpose, but together they serve a common function. As the system has matured, it has added new dimensions to the concept developed during the early years of the program; hence some statutes are not clearly applicable to all units of the national

park system. For example, the act of 1916 provides that the National Park Service "shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations * * *," but it contains no reference to more recent concepts like national recreation areas, national seashores, or national lakeshores.

Other laws which would be affected by S. 2985 include:

The act of March 4, 1911 (36 Stat. 1253), which authorizes easements to be granted across public lands and reservations, but limits this authority to occasions when such right-of-way traverses "any national park or any other reservation."

The act of June 5, 1920 (41 Stat. 917), which allows the Secretary of the Interior to accept donations of lands and interests in lands "within the various national parks and national monuments" or cash donations "for the purposes of the national park and monument system," but does not extend that authority to other types of areas now within the system.

The acts of April 9, 1924 (43 Stat. 90), and March 4, 1931 (46 Stat. 1570), which authorize the construction and improvement of approach roads to national park and monument areas, but contain no references to other units.

The act of June 3, 1948 (62 Stat. 334), which permits the Secretary to convey to any State or political subdivision any right, title, and interest of the United States to any road "leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic sites administered by the National Park Service," but by a strict construction would not extend that authority to other areas.

The act of August 31, 1954 (68 Stat. 1037), which authorizes the Secretary to acquire lands only "within the existing boundaries of any national park" when funds are donated subject to the condition that they be matched equally with appropriated funds.

The act of July 3, 1926 (44 Stat. 900), which permits the Secretary to afford emergency assistance to people "within the national parks or national monuments," but nowhere else.

The act of March 3, 1905 (33 Stat. 873), which limits by implication the arrest authority of employees of the National Park Service to violations of law in "the national forests and national parks."

The act of May 26, 1930 (46 Stat. 381), which relates to the authority of the Secretary to enter into contracts for services or accommodations within "national parks or monuments"; to provide emergency supplies to concessioners in "national parks and national monuments"; to accept travelers checks tendered for payment of automobile license fees charged at "national parks"; and to use appropriated funds for general expenses related to temporary care and removal of indigents from the "national parks" and in the case of death to provide for their burial.

The act of October 9, 1955 (79 Stat. 696), which establishes the policies concerning concessionaires "in areas administered by the National Park Service."

While it was probably not the intent of the Congress in any of the above examples to limit the application of the law strictly to the specified types of areas of the national park system, the usual rules of construction of these statutes could result in interpretations which would lead to the administration of the system so that it would be almost devoid of uniformity.

Needless to say, these statutes have desirable, useful, and necessary provisions and they should be applicable uniformly throughout the national park system. The fact that the system is now larger and more diversified than it was when these basic statutory authorities were enacted should not operate to minimize their usefulness as administrative tools.

SECTION-BY-SECTION ANALYSIS

Section 1 of S. 2985 emphasizes the common purpose of all units of the national park system and declares that its purpose is to include all such areas in the system and to clarify the authorities applicable to it. Accordingly, section 2 redefines the "national park system" to include all existing areas administered by the National Park Service and all conceivable additions which might be authorized in the future. To the extent that the authorizing legislation for a specific area is inconsistent with the general administrative statutes made applicable to all units of the system, the language of the specific authorization is controlling, but otherwise the basic guidance afforded by the statutes enumerated above would be uniformly applicable.

While sections 1 and 2 enlarge the application of existing general statutes so that they apply uniformly to the administration of the various types of parklands within the national park system, section 3 augments the authority of the Secretary of the Interior in order to facilitate their administration. It sets forth that:

(a) He may provide transportation, incidental to official transportation, for employees and their dependents who reside in isolated areas where commercial transportation is inadequate. It is intended that this authority will be limited strictly to areas where commercial transportation is severely limited and where such transportation would not result in any significant cost to the Government. The committee was advised that this authority will be employed primarily at isolated sites and that it is presently contemplated that it will be extended to Fort Jefferson National Monument, Isle Royale National Park, and the Statue of Liberty National Monument.

(b) He may provide recreation facilities and equipment for employees and their families who reside at isolated locations. It is not the intention of the committee to authorize, by this provision, any elaborate recreation facilities, but it does intend to allow the Secretary to provide simple facilities and equipment which would normally be readily available at less isolated areas. This authority would include such things as games, sporting equipment, books, and other commonly accepted recreation equipment and facilities. The committee recognizes the need for this authority, but it expects it to be used sparingly with a view to providing only for essential recreation needs.

(c) He may appoint advisory committees to permit greater citizen participation in park policies and programs. It is anticipated that this authority will result in the establishment of advisory committees for each of the six regions. In addition, advisory committees may be appointed for specific areas, comparable to those created by law for the Cape Cod National Seashore, Indiana Dunes National Lakeshore, and others. Members of these committees will serve without compensation, but they are allowed necessary travel expenses as permitted by law.

(d) He may purchase special purpose equipment for the use of employees in the performance of their official duties. Presently, the law permits the use of appropriated funds for the purchase of waterproof footwear, but there are many other types of specialized equipment which are needed but cannot be purchased with appropriated funds, for example, safety glasses, safety shoes, and other protective equipment, as well as foul weather gear and special equipment for work in the field. This change confirms the intention of the Congress that the Secretary should have the authority to provide the equipment needed to adequately perform the responsibilities assigned to the employees of the National Park Service.

(e) He may contract for the sale or lease of services and resources (including water) available within an area of the national park system to public or private parties which provide public accommodations to persons visiting the park area, if he determines that reasonable sources are not available. While the legislation does not require these arrangements to be reported to the Congress, it would be advisable to submit such proposals in writing, together with related information, to the appropriate committees for review prior to entering into any legally or morally binding commitments.

(f) He may have air-conditioning units installed in Government-owned passenger motor vehicles. It is contemplated that the principal use of this authority will be to provide air conditioning for park police automobiles and patrol vehicles in areas where working conditions can be substantially improved by their installation. Comparable authority, the committee was advised, has been granted to every police department in the Washington metropolitan area.

(g) He may sell any products or services produced at "living exhibits" at fair market value without regard to the usual rules applicable to the disposal of Federal property. This provision would permit the sale at fair market value of such items as eggs and produce grown at Oxon Hill Children's Farm.

(h) The Secretary would be authorized to provide transportation for children to units of the national park system from nearby communities. Last year, such a program for the Washington, D.C., area proved highly successful in getting children out of the ghetto and into the outdoors in their country's national park units. It met with widespread acceptance and approval.

Section 4 of the bill amends the act authorizing the U.S. Park Police to make arrests within Federal reservations in the Washington metropolitan area. Present law extends this authority only to areas over which the United States has or acquires "exclusive or concurrent criminal jurisdiction," but this requirement is unnecessary since the arrest authority is for Federal crimes on Federal property. It also updates the definition of "the environs of the District of Columbia" to include areas administered by the National Park Service which are located in Charles County, Md., and Prince William and Stafford Counties, Va. At the present time, although the areas involved are administered as a part of the National Capital region, they are technically excluded from the area covered by the statute.

COST

S. 2985, as recommended, does not specifically authorize the appropriation of any funds, but it does authorize the Secretary of the Interior to engage in certain specified activities. Some of these—the authority to pay travel expenses for the advisory committees, the authority to purchase field and special purpose equipment, and the authority to purchase and install air conditioning for a limited number of Park Service vehicles—will result in the expenditure of funds if appropriated. These funds will be included in the requests for annual appropriation along with other requests made for the general operating budget of the National Park Service. Naturally, the amounts involved will vary from year to year.

In implementing the provisions of this legislation, the National Park Service should be alert to keep the appropriate committees advised of its activities.

Mr. BIBLE. Mr. President, Calendar No. 1018, S. 2985, which is the bill reported by the Senate Interior Committee, is basically the same bill as the bill which is now the pending business, with

two or three exceptions, one of which I think should be commented upon.

This is the section of the bill that provides that the Secretary may furnish transportation to those in the city areas to convey them to the parks and national recreation areas of our country. The House committee felt that this was an undue enlargement of the normal powers of the Director of the National Park Service as such. Accordingly, it deleted this section from the administration bill, and it was commented upon in the colloquy on the floor of the House at the time the bill was discussed and passed. This particular provision was not put in the bill.

I have since talked with the chairman of the House Interior Committee, the distinguished Representative from Colorado, WAYNE ASPINALL, and he feels that this is an area that should have some further consideration. He has no objection—so he stated to me—to this provision being continued for 1 year. Legislative language approved by the House and by the Senate to continue this for a period of 1 year has already been written into the Interior appropriations bill.

In view of the fact that this does not jeopardize this program for fiscal year 1971, and with $50,000 provided for this purpose, I think it is perfectly agreeable to take affirmative action at this time.

I have talked with the chairman of the Senate Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON) and he is in agreement with this procedure.

So I ask that the Senate accept the House version and that the House bill be passed.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 14114) was read the third time, and passed.

Mr. BIBLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIBLE. Mr. President, I ask unanimous consent that action on Calendar No. 1018, S. 2985, be indefinitely postponed.

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

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) 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.

The PRESIDING OFFICER. The question is on agreeing to the Hart-Cooper amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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 (Mr. HOLLINGS). Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 2 p.m. today.

The PRESIDING OFFICER (Mr. HOLLINGS). The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to and, at 1:01 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:19 p.m. when called to order by the Presiding Officer (Mr. MCINTYRE).

PERSONAL STATEMENT BY SENATOR FULBRIGHT

Mr. FULBRIGHT. Mr. President, I rise on a point of personal privilege on behalf not only of myself but also a number of my colleagues.

It is always unpleasant to have to bring to the attention of the Senate statements of this kind. But on July 28, Mr. Donald E. Johnson, Administrator of the Veterans' Affairs, spoke to the National Convention of Disabled Veterans in Los Angeles, and I felt that it should be called to the attention of the Senate.

Mr. President, I had asked some Members of the Senate who are mentioned in this speech to be here. I had anticipated speaking at 1:30 p.m. I believe I will make a point of no quorum at this point just to notify them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. 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. FULBRIGHT. Mr. President, as I stated, on July 28, Mr. Donald E. Johnson, Administrator of Veterans' Affairs, spoke to the national convention of the Disabled American Veterans in Los Angeles.

In commenting on significant developments in the field of veterans' affairs, Mr. Johnson somehow overlooked the additional $100 million recently appropriated by the Senate for VA hospitals in 1971. I supported that, of course, along with all the Senators, and one would have thought that the Administrator of Veterans' Affairs would have taken note of that in a speech to the Disabled American Veterans who, above all others, are interested in the improvement of veterans' hospitals.

I could, perhaps, understand this oversight on the part of Mr. Johnson if he had not had the Senate very much on his mind at the time of his speech. However, instead of praise for the Senate's action in increasing the appropriations for veterans' hospitals—an action which was urged by the veterans organizations—the first part of his report on the Veterans' Administration contains an all-out attack on those Senators whose views on the war in Vietnam and foreign policy are not in accord with his own.

Altogether Mr. Johnson refers to a good portion of the Senate, specifically naming, in addition to me, Senators HATFIELD, GOODELL, MCGOVERN, MUSKIE, and PROXMIRE. He also mentions "others of that ilk," referring perhaps to the 58 Members of the Senate who voted for the Cooper-Church amendment, and in another instance cites "Senator HATFIELD, Senator MCGOVERN, and 22 of their cohorts . . ."

Mr. Johnson, no doubt inspired to some degree by the example of the Vice President, refers to Senators as "apostles of retreat and defeat" and "salesmen of surrender."

According to Mr. Johnson, these Senators:

Seek at every opportunity to undermine the President's efforts.

Seek a total withdrawal from our worldwide commitments.

Seek to prevent any action that would even let the United States maintain a parity—with expanding imperialistic communism.

Further, according to the Administrator of Veterans' Affairs, we are "fighting actively in favor of surrender to the forces of communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world."

Mr. Johnson says:

We are losing the arms race and the maritime race, because of Senators like these.

And, like the Vice President and Captain Hanks, the Navy's prizewinning essayist referred to in a statement by Senator CHURCH June 24, Mr. Johnson is concerned about "vigilance against those who would destroy freedom from within, as well as from without." From his statement he leaves no doubt that he refers to Members of the U.S. Senate, who, in his words are "working diligently to make the United States incapable of defending its allies or itself."

Mr. President, these are extremely serious charges against Members of this body, members of both parties, elected from a variety of States across the Nation.

The Veterans' Administration was established to administer laws benefiting this Nation's veterans. Apparently the Administrator is more concerned with using the VA to beat the drum for an unwise and unpopular war, to promote more and more armaments of dubious value and need, and as a forum for attacking elected representatives of the people in a crude, vicious, and totally unjustified manner.

It is interesting to contrast the rantings of this head of an important bureau

with some of the correspondence I have received this week from men in Vietnam. I think the first-hand story they tell is far more significant and truthful than the pejorative propaganda and distortion of this speech.

I do not suggest that the letters I refer to are representative of the views of all our men in Vietnam. They are, however, typical of a very large number of letters I have received in recent months.

I ask unanimous consent that Mr. Johnson's speech be made a part of the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FULBRIGHT. Also, I ask unanimous consent that two of the letters that I have indicated as being representative of a large number of letters that I have received be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. FULBRIGHT. Mr. President, I have deleted the names of the writers, although the originals are on file in my office for anyone who has reason to see them.

I also ask unanimous consent that several letters I have received from representatives of veterans groups and a newspaper article concerning the additional appropriations for veterans hospitals be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. FULBRIGHT. Mr. President, in order to emphasize the point I am making and to save my colleagues' time in going through the entire speech, I wish to read a few excerpts from the speech. I hold in my hand a copy of the speech delivered at the National Convention of Disabled American Veterans on July 28 in Los Angeles. It states:

While President Nixon continues to seek to unwind the war in Vietnam in ways that will insure that 43,000 American soldiers have not died in vain, there are those in both parties, who for reasons known only to themselves, seek at every opportunity to undermine the President's efforts.

In fact, these so-called Doves have reached the point now where it is not enough merely for them to seek retreat and surrender in Vietnam. Now, they also seek a total withdrawal from our world-wide commitments—withdrawal that amounts to a return to the isolationism of the 1930s—and a cutback in our defenses, both nuclear and non-nuclear, which amounts to a retreat from reality.

Both steps are designed to insure, regardless of the consequences to the freedom and independence of America's allies, that we will become a second-rate world power in the decade of the 70s.

I have no basis on which to challenge the motives of these people—

This very generous man says:

The Hatfields, the Goodells, the McGoverns, the Fulbrights and others of that ilk—but I do challenge their reasoning.

Someone once said that eternal vigilance is the price of liberty, vigilance against those who would destroy freedom from within, as well as from without.

A willingness to buy and pay for preeminence in the field of national defense is also the price of liberty when we speak of the threat from without.

Yet there are those today—the Hatfields, the Goodells the McGoverns, the Muskies, the Fulbrights and others—who are not willing to pay that price. In fact, they fight actively against it. In fact, they fight actively in favor of surrender to the forces of Communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world.

Mr. President, I submit that this is one of the most extreme, distorted and ridiculous statements I have ever seen from any public official, that is, from any man holding a position of importance.

Mr. McGOVERN. Mr. President I wonder if the Senator would yield?

Mr. FULBRIGHT. I certainly do yield.

Mr. McGOVERN. First of all, I want to commend the distinguished chairman of the Foreign Relations Committee for calling this matter to the attention of the Senate. I personally regard Mr. Johnson's speech as contemptuous of the U.S. Senate. I do not know how any high official of the U.S. Government who could make an irresponsible speech of that kind would really think that from here-on-out, if he continues in that vein, he could administer an important Government program that depends on some measure of cooperation and goodwill between the executive branch of the Government and the Members of the U.S. Senate or Members of the Congress.

I do not mean to imply that any Senator is going to punish a Government official because he does not like his views, but it seems to me there must be some degree of good faith and mutual respect existing on the part of officials in the executive branch and those of us who are passing on important proposals here in the Congress.

When Mr. Johnson makes the statement that he does, that none of us are cosponsors of the so-called amendment to end the war—that now includes some 25 Senators—are not willing to pay the the price of liberty, I am wondering if he is aware of the fact that numbered among those 25 Senators are 17 combat veterans, many of whom had been under heavy enemy fire in previous wars, including the distinguished Senator from Hawaii (Mr. INOUYE), who lost an arm as a combat soldier in World War II, and who is a member of the Armed Services Committee, and who is a cosponsor of the amendment to which Mr. Johnson objects.

But the Senator from Arkansas (Mr. FULBRIGHT), who has been here for many, many years laboring to defend the interests of the United States and to try to bring about a more rational order of our foreign policy, would understandably take special exception to the way he is singled out in this speech. I just want to commend him for what he says here today.

VA ADMINISTRATOR JOHNSON SLANDERS U.S. SENATORS

Mr. President, a few days ago the Administrator of Veterans' Affairs, Mr. Donald E. Johnson, delivered an inflammatory attack on Members of the U.S. Senate who have supported legislation to end the sacrifice of American life and treasure in Vietnam.

His remarks were long on labels. He referred to Senators as "salesmen of surrender," as "apostles of retreat and defeat," as individuals "who fight actively in favor of surrender to the forces of communism and totalitarianism, not only in Vietnam but almost everywhere else in the world," as "unilateral disarmers, defeatists, and neo Neville Chamberlains."

Such charges cannot be left unanswered. They are contemptuous of the Senate itself. They give cause to wonder about the temperance and the maturity of their author, a man who administers programs about which all of us are deeply concerned.

Words which impugn the patriotism of Members of the Senate are serious enough. But it is saddening as well to note that again an office of the executive branch has served as a public platform for unfounded personal criticisms of members of another body of government. This can only erode the cooperation and communication which must exist on the policymaking levels, undermining the efforts of those in both branches who are sincerely committed to the pursuit of peace in both Southeast Asia and the United States. This kind of divisiveness leaves one wondering what has happened to the administration's fading inaugural slogan, "bring us together."

I took the liberty of writing a letter to Mr. Johnson, in which I set forth my own views on his speech and the damage that I thought it would do to our national interests, and I ask unanimous consent that, following the remarks of the Senator from Arkansas, the text of my letter to Mr. Johnson be printed in the RECORD. I am perfectly willing to read it if Senators would prefer, but to save the time of the Senate, I ask unanimous consent that the letter be so printed in the RECORD.

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

(See exhibit 4.)

Mr. McGOVERN. I thank the Senator for yielding to me.

Mr. FULBRIGHT. I thank the Senator. I think it is especially interesting that this speech was made by the Director of the VA only a short time after the Senate, on motion, I believe, of the Senator from California (Mr. CRANSTON), had approved an increase of $100 million in funds available for veterans' hospitals. He does not mention that in his speech.

The other point is that he made this speech to the Disabled American Veterans. If there is any group of men, in my judgment, who are not enthralled about the war in Vietnam, it is those who have actually lost limbs and been disabled in combat. It is one thing to serve in a noncommissioned officers club, servicing the slot machines, and another thing to serve on the frontline and have your arms or legs blown off.

To be speaking to disabled veterans in this vein, glorifying our efforts in Vietnam, seems to me to be especially inappropriate, and evidences a man with no sensitivity whatever, either to his audience, to the issues involved, or to the way the Senate has recently acted with re-

gard to the Veterans' Administration itself.

I do not recall ever seeing a statement of this character made by an official of some importance, as he is, and so much in contrast to statements of his predecessors. Mr. Driver, whom we all know—I do not know whether he had a party affiliation or not but I do not recall any serious criticism of his administration. He certainly never engaged in this type of conduct, nor did his predecessors. They never engaged in this kind of condemnation of the elected representatives of the people. It is, as far as I know, unprecedented for a person in this kind of an appointive position certainly not considered primarily a partisan position, but one that has generally been regarded, if any is in our Government, as nopartisan, to engage in this kind of vitriolic, vituperative attack upon Senators, not only individually but collectively.

Mr. McGOVERN. Mr. President, will the Senator yield again?

Mr. FULBRIGHT. I yield.

Mr. McGOVERN. I am glad that the Senator made the point he did about the Disabled American Veterans, to whom Mr. Johnson directed his remarks, because I get many letters, as I am sure the Senator from Arkansas does—he has referred to some of those he is going to put in the RECORD—coming from disabled veterans of the Vietnam conflict, who write on the basis of their experience—of course, veterans are divided on this issue, just as the rest of us are——

Mr. FULBRIGHT. Surely they are.

Mr. McGOVERN. But many of them have written to me that they do not see anything that justifies the continued sacrifice of American life and limb in Vietnam, that the quicker we can disengage from that conflict, the better, that it was a mistake to go there in the first place, they are impatient with the pace of withdrawal, and that they are impressed with what they believe to be the repressive character of the government in Saigon and its corruption. So I think it is particularly in bad taste that Mr. Johnson, as the head of our veterans program, chose to make this speech attacking the integrity and the commitment of Senators before a group of Disabled American Veterans.

One thing that has always puzzled me is why, from the very beginning of this debate, from time to time there have been people who have talked about how courageous it was to make such and such a type of speech in support of the war effort. I notice Mr. Johnson here refers to those of us who have taken a different view toward the war as "cowardly."

I have never thought that one tested either cowardice or courage by what one said on a public platform. It does not really take very much courage to get up and beat your breast and talk about how we are going to stand firm in Vietnam. It is the soldiers who are out there on the front lines who are really being asked to test their courage. But to talk about being courageous just because you are cheering from the sidelines, urging young men on to their deaths in a war that many of us think is a great mistake—I do not regard that as a test of courage, and certainly I object very strenuously to the label of "cowardly" to those of us who feel, in all good conscience, that it is in our national interest to bring this war to an end.

Mr. FULBRIGHT. What the Senator says is quite right. I shall read one paragraph from one of the letters I am inserting here, from a soldier. It says:

Myself and many, many GI's I work with are very much opposed to the continuation of this war. As a combat engineer squad leader, I have worked very closely with the infantry on countless occasions. It is my opinion that opposition to the war runs deepest in these overworked, maltreated, deeply respected individuals.

He is talking about men in the infantry as compared with those sitting in offices.

He continues:

I simply want you to have this letter and others like it to temper the glowing words so many Congressmen have for the dedication to victory of our GI's. It is your words, not those of blind flagwavers, which keep up the morale of so many over here.

In one of the other letters, the writer says:

Not knowing how to live in a city, the Vietnamese learned to follow the example supplied to them by American G.I.s. America has made available to them a life style as American as Betsy Ross and as deplorable as Watts or Harlem.

America's vices are allowed virtually free reign here. Materialism is rampant. A quiet agricultural nation has been turned into a nation of thieves, dope addicts, prostitutes, alcoholics, and black marketeers.

Then he goes on about the conditions that have arisen as a consequence of the war in Vietnam.

Those men, who are at the grassroots level, see what the war is really doing, not only to themselves and their comrades in arms, but also to the Vietnamese. They have quite a different outlook than Mr. Johnson.

I want to read just two or three other statements from Mr. Johnson's speech. He says:

We have seen those apostles of retreat and defeat grow bolder in recent months.

And now we have reached the point where some members of the United States Senate have actually purchased television time and newspaper space to lobby for surrender and against those in the Congress who still believe that a peace without honor and justice is no peace at all.

Now it is no longer enough to debate the merits of this great issue on the floor of the Senate. Now the Hatfields and the McGoverns and 22 of their fellow Doves have become salesmen of surrender, selling the "sell-out" like some sell used cars or potato chips.

That is very colorful language. I would say Mr. Johnson is trying to outdo the Vice President.

He continues:

Senator Hatfield, Senator McGovern, and 22 of their cohorts would nullify what hundreds of thousands of Americans have fought for. In the name of peace they would betray the peace.

In the name of peace they would have America go back on her word, her honor and her commitments.

Let me ask you this question: how many nations that now depend on the United States could ever depend on us again if we quit in Vietnam and turn our Allies over to our enemies?

Let me ask you what this cowardly action would say to the rest of Asia, to Europe, to South America, to Israel?

Mr. President, those are excerpts which simply illustrate what is not only an outrageous indictment of many Members of the Senate, but a speech in very bad taste. It is remarkable to me that such a man should be given the responsibility of administering the great Veterans' Administration, into which we have poured so much treasure and to which so many thousands of our veterans look for their sustenance, especially those who are disabled.

EXHIBIT 1

TEXT OF REMARKS BY HON. DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS, AT THE DISABLED AMERICAN VETERANS NATIONAL CONVENTION, LOS ANGELES, CALIF., JULY 28, 1970

National Commander Ray Neal . . . distinguished officers, members and guests of the Disabled American Veterans:

First, may I wish each of you DAV members, and your great organization, a very happy Golden Anniversary.

Having just commemorated—one week ago today—the 40th anniversary of the establishment of the Veterans Administration on July 21st, 1930. I can appreciate more than ever your genuine, justifiable pride in the DAV's half-century of service to America, and to America's veterans, especially those disabled in the service of our nation.

It is because of your half-century of dedicated service to America, and the fact that each of the members of this great organization has suffered disability during time of war, that I would like at the outset to discuss with you briefly the war in Vietnam.

While President Nixon continues to seek to unwind the war in Vietnam in ways that will insure that 43,000 American soldiers have not died in vain, there are those in both parties, who for reasons known only to themselves, seek at every opportunity to undermine the President's efforts.

In fact, these so-called Doves have reached the point now where it is not enough merely for them to seek retreat and surrender in Vietnam.

Now, they also seek a total withdrawal from our world-wide commitments—withdrawal that amounts to a return to the isolationism of the 1930s—and a cutback in our defenses, both nuclear and non-nuclear, which amounts to a retreat from reality.

Both steps are designed to insure, regardless of the consequences to the freedom and independence of America's allies, that we will become a second-rate world power in the decade of the 70s.

I have no basis on which to challenge the motives of these people—the Hatfields, the Goodells, the McGoverns, the Fulbrights and others of that ilk—but I do challenge their reasoning.

Someone once said that eternal vigilance is the price of liberty, vigilance against those who would destroy freedom from within, as well as from without.

A willingness to buy and pay for preeminence in the field of national defense is also the price of liberty when we speak of the threat from without.

Yet there are those today—the Hatfields, the Goodells, the McGoverns, the Muskies, the Fulbrights and others—who are not willing to pay that price. In fact, they fight actively against it. In fact, they fight actively in favor of surrender to the forces of Communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world.

They do this in the name of wonderful peace. But they have forgotten that peace is wonderful only if you combine it with freedom.

And they do this also in the name of reordering priorities, of taking money from defense to rebuild cities, end pollution and do all those other good things we want to see done. But they fail to realize that a nation without pollution, without poverty and without problems is also without hope if it cannot defend itself from enemies without. They fail to realize that we can never solve our internal problems if we cannot cope with our external problems.

We have seen those apostles of retreat and defeat grow bolder in recent months.

And now we have reached the point where some members of the United States Senate have actually purchased television time and newspaper space to lobby for surrender and against those in the Congress who still believe that a peace without honor and justice is no peace at all.

Now, is it no longer enough to debate the merits of this great issue on the floor of the Senate. Now the Hatfields and the McGoverns and 22 of their fellow Doves have become salesmen of surrender, selling the "sell-out" like some sell used cars or potato chips.

I refer to the TV and newspaper campaign to pass the Hatfield-McGovern amendment, which will be debated in August on the floor of the Senate.

This is the amendment that would, first of all, stop Americans from fighting in Vietnam and secondly, and most importantly, have them all out of Vietnam by next June, regardless of what the situation is there.

In other words, it's a purely "defeat, retreat and surrender" amendment, one that offers no hope of an honorable peace to America and South Vietnam and one that offers every hope to the Communists of eventual victory.

It is just that simple.

Senator Hatfield, Senator McGovern, and 22 of their cohorts would nullify what hundreds of thousands of Americans have fought for. In the name of peace they would betray the peace.

In the name of peace they would have America go back on her word, her honor and her commitments.

Let me ask you this question: how many nations that now depend on the United States could ever depend on us again if we quit in Vietnam and turn our Allies over to our enemies?

Let me ask you what this cowardly action would say to the rest of Asia, to Europe, to South America, to Israel?

Let me ask you, also, what it would say to Red China and Red Russia and Red Cuba?

What would it say to those who put their faith in freedom?

And what would it say to those who seek to extend the cruel hand of tyranny?

I don't need to give you those answers. You who have fought for freedom and paid a price for this country's honor know the answers.

But let me warn you, win or lose, Hatfield and McGovern and their allies will not stop with merely seeking surrender in Vietnam.

They are already working diligently to make the United States incapable of defending its Allies or itself.

Joined by others, including Senator Proxmire, they seek to cut back—and back—and back on defense spending at a time when Russia is spending more—and more—and more on both offensive and defensive weapons.

As imperialist Communism expands its navies and its merchant marine, as it builds antiballistic missile systems and multiple reentry warheads, the Proxmires and the Hatfields and the McGoverns seek to prevent any action that would even let the United States maintain a parity.

We are behind now in missiles; we will, by the middle of this decade, be behind in submarines, we are losing the arms race and the maritime race, because of Senators like these.

And we will continue to lose so long as they are not told that the American people are still proud—and still love freedom—and are willing to pay the costs of freedom, whatever the price.

We will lose in Vietnam and Asia and Europe and the Americas. And eventually we will lose our own freedoms unless we stop the unilateral disarmers; unless we stop the defeatists and the neo Neville Chamberlains.

There are some in America who never learned from Munich, who never learned from Pearl Harbor, or Korea, who still don't believe Mein Kampf, and who still think that the leaders of the Communist world are nice people, even as Americans die on their orders and from their weapons.

I think it is time now that the American people put an end to this nonsense in Washington. I think it is time they told the world that to Americans peace and freedom are indivisible. I think it is time that Americans who believe in America stood up strong and straight so the Hatfields and the McGoverns and their surrender-minded friends can count them and hear them.

For only by showing them that we, the majority, will settle for no less than a just peace and strong America, can we counter their maneuver to buy peace at any price, including the price of freedom.

In his kind invitation to me to address this convention . . . Commander Neal suggested that you would be interested in a report on the Veterans' Administration.

In making this report . . . I am conscious of other important sources of information which obviates the need for a detailed accounting by me today.

I know that you had the good fortune yesterday to have as the keynote speaker at your convention . . . the distinguished Chairman of the Subcommittee on Veterans Affairs of the Senate Labor and Public Welfare Committee . . . the Honorable Alan Cranston.

And I know that attending your convention is another very distinguished speaker—the man who for so many years has served so ably the veterans of America—the Chairman of the House Committee on Veterans Affairs, the Honorable Olin E. Teague.

You are also fortunate enough—or perhaps I should say farsighted enough—to have such able officials in Washington as John Keller, Jack Feighner, Chet Huba, and their associates . . . to keep you informed of legislative and executive actions . . . prospective as well as current . . . in the field of veterans affairs.

Permit me to highlight a few of those developments in the past year which have had—or will have—the greatest effect on America's veterans and their families who are our mutual concern.

It was particularly gratifying that President Nixon, last September authorized an increase in VA employment of 1,500 persons—most of them earmarked for our Department of Medicine and Surgery.

If you recall, this action came at the time the President was reducing employment elsewhere in the government by about 50,000 jobs.

Then in April of this year the President authorized the VA to request $15 million in supplemental medical care appropriations for the remaining three months of fiscal year 1970.

The President in announcing this authorization on April 2nd—also increased the already record high VA medical care budget requested for fiscal year 1971 by an additional $50 million.

Exactly one week earlier the President signed one of the most important—if not the most important—veteran benefit laws to be enacted this year—PL 91-219—which increased retroactively to February first VA educational allowances by approximately 35 percent.

To me, another of the significant provisions of this 1970 amendment to the G.I. Bill is the provision for an expanded "Outreach" program.

I say "significant" because I sincerely believe that this provision constitutes a congressional vote of confidence in the value and validity of the on-going and growing "Outreach" program initiated by VA.

Also, I say "significant," because of the DAV's invaluable participation in the hometown segment of this program and because of your strong support of the VA's operations on the other "Outreach" fronts in Vietnam, at stateside military hospitals, separation points, United States Veteran Assistance Centers, and through computer-generated, personalized letters to recently discharged veterans.

I know that you are familiar with the results of this unprecedented, massive effort to reach returning Vietnam era veterans to inform them of their benefits and to persuade them—especially the educationally disadvantaged—that for their own welfare, for the future welfare of their families, their communities, and their country, they should use their education and training benefits as well as other benefits.

This effort—especially in the vital area of education and training—is paying off.

For example in this fiscal year we expect that 1.5 million veterans, including disabled veterans, will receive VA education and training assistance.

By the end of Fiscal Year 1971—by next June 30th—when the Vietnam G.I. Bill will be just five years and one month old—the total number of veterans and servicemen who will have participated under this program will exceed the 2,390,000 veterans who trained during the entire 13-history of the Korean Conflict G. I. Bill.

The priority interests of the Disabled American Veterans compel me to turn now to those benefits and services which are of special concern to disabled veterans.

Nearly a year ago, on August 27, 1969 to be precise, the VA endorsed H.R. 370 to increase the VA allowance for specially equipped automobiles for severely disabled veterans from $1,600 to $2,500.

As you know, the House passed this bill last month on June 15th, and it is now pending in the Senate.

The VA grant for paraplegic housing has been increased from $10,000 to $12,500. In that same measure signed into law by President Nixon on June 6, 1969, VA direct loans were increased from $17,500 to $21,000, helping veterans enjoy home ownership in areas where private mortgage financing is not available.

Obviously, Public Law 91-32, prohibiting the reduction of a veteran's statutory disability award which has been continuously in effect for 20 years, had been some time in the legislative mill before I became Administrator of Veterans Affairs. But I was indeed pleased that President Nixon signed this measure into law on the day I was sworn into office, June 23, 1969.

Before concluding with some brief comments about the VA hospital and medical care program, permit me to mention very quickly a few other benefits—improved if not new—that have become reality since your convention last year in Miami.

Public Law 91-96, approved by the President last October 7th, established a new concept for increased payments of dependency and Indemnity Compensation to widows of servicemen and veterans whose death was service-related.

Community nursing home care—at VA expense—and with no limitation as to the length of time such care may be provided, is now authorized for veterans whose hospital-

ization was pimarily for a service-connected disability.

Complete medical services for a nonservice-connected disability is also now available on an outpatient care basis for any war veteran who has a permanent and total service-connected disability.

My Army outfit in World War II operated—successfully I might add—on the premise "if it's not necessary, it's not authorized."

This past March I determined that it would no longer be necessary for veterans 65 or older to have to disclose financial details in order to be admitted to a VA hospital.

Certainly this was no earth-shaking administrative action on my part, but I think that it does reflect a genuine desire on our part in the Veterans Administration to recognize the dignity and the integrity of our veterans . . . and to deliver the benefits and services which they need with the least possible inconvenience to them.

No "VA stockholders" report to a DAV national convention would be complete without some facts concerning the VA hospital and medical care program.

I do not hesitate to broach this subject before this audience today, because I know of the many "positives" of VA medicine which can, and should, be brought to your attention.

These positives are often overlooked when one's concern is focused on effecting improvements to which any program, including VA medicine, is susceptible.

Consider these facts if you will in evaluating the VA hospital and medical care program.

Today, 94 VA hospitals are affiliated with more than 500 medical, nursing, pharmacy, and social work schools, and graduate departments of psychology.

VA medical education currently provides training for some 32,000 individuals in almost all categories of health services.

About half of the nation's third and fourth year medical students get some part of their training in VA hospitals . . . and from the 2,500 professionals who hold medical school faculty appointments.

Each of VA's 166 hospitals is fully accredited by the Joint Commission on Hospital Accreditation sponsored by the American Medical Association, the American Hospital Association, the American College of Physicians, and the American College of Surgeons.

The Administration's budget of more than one-and-three-quarter billion dollars for VA medical care in Fiscal Year 1971 is the highest in the history of VA medicine.

It is $210 million more than last year's initial budget which was then the highest in history.

It is a fact that this record-high VA medical care budget will enable us to add 5,700 medical employees, and bring our full-time medical employment to nearly 138,000, the biggest work force in the history of the Department of Medicine and Surgery.

It is a fact that in this fiscal year nearly 800,000 veterans, the greatest number in history, will be cared for in VA's 166 hospitals.

It is a fact that the President's record-setting VA medical care budget request for this fiscal year will enable VA to handle more than 8 million expected outpatient visits.

We will also be able to continue and accelerate the opening of coronary and intensive medical and surgical care units. I might point out that nearly half of the VA's hospitals now have intensive and coronary units, compared with only 64 a year ago.

We will increase medical research by more than a million and a half dollars.

We will obligate $120.4 million for construction . . . the largest volume of hospital construction placed under contract in 21 years.

As a result of the additional funds made available and requested for VA medical care last year and this . . . a total of $1,556,000 in additional funds have been allocated to the VA spinal cord injury program.

During the 13 months I have been Administrator of Veterans Affairs I have repeatedly assured audiences such as this that no service-connected disabled Vietnam veteran will lack for immediate, quality medical care in our VA hospitals.

I reiterate this promise today.

More than this, however, I can also tell you today that severely disabled, amputee Vietnam veterans, in addition to the high quality medical treatment and care provided all veterans, will receive the special attention, the understanding, and the morale building support which—despite their uncommon courage—they may need.

Eight of our VA hospitals have now been designated to care for military patients having multiple major amputations, or a major amputation combined with other serious disabilites.

Another 60 VA hospitals will care for patients who have single amputations and no other serious disabilities. Each veteran will have the choice of the hospital nearest his home.

President Nixon has said that "to those who have been injured in the service of the United States, we owe a special obligation."

I promise each and everyone of you this obligation will be met.

Certainly . . . this Administrator of Veterans Affairs . . . and the dedicated, compassionate, skilled men and women in the Veterans Administration with whom I am privileged to work . . . will not rest until this obligation has been met.

I am grateful for the opportunity to be with you today. For your unselfish devotion to the welfare of those injured in the service of our nation cannot help but inspire and sustain me . . . as I seek to serve those who are our mutual concern.

VETERANS OF FOREIGN WARS,
Washington, D.C., July 21, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This is to let you know that the Veterans of Foreign Wars has noted with deep appreciation your remarks on July 6 in support of the additional $100 million for VA hospitals, as provided in the VA appropriation for 1971 (H.R. 17548).

The Senate, after hearing the evidence, has acted by adding $100 million for VA medical programs, and the Veterans of Foreign Wars is strongly urging the House conferees to concur in the Senate action.

You have the sincerest thanks and deep appreciation of the Veterans of Foreign Wars for the significant and vital role you played in having the Senate approve this badly needed additional money, which will help provide the VA with the personnel and services it needs to extend the highest quality medical care for returning wounded Vietnam veterans and disabled veterans of previous wars.

With kind personal regards, I am,
Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

EXHIBIT 2

DEAR SENATOR FULBRIGHT: You have been outspoken on your view of the effects of the war in Southeast Asia on America. Let me tell you something about the effects of America on the war in Southeast Asia.

First let me state my credentials: I am a college graduate with a B.S. in biology. I am presently serving in administrative duties in the USAF near Saigon. I have been here almost 2 months.

In the time that I have been here, it has become quite clear that all the things that are wrong with America come to a focus over here. The thing that has ruined this country, perhaps even more so than the war itself, is the importation of something I can only reluctantly call Americanism. Vietnam is an agricultural country. The people, as can be expected, are rather backward in some ways. But I hasten to add that we could learn a few things from their art and craftsmanship. But it is no longer easy to do so. The pure Vietnamese peasant no longer exists. The majority of the people have been forced by the war into giving up their farming to eke out a living in the city as best they can. Saigon is a city designed for a quarter million people. It now houses about 2 million. Under these conditions it is hard for anyone to manage.

Not knowing how to live in a city, the Vietnamese learned to follow the example supplied to them by American G.I's. America has made available to them a life style as American as Betsy Ross and as deplorable as Watts or Harlem.

America's vices are allowed virtually free reign here. Materialism is rampant. A quiet, agricultural nation has been turned into a nation of thieves, dope addicts, prostitutes, alcoholics, and black marketeers.

If many Vietnamese seem to care about nothing but money, as some G.I.s argue, it is because they have learned that from Americans. If life itself has lost much of its meaning to them, they have learned that from us too. Except for a few kind souls, to the last man, Americans here are down on the Vietnamese; criticizing them for flaws we have created in them and which we have ourselves. Thus having degraded them, Americans use that as an excuse for exploiting the Vietnamese further. The G.I.s play them for suckers.

Comment of a shuttle bus driver this morning when viewing an accident where a Vietnamese on a motorcycle was hit by a jeep: "The only thing wrong is he's still alive." It doesn't matter at all if he was a V.C. sympathizer or not. He's just a worthless, thieving (probably) gook.

G.I.s have many ways of denying the humanity of the Vietnamese which is something they want to do because each one of them simply cares about himself, his immediate friends and relatives (in a pinch, just himself) and to hell with everyone else. It's the American way. They are frustrated. They want to go home and take care of their own: Their own T.V.s, stereos, hot cars, yachts, snowmobiles, bars etc.—The Glorious American Standard of Living! (The American Standard of Living at one time, was a good thing to export but it isn't the same anymore. It is the manufactured result of the free exercise of greedy, moral-less advertisers and the companies who solicit their services.) Putting as much physical distance as possible between himself and the Vietnamese and sticking with his cronies, the average G.I. gathers about himself that all-American mark of distinction—material wealth. They buy radios and stereo record players and tape recorders to listen to American music. They set up their own radio station—to listen to American music. They set up an American T.V. station to watch American T.V. All this has the effect of convincing all but the most wary that he's but a block from home. The fact that there is a war going on and people are getting killed and that Vietnamese are starving seems as far away as the other side of the moon.

And the effect on the Vietnamese of being disregarded, spat upon, exploited at every turn, lied to, cheated, mistreated, played

tricks upon, and treated like rats? At first all they knew was the G.I.s were there. There was little or no attempt at understanding or communication or even just trying to be sincerely friends. After they came to see through our guises of help and friendship, which is all we ever offered, they came to hate us. That is only natural. The next step was to show us that two can play this game and now we have the cowboys. There is a little cowboy, a little resentment in all the Vietnamese for all the havoc we have wreaked while ostensibly trying to help them. When we turn on our hosts and exploit them, play them for suckers, treat them like dirt, buy their women, they appreciate us about as much as they appreciate the V.C. When someone tells you the Vietnamese people want us out of Vietnam, now maybe you know why. I wouldn't want the kind of American we have here in my neighborhood either. You should see the G.I.s flaunting their wealth at everyone; swinging cameras, stereos, radios, porcelain elephants etc. What does that say to a Vietnamese? We have made avid consumers of them all. We have shown them what the dog-eat-dog American way of life is like at its worst.

The thing that should concern you most is the fact that this is all done with the highest government sanction. This base hasn't been hit in quite a while. Do you know why? Another base 15 miles from here gets it every night. They operate combat aircraft while we do not particularly but that isn't the main reason. If this base gets hit Saigon goes off-limits. If Saigon goes off-limits the G.I.s can't go downtown and change their money or sell the things they steal from each other and the black market would be hurting. So to support the black market and to keep the base from being hit Saigon is kept on-limits. There is no reason why anyone has to leave this base. All they ever do in town is get drunk, get in trouble, or participate in the black market. The curfew is 10 P.M. to 6 A.M. but many guys stay somewhere downtown. I know of several who are living illegally off-base. The G.I.s here think nothing of selling out their brothers in the bush by changing money downtown. They tell me even the colonels do it. One soldier told me he caught a guy trying to sell a handgrenade. He also told me pot is the only way you can live in the jungle.

While I am at it let me say a little about the men we lower grade servicemen like to call lifers. Not all career men are lifers. Some are dedicated, decent people but most are just off skid row. But the trouble is the service is setup in such a way that these men are its backbone. The theory is that a man who has many years in a field knows most about it and should be in charge of it. In practice many career men are nincompoops who hardly know enough to come in out of the rain. They do not keep up to date on regulation changes and spend their free time boozing it up in some bar. What they do supremely is supervise. The airmen (in the USAF) under them are the ones who actually do the work and are up to date since they are recently trained with the latest books. Of course when it comes to making up tests for promotion they make them up themselves to ensure their passing them. They write their own glowing performance reports that read like something out of a superman comic book. Incidentally these reports must be typed to perfection regardless of the sheer bunk that they are written with. Appearance is more important. Like Peter Principle says, "An ounce of image is worth a pound of performance". Nowhere is that truer than among the NCOs and officers of the military. In some cases perhaps this is unavoidable but there are a few I really object to. Set yourself up a list of the things you think it would be most important for a man to have if he is going into a war zone. Then compare it with a list of what our soldiers and airmen are given and see if your priorities match those of the military. I think you may be a little bit shocked.

For one thing, in a tropical country as disease laden as this one is, you would expect health and hygiene items to be high on the list. Many of the diseases found in this part of the world are carried by sandflies, mosquitoes, and other insects. Insect repellant should be issued regularly to all troops here. You can buy some in the BX if they have any. For a month since I arrived they didn't. I discovered they have a few bottles hidden away in the local purchase store which is for official purchases only. Mosquito netting should at least be available if not a part of the SEA issue. To my knowledge there is none available. A couple of guys have some but they probably got it down town. Fans are a big help in keeping the bugs off but once again you have to buy one in the BX if and when they have them. In short, for a newly arrived serviceman there is NO protection against the foreign insects and the disease organisms they are host to and when he has just arrived is his most vulnerable time. One would think that in view of this at least the transient barracks where he must stay for a few days would at least be kept fairly well sealed. There are big holes in the screens, the lockers are unlockable (the thievery among G.I.s here is terrific), the floor floods when it rains and the bugs come in, and while you sweat trying to get to sleep the bugs attack any exposed parts and even bite through the sheets keeping you awake. Lack of sleep certainly doesn't help you build up your resistance any either, especially after a 17-hour flight from the states which has your metabolism all messed up anyway.

They spray the base by air around 7 a.m. a couple of times a week so that everybody is up and around and breathing regularly so we get a good dose. I haven't found out what they spray but it doesn't cut the insect population any as far as I can see. Mosquitoes breed in standing pools of water. It is standard procedure stateside to level out depressions to avoid this. There are standing puddles, almost like moats, between each barracks. A mosquito could live his entire life without having to go more than ten feet. In addition to the aerial spraying, a truck comes through the housing area twice a week with some kind of fog. It is sprayed all over a group of G.I.s watching movies in the compound among other things. The bugs persist. It is well known that many of the insects here are resistant to various insecticides. Apparently the stuff they use is ineffective. Malaria pills are supplied in the chow hall but not everyone eats there. Moreover the G.I.s spread rumors that the pills will make you sterile and since they sometimes cause diarrhea they don't take them.

A serviceman is not just a man. He is also a fighting unit. He is responsible not just for himself but for the others he must defend in battle, for the damaged aircraft he can repair or the machine he can run. It is in the interest of the Air Force that its personnel be in condition to accomplish the Air Force mission not just in one man's interest that he stay well. It costs all of us when a man is sick or wounded. There is a mission capability loss. But the policies of the Air Force today do not reflect this kind of practical thinking. It is each man for himself and responsible, apparently, only to himself. You can lead a horse to water but you can't make him drink except in the service where the lives of many others are at stake, you'd better find a way to make him drink.

Just what do the priorities of the service align themselves with? A little looking will disclose that because of the fear of losing its backbone, the supposedly knowledgeable and capable lifers, the service caters to their every whim. Morale is the word they use. It's still considered a morale factor. That's the answer I received when I inquired as to why, in view of the voluminous evidence of how cigarette smoking can and has hurt the Air Force mission through hospitalizations, overburdened medical facilities, loss of materiel through fire and downtime from colds and coughs and many other things, the Surgeon General has not taken steps to reduce smoking among those charged with protecting our interests by eliminating cigarette sales from government facilities, increasing their price or in other ways reducing their easy availability to service personnel. This same argument is used in defense of all the vices committed by the lifers. A simple request that candy vending machines be replaced by oranges, apples and milk machines replace coke machines, made by a dentist's nurse at one base to attempt to cut down on the expense of dental treatments and downtime due to appointments, was apparently ignored. The lifers it seems place a higher value on coke and candy than milk and apples. Well I guess that's to be expected. But do you think the government should follow their juvenile, immature example and sanction it? The service should discourage all debilitating, mission-harming practices but it encourages them right along with physical fitness. All the words in the world don't mean a thing to a smoker who finds cigarettes cheap in the commissary. That's a fine way to protect a nation. I'm glad to know a half-trained band of choking alcoholics is ready to defend me. Maybe the Marines still make men (though I doubt it) and I still question their definition of men, but the rest of the services make pigs or let the men make pigs of themselves and help them do it. Go into any barracks on a Friday midnight.

The black market in Saigon, made possible by the materialistic demands of the American standard of G.I. living, also has U.S. Government sanction it would seem. Why else, when one can get all that he needs and then some on base, should Saigon not be off-limits? Morale again I suppose. G.I. spending in Saigon is a major source of revenue for the V.C. G.I. demands for luxuries in the BX and our employment of Vietnamese dockworkers and drivers ensures that the streets of Saigon are filled with goodies. All this is costing our government fantastic sums of money. And the war profiteers are here too. From PFC all the way up to General, American greed runs rampant. G.I.s here sell their brothers in the field, downgradingly called "grunts", who are fighting for them, by exchanging MPC in Saigon. The G.I. who buys with MPC buys the bullets that kill in the field. They don't care. As long as it's not them or someone they're not concerned about, fine. It's as American as Kinsey.

Apart from keeping the Viet Cong from killing them all, we are doing the Vietnamese few favors. If you ask me, we are using a mighty filthy rag to clean up the mess over here.

If you care about America, you'll do something to change the character of our "representatives" in the service. In the military, some changes can be dictated. For example: tax cigarettes and alcohol and put Saigon off-limits permanently. Teach someone in a high place that giving a baby everything it wants is no way to establish responsibility and discipline or maintain morale. What it does do, you can see here.

Above all get on those creators of the whole American mess—the unscrupulous advertisers who use psychology to exhibit the foibles of human beings for private profit at any cost. Subliminal advertising has been banned from T.V. but what about the unwritten brainwashing that daily is manufactured and fed to the American public by companies with no principle except profit and who use psychological consulting firms to under-

stand, predict, and control the hapless American? The immoral exploitation of human weakness must be stopped if America is to survive.

So you see there's a much bigger job to be done, at home, by people like you. Take your eyes off the dissension the war is causing and look at your neighbors for what they have become—in Edward Abbey's words "pigs in heaven". Then let's not hear any more about the effects of the war on the American way of life. It's the other way around.

Sincerely,

———, ———.

JULY 18, 1970.

DEAR SENATOR FULBRIGHT: Since this is a letter of support, I needn't elaborate my position. I plan to do so in letters to your critics.

Myself and many many GI's I work with are very much opposed to the continuation of this war. As a combat engineer squad leader, I have worked very closely with the infantry on countless occasions. It is my opinion that opposition to the war runs deepest in these over-worked, mal-treated, deeply respected individuals.

I simply want you to have this letter and others like it to temper the glowing words so many Congressmen have for the dedication to victory of our GI's. It is your words, not those of blind flagwavers, which keep up the morale of so many over here.

I had the privilege of hearing a speech you delivered to a group of summer interns in 1967. I never dreamed I'd be here three years later. You and your colleagues' relentless pressure will hopefully force the country out of this entanglement and encourage more discrete policy making in the future.

Thank you for all your efforts.

Sincerely yours,

———, ———.

EXHIBIT 3

PINE BLUFF, ARK.,
July 16, 1970.

Hon. J. WILLIAM "BILL" FULBRIGHT,
Senator,
Washington, D.C.

DEAR SENATOR: I wish to express my very deep appreciation for your presentation in the Senate on Tuesday, June 9, 1970, regarding the plight of the Veterans Hospitals and for sending me a copy of the Congressional Record of the proceedings regarding your very able presentation.

I used this information in my discussion of the status of pending legislation in Congress, a bill that will add 100 million dollars to the VA medical program, etc., as will be observed by the enclosed newspaper clipping, at our Post meeting Monday night.

Keep up your good work.

With kindest regards and good wishes, I am,

Sincerely,

LARRY FRENCH.

[From the Pine Bluff (Ark.) Commercial, July 16, 1970]

HEARIN-CONNOLLY POST 32 DISCUSSES PENDING HOSPITAL FUNDS LEGISLATION

Larry French discussed the status of pending legislation in Congress that will provide an additional $100 million to the Veterans Administration medical program at the regular meeting of Hearin-Connolly Post 32 Monday night.

He called attention to the support Senator J. William Fulbright of Fayetteville is giving to the matter of additional funds for veterans hospitals.

The post sent Congressman David Pryor of Camden a telegram urging his support of the Senate version of the legislation. Pryor is a member of the Senate-House conference committee considering this legislation.

Reports were made by delegates to the state convention recently held in Hot Springs and the commanders and adjutants conference held Saturday in Little Rock.

DISABLED AMERICAN VETERANS,
Conway, Ark., March 9, 1970.

DEAR SENATOR FULBRIGHT: We, the undersigned members of DAV Chapter #10, Conway, Arkansas, are most concerned about the apparent deterioration of the Veterans Administration medical and hospital programs and we will sincerely appreciate your indulgence and support in correcting this most serious situation.

We are positive a majority of our American citizens and Members of Congress wish to provide the finest medical care and rehabilitation program for the disabled veterans of our great Nation. We also believe it is the intent of the Veterans Administration Department of Medicine and Surgery to provide such medical care.

Reports from reliable sources show serious deficiencies exist in the present operation of the VA Hospitals in Arkansas and the primary cause of such deficiencies is the shortage of funds and medical personnel. Reliable reports show our VA Hospitals had funding deficiencies in the current fiscal year of over 1.3 million in operating 1,900 beds to serve 213,000 Arkansas veterans.

At this time, our hospitals are understaffed and maintenance is poor in many areas. Much of the equipment needs repair and new equipment is badly needed.

Unless immediate and appropriate action is taken to provide sufficient funds for our Veterans Administration Medical Program, it will soon deteriorate to the point of being a second-rate system.

We do not believe the fight against inflation should be at the expense of inadequate care for our disabled veterans. We will appreciate your support and appropriate action.

(Signed by 21 persons.)

DISABLED AMERICAN VETERANS,
Hot Springs, Ark., March 18, 1970.

Hon. J. WILLIAM FULBRIGHT,
Washington, D.C.

DEAR SIR: There was an article in the Hot Springs New Era of March 17 that I would like to congratulate you on.

The article is about the way our Veterans are being treated in our Veterans Administration Hospitals. We here in Hot Springs, as well as every one in Arkansas, are proud of you for speaking out on this subject. We have the same feeling that America must provide the best medical care possible for its Veterans.

I can assure you that this information will be passed on to all our members at our next meeting.

Again may I say thanks for speaking up in our behalf, we do appreciate your feelings very much.

With kind personal regards, I am

Yours very truly,

H. ROSS WISELY,
Commander.

DISABLED AMERICAN VETERANS,
Jonesboro, Ark., March 18, 1970.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: So many times so many of us only write to or call upon our Senators and Congressmen when we wish to criticize them for something with which we disagree. I cannot pass this opportunity to express to you my sincere thanks for your recent statements concerning the shortage of funds with which our V.A. Hospitals are being forced to operate with.

We believe that any veteran who has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health.

Thank you again for your efforts in this matter, and we hope that with your help and the many others who are interested in this problem, that the veterans of this nation will be able to receive the medical treatment to which they are entitled.

Sincerely,

CECIL W. STEVENSON,
National Sr. Vice Commander, Disabled American Veterans.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., July 21, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This is to let you know that the Veterans of Foreign Wars has noted with deep appreciation your remarks on July 6 in support of the additional $100 million for VA hospitals, as provided in the VA appropriation for 1971 (H.R. 17548).

The Senate, after hearing the evidence, has acted by adding $100 million for VA medical programs, and the Veterans of Foreign Wars is strongly urging the House conferees to concur in the Senate action.

You have the sincerest thanks and deep appreciation of the Veterans of Foreign Wars for the significant and vital role you played in having the Senate approve this badly needed additional money, which will help provide the VA with the personnel and services it needs to extend the highest quality medical care for returning wounded Vietnam veterans and disabled veterans of previous wars.

With kind personal regards, I am,

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

EXHIBIT 4

TEXT OF AUGUST 3, 1970, LETTER FROM SENATOR MCGOVERN TO DONALD E. JOHNSON

Hon. DONALD E. JOHNSON,
The Administrator of Veterans' Affairs,
Washington, D.C.

DEAR MR. JOHNSON: Your speech before the national convention of the Disabled American Veterans in Los Angeles on July twenty-eighth has just been brought to my attention.

In that address, you directed a verbal assault toward some twenty-six members of the United States Senate. You applied the label "apostles of retreat and defeat" to Senator Hatfield and me and to the twenty-two (the correct number is twenty-three) other sponsors of our amendment to provide an orderly withdrawal of U.S. forces from Vietnam.

Several references were particularly obnoxious. You suggested, for example, that the "Hatfields, the Goodells, the McGoverns, the Muskies, the Fulbrights and others" are not willing to pay the price of liberty and instead "fight actively against it" and "in favor of surrender to the forces of Communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world." You referred to our proposal as "cowardly." You say we are "working diligently to make the United States incapable of defending its Allies or itself."

Such simple-minded remarks have no place in the national debate on any issue, certainly not on a matter as costly and divisive as the war in Vietnam. You should be aware, Mr. Johnson, that among the Senators you slurred are at least 17 combat veterans who hold many decorations for their valor and courage under fire. One, Senator Daniel Inouye of Hawaii lost an arm in combat.

Each risked life and limb in defense of this country. In light of these records, your suggestion that we are not willing to pay the price of liberty reads as a mindless slur far beneath the standards of conduct we should be able to expect from responsible government officials.

Beyond this, I think there is reason for deep concern about the implications of your statement for the programs you are charged with administering. It is my view that the veterans of this country, many of whom have suffered the gravest of injuries and who face severe lifetime disabilities, deserve the full attention of the administrator of their programs. I am surprised that with the enormity of their problems and with the clear inadequacy of present programs, you can find time for vituperation against members of the Senate on an issue not within your area of responsibility.

I do not question or doubt your freedom to express opinions on any issue. It is, however, gravely disturbing to see the highest office in an agency which has always enjoyed broad bipartisan support used as a platform for hysterical political rhetoric. You would do well to recognize the possibility that your enthusiasm for impugning the patriotism of Senators can detract from the attention you can give to veterans programs and thus deplete your effectiveness as an administrator. Instead of attacking Senators who want to end the war in Vietnam, you might be much better advised to concentrate on dealing with the pain and suffering that conflict has brought to thousands of young Americans. As a beginning, I suggest you might well devote more of your time and effort to the improvement of medical care and facilities in some of our veterans hospitals.

Sincerely yours,

GEORGE MCGOVERN.

Mr. MILLER. Mr. President, I have been listening to the colloquy between the Senator from Arkansas and the Senator from South Dakota with interest, and I can well understand why they might regret certain statements being directed toward them by the Veterans' Administrator. But I do think that we ought to put a little perspective on what has been said.

For example, it has been stated that it is unprecedented for a Veterans' Administrator to make such a critical statement. I do think, in fairness, that we ought to make it clear that the criticism was bipartisan; it was not directed at any one party. I think the Senator from Arkansas did point out that members of both parties were involved in the matter to which Administrator Johnson directed his comments.

So while, perhaps, it was unprecedented, I think we can say that at least it was not partisan. But I think we ought to recognize that, while, perhaps, this statement by the Administrator of Veterans' Affairs was unprecedented, he was directing his comments toward an unprecedented proposal. One thing that has disturbed many of us has been that during the 5 years when the previous President was conducting a war in a manner which saw it get bigger and worse, there were no proposals that I can recall that were introduced which would have directed that all troops be out of South Vietnam by a certain date.

In fairness, I must say that the Senator from Arkansas was quite critical of the previous President, and in that respect he has been consistent. But all the other Senators who have been introducing amendments right and left to do something about curbing the President's powers to conduct the war and to fix him with a time by which he had to pull all troops out of South Vietnam were strangely silent while this war was getting bigger and worse.

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

Mr. MILLER. In just a moment.

Along comes a Republican President, who is doing his best to get us out of our involvement in South Vietnam in an orderly fashion and in a way which will live up to commitments which are reflected in the SEATO Treaty, which was ratified here back in 1955 by a good many of the Senators who are still Members of the Senate; and the next thing you know, out come resolutions and amendments to curb his powers, his constitutional powers, and his discretion as Commander in Chief.

It would not be so bad if this war was getting bigger and worse or even if it was at the same level at which the President found it when he took office.

But when it is going in the other direction, when the number of troops in South Vietnam has been reduced substantially, when the President has indicated that many thousands more will come out by next spring, when the number of tragic casualties is down to less than half of what they were a year ago and a third to a quarter of what they were 2 years ago, and when the cost of this war is going down, it seems to me that this is unprecedented for proposals to be introduced to which Administrator Johnson was referring.

One may disagree with the manner in which the Administrator criticized what was being proposed; but I think perspective demands that while this may have been an unprecedented attack by an Administrator on certain Members of the Senate, it has been an unprecedented action by certain Members of the Senate directed at the President of the United States. In that view, I think the suggestion by the Senator from South Dakota that the Administrator's comments were in bad taste might also be directed at the unprecedented action coming from certain Members of the legislative branch. In any event, a great many people in this country are disturbed that for 5 years certain Members of the Senate were silent with respect to introducing resolutions and amendments to curb the President's discretionary powers and to fix a time certain.

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

Mr. MILLER. Now that a Republican President is moving in the right direction, their voices are raised.

So I think that perspective demands that this be said.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. With respect to the idea that it is unprecedented, the Senator apparently has forgotten that the criticism of the preceding President, Mr. Lyndon Baines Johnson, was so severe that he retired from public office.

The Senator insinuates that this is a partisan matter, although he starts out by admitting that there is nothing partisan in Administrator Johnson's remarks because he includes the Republicans as well as the Democrats. To say that this is unprecedented in that I and others did not criticize President Johnson is hardly correct. I think it is generally conceded that the principal reason that President Johnson decided not to run again was the failure of his policy in Vietnam. That was the source of practically all the criticism in which I and others engaged. I do not see how the Senator can possibly say that nobody—including me—in the Democratic Party criticized President Johnson. The fact that it did not take the exact form of the Cooper-Church amendment is simply a matter of a coincidence of events and circumstances.

The fact is that when President Johnson decided not to run, we assumed that with a new administration there would be a different policy. This is one of the reasons why there has been a renewal of the same kind of criticism, only taking a different form. But the same kind of arguments and the same kind of criticisms were made against President Johnson as against President Nixon. To insinuate that I and other Members on this side of the aisle are criticizing this President simply because he is a Republican is absolutely unfounded.

Mr. MILLER. The Senator from Iowa stated specifically—perhaps the Senator from Arkansas was not listening very well——

Mr. FULBRIGHT. I did listen.

Mr. MILLER. The Senator from Iowa stated specifically that the Senator from Arkansas had been consistent in his criticism of two Presidents. That was not the point. The Senator from Arkansas is not saying anything that I have not said so far as he, himself, is concerned, because it is well understood that the Senator from Arkansas was very vociferous in his criticism of the former President, and he has been critical now.

So I do not know why the Senator says that I am making a statement indicating that he is being critical now when he was not critical before. I have just said the same thing the Senator from Arkansas has said, and if he had listened to what I had said, he would understand that.

Mr. FULBRIGHT. I heard that. I know that some of the other Senators included in this were also critical. I was not the only one, by any means. It included many of the same people who are mentioned here.

The Senator from Iowa got off on the merits of the war. I did not intend to argue about the merits of the war. I was calling attention to the propriety or the impropriety, the very bad taste, of an official who is not a partisan appointee, who is not supposed to be serving any particular point of view, especially in an area that is not his responsibility. If it is the Secretary of State or even the

Secretary of Defense who is defending such a policy, it is one thing. But for the head of the Veterans' Administration to become involved in this kind of argument—about something I do not think he knows anything about—and to be so vitriolic, so insulting, so degrading of the Senate itself, because he refers to "cohorts" and large numbers of Senators—seems to me to be very unprecedented and inexcusable. No other man in the Veterans' Administration ever undertook to make this kind of judgment that I ever heard of at any time, under any administration. The Veterans' Administration is generally regarded as being above politics. The VA is to serve the veterans, especially those sick, ill, and wounded. That is what it is for. To come in and make this kind of speech, it seems to me, is utterly inappropriate. I was not trying to make an argument about whether the war was good or bad, just whether a man in that position should make this kind of speech and create controversy even among veterans. As the Senator from South Dakota said, the veterans themselves are divided. Everyone is divided on this question. They are not 100 percent for or 100 percent against the war. It does not help the situation for an agency which is supposed to bring about better health and to bind up the wounded, to get involved in this kind of controversy.

Mr. MILLER. The Senator from Iowa understands what the Senator from Arkansas was getting at. The merits or the demerits of the war are not what are involved here at all. All I wish to do is to point out that if we are talking about things being unprecedented, let us put it in perspective.

The Senator from South Dakota and the Senator from Arkansas refer to this attack upon a number of Senators by the Veterans' Affairs Administrator as being unprecedented. Perhaps it is. I do not know. But I also suggest that the fact that Senators are involved in resolutions and amendments to curb the President's power as Commander in Chief, at a time when he is going in the right direction above all, is unprecedented, too. The Senator from Arkansas minimizes that by saying it is simply the "form" of the criticism that has been going on for a long time. May I suggest to my friend from Arkansas that the form can be terribly important.

I think it is unprecedented for that criticism to take the form of an amendment or a resolution to put a time certain for withdrawing all our troops from South Vietnam. It is just a little too coincidental, it seems to me, that this was not done during the 5 years preceding President Nixon's coming into office when this war was getting bigger and worse. There is no consistency there at all.

I will say again, as I said originally, that the Senator from Arkansas has been consistent, in that he has been a vocal critic—certainly during the later years of the Johnson administration, as well as now. There may be a few other Senators present who also were critical but a good many other Senators were strangely silent even on criticism, and all of them were silent to the point that they were not introducing legislative proposals such as has been done since our new President took office.

Mr. DOLE. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I am pleased to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I shall not defend the Veterans' Affairs Administrator, but would point out that we have had marches on the White House by HEW employees and employees of the Justice Department, who have protested the war and President Nixon's role. I have not heard anyone here protest, or take issue with that activity. The Veterans' Administrator perhaps should have deleted parts of his speech, as these were questionable statements and phrases. Let me point out that we are about to begin debate on an amendment—preceded by an unprecedented maneuver where some of our own colleagues are engaged in a half-million-dollar campaign lobbying many of us here to support the so-called end the war, or as I call it, the lose the peace, amendment.

Five Members of this body on NBC television, on May 12, raised admittedly at least a half million dollars to lobby their own colleagues.

I find no precedent for that.

This was mentioned in the speech by Mr. Johnson, and with that portion of his speech I agree. In fact, we will be discussing at length, what I consider to be a rather unprecedent effort by Members of the Senate to pressure their own colleagues by running paid TV commercials in various States—Missouri, West Virginia, and many other States—Kansas included. There has been a heavy nationwide concentration of TV commercials, in an effort to sell the so-called end of the war amendment, which I repeat should be designated the "lose the peace" amendment.

There have been full-page ads, with the names of 24 or 25 Senators appended, with a flag-draped coffin, which infers that only those 24 Senators want to stop the bloodshed and the remainder, by inference, are for war and against peace.

I happen to believe that everyone in this Chamber is opposed to war, that everyone in this Chamber wants peace. To cloak ourselves with some antiwar designation does not mean that Senator is any more for peace than other Members of this body.

There will be much discussion about this new procedure whereby Members of this body, by public subscription, raise half a million dollars or more, apparently with little or no accounting, and then use the money for television commercials in my State, and many other States, to pressure their own colleagues.

I question the judgment of doing that. If it is true, then perhaps all of us should raise money for some purpose, in an effort to pressure and lobby our colleagues.

I find no precedent for that. That fact is unprecedented. So is the fact there have been marches and demonstrations by Federal employees against President Nixon and President Johnson.

I subscribe to the views expressed by the distinguished Senator from Iowa (Mr. MILLER), that had President Nixon escalated the war in Southeast Asia, or had he failed to keep his word to this body or to the people of America when he announced troop withdrawals, then, of course, maybe, we should heat up the attack and substitute our judgment for that of the President. That is what the so-called amendment to "end the war," or the amendment to "lose the peace" attempts to do.

The President is deescalating the war. He is withdrawing our troops. He has kept his word. Now we find Mr. O'Donnell trying to absolve everyone from blame—everyone, apparently, except President Nixon.

In the next few weeks, there will be much debate about many unprecedented matters which are occurring with reference to the "lose the peace" amendment.

Mr. McGOVERN. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I appreciate the comments just made by the distinguished Senator from Kansas.

I am now happy to yield to the Senator from South Dakota.

Mr. McGOVERN. I wonder whether the Senator would yield to me, not for the purpose of getting into a debate on the merits of Vietnam, which will doubtless be discussed——

Mr. MILLER. I will be happy to yield to the Senator from South Dakota for any purpose whatsoever.

Mr. McGOVERN. I want to ask the Senator from Kansas if he would elaborate on his point with reference to the TV coverage by Members of the Senate.

Do I correctly understand that the Senator's position is that Members of the Senate should not be allowed to purchase time on television?

Mr. DOLE. That is a matter to be determined by the different stations. Apparently some stations decided to sell time for this purpose. NBC accommodated the Senator from South Dakota, the senior Senator from Oregon, the junior Senator from New York, the senior Senator from Idaho, and the junior Senator from Iowa, in their request for nationwide television. NBC gave the Senators the opportunity to raise public funds—over half a million dollars.

Mr. McGOVERN. How does the Senator think we could expect to pay for the broadcast? Does he have a better suggestion? We used 20 seconds of that time to make an appeal to our listeners to help with the cost of the broadcast. There was no way any member of that panel had any idea whether $1 or $1 million would be raised. What we did know was that we had to borrow the money in order to get our message over to the voters. We were denied three times. We petitioned the three networks for public service time, not on a partisan basis

but to try to present our concern and our answer to the President's position on this very important issue. We were denied that. All the networks said, "No, the President had free time but Members of the Senate cannot have it." Then we said, "Would you sell us time?" Two of the networks said, "No." After some negotiation, the third network, NBC, agreed to sell us the time, provided we could get some $60,000, as I recall it, within the space of 24 hours.

We succeeded in raising part and in borrowing the rest of it. Near the end of the broadcast, the Senator from Idaho (Mr. CHURCH), speaking for all five of us, made a 15- or 20-second appeal to anyone watching that broadcast to help pay for its cost.

I am frank to say that I did not think we would get enough in the way of contributions to pay for the cost of the broadcast. To our surprise, something approaching $500,000—I believe $483,000—was received.

I want to point out to the Senator that there has been a very careful accounting of that money. Every cosponsor of the amendment has been given a periodic account of exactly how much money was received and how much money was spent.

Mr. DOLE. Mr. President, I can find no record in the Office of the Secretary of the Senate.

Mr. McGOVERN. It has been printed in the CONGRESSIONAL RECORD.

Mr. DOLE. That was not an accurate accounting. It was merely a statement that x dollars had been collected and that x dollars had been spent.

Mr. McGOVERN. Mr. President, an accountant is handling the funds. He is bonded, and a full accounting is given to the U.S. Senate and to the American public on the moneys received and how they are expended.

What I am trying to find out from the Senator is whether he thinks it is wrong for Members of the U.S. Senate who were denied public service time then to go on television with time that is purchased in order to present a particular point of view. Does the Senator think there is something wrong with that?

Mr. DOLE. Mr. President, as I said initially and I will say a great deal more about it in the next few weeks, as far as I am advised, it is unprecedented, unless we go back to the America-First Committee, organized prior to World War II. There was some discussion at that time in the House of Representatives about Members' lobbying activities. It is unprecedented to raise money from the public and use the funds to lobby other Senators. I do not care whether it is a thousand, a half a million or a million dollars. It is unprecedented to use the money to lobby one's colleague for support of a particular measure.

Mr. McGOVERN. Mr. President, in a sense, everything we do is intended to get support for our position. If the Senator feels that is unduly influencing opinion in his State, he can ask for time.

Mr. DOLE. I have asked for time under the fairness doctrine. I have tried to obtain a list of the stations on which the Senator has TV spots. He refused to provide me the list. However, I did send letters to 60 or 70 stations and have through individual requests asked those stations for comparable time.

I do not believe it should be necessary to go to the public to ask for funds to be able to present contrasting views.

I have had favorable responses from 40 or 50 stations.

Mr. McGOVERN. We were denied public service time in which to respond.

Mr. DOLE. That was with the networks.

Mr. McGOVERN. The Senator is correct.

Mr. DOLE. But I have gone to individual stations.

Mr. McGOVERN. But if the Senator is denied his request, as we were, then what, I am curious to know, is his reason for believing it is wrong to pay for the time. What is the ethical problem involved in Senators paying for time as against going on television on free time? I do not quite get the distinction.

Mr. DOLE. There may not be any. However, stations must accept anyone who want to pay for time. If the Ku Klux Klan want to buy some time now for some purpose, they could probably use the Senator's request as a precedent.

I am not certain—and I have read some of the copy in the commercials—whether the Senator is still in the process of raising funds or whether he now has enough money. That is the part that disturbs me as a Senator.

How much money can Senators raise and how much pressure can they bring to bear on their colleagues through the raising of public money at a time of great emotion in this country?

We all want the war to end. There seems to be the viewpoint that only a few Senators want peace and that President Nixon enjoys the war and that, therefore, those who support him must also enjoy the war and be against peace. That is not true.

Mr. McGOVERN. Mr. President, I think the Senator is setting up a lot of strawmen here.

Mr. DOLE. There will be many more raised in the next 2 or 3 weeks—but not strawmen.

Mr. McGOVERN. It is not a question of trying to slander the President. The whole discussion began with the Senator from Arkansas making the point that we do have differences of opinion on the issue and that it is wrong for anyone in high position in the U.S. Government to slander the motive of a Senator on either side of a question.

Mr. DOLE. I think it is also highly questionable for the junior Senator from Kansas or any other Senator to raise money to advertise and establish a staff of 30 or 40 as the Senators now have working on the so-called amendment to end the war. There are so many committees tied up with the effort that one cannot determine which committee does what. Some may be working on newspaper ads. Some may be working on television ads. But they are all aimed at one thing, and that is trying to destroy the credibility of the President, who is trying to end a war he inherited.

Mr. McGOVERN. Mr. President, most of the people are volunteers.

Mr. DOLE. Some are. But some are on the staffs of the Senators.

Mr. McGOVERN. I am sure that the Senator has some members of his staff who support his position in this matter.

Mr. DOLE. I hope so.

Mr. McGOVERN. Mr. President, I do not see anything surprising about that.

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

Mr. MILLER. I yield.

Mr. MURPHY. Mr. President, I have listened with great interest to the discussion today. I appreciate the point made by the Senator that this is a new practice. It is new to me.

I wonder if we have thought of possibly making, by joint resolution or other proper action, an application for periods of time to be supplied by the networks to be controlled by a bipartisan committee so that when the occasion arises that one committee of the Congress or another feels they would like to make their particular position known to their constituency, the time would be provided. Possibly we could consider a regulation by the FCC. After all, all of the air time does belong to the people.

I wonder if it might not be proper, instead of forcing one impression or argument or another on the people by going out and making a public appeal for funds or borrowing money and going into debt, in order to bring their position forward to consider a regulation to have this time provided and have it controlled properly by responsible leaders on both sides of the aisle so that there might be a public debate or disclosure, shall we say, rather than have it confined just to this Chamber.

Actually this is what it amounts to. It is taking the debate to the people by use of the media. But in the present case it is doing it actually before the debate within this Chamber has taken place. I do not object to that. But I think that it should be a balanced program with an equal opportunity afforded to both sides. Maybe it would not depend then on which side could raise the most money.

It is an unfortunate thing that often nowadays the cost of presenting a message to the public gets out of hand. I wonder if this might not be worthy of proper consideration.

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

Mr. MILLER. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I think there is a great deal of merit in the Senator's proposal.

I would not be prepared to make any final judgment on it other than to say that something along that line seems to me to make sense.

I hope as the Senator from Rhode Island (Mr. PASTORE) begins his hearings on this whole question of public

service time, the question of apportioning time between parties and the question of dealing with how major issues can be handled when a bipartisan bloc is lined up on one side of the issue and another bipartisan bloc is lined up on the other side of the issue—something along the lines of what the Senator has suggested—would bear careful examination.

It seems to me to make a considerable amount of sense. I appreciate the Senator raising the point.

Mr. MURPHY. I thank the Senator. If I may respond, I would say one of the things that is of great concern to me is that very often a group of people with the financial ability to put together the money to take out a huge ad in a metropolitan newspaper or several of them and the other side not being able to raise the money does not get to be heard. I would hate to see the day come when the Government of this country could be controlled simply on the basis of who had the most money. That would be unfortunate and a dangerous situation for this country.

Mr. PASTORE. Mr. President, before I make my statement on the conference report, if I may have the attenton of the Senator from California and the Senator from South Dakota, we started those hearings this morning. On July 23 I made an announcement on the floor of the Senate. We had Mr. FULBRIGHT appear before our committee. I reiterate again what I said that day: If there is any Senator with any ideas I hope he comes before the committee to express himself.

THE VETERANS' ADMINISTRATION AND ITS ADMINISTRATOR

Mr. HATFIELD. Mr. President, administration representatives speak across the country in their capacities as Cabinet, agency, department, or commission heads. The Secretary of the Treasury speaks to banking groups, the Secretary of Housing Urban Development to housing groups, the Administrator of NASA to aerospace groups, and the Administrator of the Veterans' Administration to veterans groups.

In his capacity as VA Administrator, it was fitting that Donald E. Johnson spoke last week on July 28 to the national convention of the Disabled American Veterans. We in the Senate know he had many things to report in what he referred to as his "VA stockholders report." On October 23, 1969, the Senate passed the Veterans Education and Training Amendments of 1969, which included a 46-percent increase in educational benefits. That bill passed unanimously, 77 to 0, for there is no Senator who does not have the deepest concern for our country's veterans. This concern we all share has no partisan label. Neither does it fall into the much misused labels of "hawk" or "dove."

I am sure that Mr. Johnson would want to discuss this with the DAV members.

Mr. Johnson also would want to mention the Senate action in increasing the 1971 VA budget by $100 million. We all should recognize the leadership of the Senator from California (Mr. CRANSTON) in this area. I was one of several Senators who spoke in favor of this increase, and I ask unanimous consent that my remarks of July 6 appear at this point in the RECORD.

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

Mr. HATFIELD. Mr. President, I join the Senator from California (Mr. CRANSTON) in strongly urging the Senate to enact the Appropriations Committee's recommendations for the 1971 Veterans' Administration budget. I am convinced that the $100 million addition to the House-passed bill represents the minimal allocation which effectively will halt deterioration of VA hospitals and will secure measurable improvements in hospital conditions.

The fundamental objective of the Veterans' Administration medical program is to provide the best medical care possible for American veterans. Members of the 5,000-man VA research team have pioneered medical techniques which have made outstanding contributions to medicine. In addition to training more health personnel than any other medical institution in the world, the VA medical program facilitates the rapid dissemination of current medical knowledge.

One additional point should be emphasized: the VA medical program has always provided American veterans with excellent medical care in view of severe fiscal restrictions.

Mr. President, we must now exercise fiscal responsibility by appropriating adequate funds which are requisite to providing the best medical care possible.

For the past 8 months, conditions at VA hospitals have been subjected to a thorough investigation by the Subcommittee on Veterans' Affairs, chaired by the Senator from California (Mr. CRANSTON). These hearings indicate that the VA medical program has been denied reasonable operating funds. Regressive budgets have restricted the expansion of VA research projects, and have accelerated the deterioration of medical facilities.

The principal deficiency of the VA medical program is a shortage of staff members. Personnel-patient ratios at national community hospitals stand at 2.7 to 1; at university hospitals, they climb to between 3.5 and 4 to 1. The ratio for VA hospitals is a meager 1.5 to 1. The Revenue and Expenditure Control Act of 1968, in its blanket application to Federal employees, pushed VA staff employment back to the July 1966 level. Testimony before the Subcommittee on Veterans' Affairs indicates that as an unfortunate consequence, the VA hospitals presently find themselves short 10,000 staff members.

Budgetary limitations have resulted in the repeated deferment of the replacement of aging equipment. One witness who testified before the subcommittee documented the case of a VA hospital where X-ray facilities were, "obsolete, in the worst sense of the word." Forty-three VA hospitals—including thsoe in Amarillo, Tex., Fayetteville, Ark., and Gulfport, Miss.—have no air-conditioning units. In one Tennessee VA hospital, a $500,000 intensive care unit and a $200,000 cardiac treatment unit are idle for lack of funds. Furthermore, hospital directors understandably have diverted funds from equipment purchases and hospital construction in order to hire and pay desperately needed personnel.

One-half of the VA hospital beds are occupied by psychiatric patients. The psychological trauma afflicting disabled veterans of the Vietnam war far surpasses the mental tensions caused by any previous war. Many men who have sustained spinal cord injuries and others who have required the amputation of two or three limbs, have survived this war where they would have died previously. The "wounded to kill ratio" is understandably higher than in prior wars since helicopter evacuation techniques allow a man to be transported in less than 40 minutes' time from the battlefield to a nearby Army hospital, where pharmaceutical knowledge and surgical skills have been vastly updated. The increasing incidence of total disability among veterans, compounded by the belief of many veterans that their sacrifices were in vain, has bred widespread mental disorders.

VA psychiatrists battle these mental diseases with a limited array of medical weapons. The ratio of psychiatrists to psychiatric patients at VA hospitals is incredulously low: one psychiatrist for every 535 patients. In community hospitals, the figure is a much more reasonable one, one psychiatrist for every 25 patients. As a consequence of the crowded VA psychiatric wards, psychiatrists are allowed on the average only 4½ minutes per patient per week. There are now twice as many psychiatric admissions to VA hospitals as there were in 1964, with a psychiatric staff which is only half as large.

Other common disabilities include spinal cord injuries, which afflict 25 percent of the wounded veterans returning from Vietnam, an astonishing increase from the Korean war and World War II figures—6.9 and 3.13 percent. VA medical facilities have proven to be incapable of guaranteeing optimal medical attention. The staff-patient ratio stands at 1.02 employees per patient, while Dr. Howard Rusk, of the Institute of Rehabilitory Medicine in New York, indicates that even with the advanced equipment and therapeutic techniques available in the institute, outstanding patient care requires a ratio of 2.17 to 1, or better than twice the VA figure. Testimony indicates that many patients, who have become greatly demoralized by the irregular attention that they receive, have lost the incentive to participate in vital therapeutic programs. Because paralyzed veterans are highly susceptible to bladder and kidney disorders, for them the distinction between good health and serious illness is often very minute. Constant medical care is imperative for the maximum safety of these patients.

These deficiencies comprise a few of the prominent problems which occur in the VA hospital system. In order to insure that American veterans receive the highest quality medical care possible, these numerous inadequacies must be alleviated.

Mr. President, medical care and attention for American veterans which is consistent with current advances in medical knowledge will become a reality only after the VA medical program is adequately funded.

The Senator from California has conservatively estimated that the Veterans' Administration medical program needs $174 million in addition to the House-passed budget of $1.777 billion. He has concluded that to bring staff ratios to a reasonable level would require $200 million; and yet he recommended only $51 million, a compromise figure which is intended to allow the hiring of an additional 5,000 personnel. Backlogs for necessary equipment purchases total more than $40 million, and a $17 million increase in the research budget would have only brought it to the level suggested by the Department of Medicine and Surgery for the 1970 fiscal year. The $19 million for hospital and domiciliary construction and renovation was warranted by the continual deferral of construction in favor of paying salaries to health personnel.

If the budget were to remain at the level agreed upon in the House, its 7.5-percent increase over the past fiscal year would render it, at best, a status quo budget, granting only negligible improvements in conditions at VA hospitals. Testimony indicates that shortages of funds will compel administrators to weigh the quality of medical services against the quantity of people to whom these services may be provided. Because they refuse to lower their standards below desig-

nated requirements set by health agencies, they must close wards as their only alternative. The $100 million compromise recommended by the Appropriations Committee—which represents only 57 percent of the amount which the Subcommittee on Veterans' Affairs found to be desperately needed—is essential in its entirety if significant improvements in the VA medical program are to be realized. The steady erosion of VA programs must be halted before the foundation of the hospital system collapses.

Several critical VA programs have been neglected because of the funding crisis. One way to improve medical care at VA hospitals would be to intensify and expand affiliations between VA hospitals and medical schools. However, valuable programs between medical schools and VA hospitals are dependent upon the assumption that facilities and equipment are comparable in each of the institutions. The results of a study which were submitted to the subcommittee indicate that at a university or university affiliated hospital, only 14 percent of the patients receive less than optimal care. At a nonaffiliated hospital with a residence training program, the study noted that 45 percent of the patients receive less than optimal care, and in proprietary hospitals, that percentage reaches 57 percent. Clearly, a direct correlation exists between the quality of patient care, and training programs which incorporate medical school students. Presently, 94 VA hospitals are affiliated with 80 medical schools, and 39,000 health professionals—20 percent of all physicians and 50 percent of all medical students—receive some VA training.

In order to attract top faculty members to a VA hospital staff, the hospital must have outstanding training and research facilities. The patients in such a hospital then become double beneficiaries. They receive expert medical attention from outstanding physicians, plus the fringe benefit of being attended by the best interns and residents, who naturally follow the outstanding instructors. In order to obtain such high caliber personnel, the VA hospitals must bolster their research programs and must have competitive wage scales—neither of which is possible without increased appropriations.

Mr. President, throughout America, hospitals are plagued by a nationwide shortage of health personnel. Testimony before the Subcommittee on Veterans' Affairs indicates that approximately 9,000 more dentists, 50,000 additional physicians, 145,000 nurses, and 200,000 more allied health professionals are needed in order to adequately satisfy the current national demand for health manpower.

These shortages have been catastrophic for the VA Medical Program. Due to fiscal limitations, salaries of VA health personnel are not competitive with earnings of other professionals in the medical industry. Consequently, VA hospital directors cannot recruit the necessary personnel, and outstanding members of the VA staff often search for more lucrative opportunities elsewhere. Unless salary scales are increased, those medical students with the highest qualifications will not seek employment with the VA, and if the VA is unable to employ the best health professionals, it will also be incapable of providing the best medical care possible.

This problem will not be alleviated by appropriating funds for an additional 5,000 employees at present salary scales. Instead, VA salary scales at every level must be raised in order to compete with earning potentials offered by community and proprietary hospitals. Once reasonable salary bases are secured, additional funds must be appropriated in order to hire additional employees. But to appropriate funds for more staff members at present wage levels is an exercise in futility. It is unlikely that the 1971 6 percent pay increase for VA employees will appreciably increase the size of the VA hospital staffs this fiscal year. Substantial additions to VA staffs will not be made until wage increases make salaries for VA personnel truly competitive.

Another alternative which must be explored is the correlation of medical training which men receive in the Armed Forces with requirements for licensing health professionals. Army medics are currently unable to practice medical skills which they have acquired in the military even though they may be qualified to assist a physician in a limited capacity. One way to relieve the shortage of allied health professionals would be to intensify the training of military medical corpsmen and to make medical licensing requirements compatible with the training they receive. This is not to suggest that qualifications for medical practice should be relaxed. Rather, it means that the skills of men who are qualified must be utilized in order to reduce health personnel shortages.

Mr. President, as we examine the strengths and the weaknesses of the VA hospital system and identify those alternatives and programs which are necessary to recify deficiencies in the program, we must remind ourselves of our obligations to American veterans.

We must recognize that American youth, whether they are drafted or they enlist, are introduced to a new life style when they enter the Armed Forces. Civilian attitudes and habits are incompatible with the rigorous demands of military discipline. Special training and instruction helps them adapt to military life. Conversely, when these men reenter civilian life, they inevitably find that they must make major readjustments if they are to become constructive members of society. As fellow Americans, it is our responsibility to help these men to overcome transitional problems in moving from the military to civilian life, just as we were obliged to provide them with training programs enabling them to adjust to the Armed Forces when they left civilian life. And though it be some small solace, we must guarantee the best medical care and rehabilitory opportunities possible to our disabled veterans, who have made innumerable sacrifices to preserve this Nation.

And yet, Mr. President, the entire fiscal budget for the VA medical program is roughly equivalent to the cost of 1 month of fighting in Vietnam. Paradoxically, the gradual degeneration of VA facilities has been accelerated by the war economy. This war economy has stimulated inflation, which has had drastic effects upon hospitalization programs. With full cognizance of the soaring medical expenses of VA programs, the Federal Government has attempted to retard inflation by shackling the VA to regressive budgets. The natural effect upon the VA hospital system is not to reduce the cost of services, but to instead reduce the number of medical services made available at higher costs.

A standstill budget has restricted research programs which have historically led the medical field in implement'ng experimental techniques and equipment. A high premium must be placed upon the contributions of research. Allocations which are designated for research projects cannot be reduced because more moneys are required to hire and pay additional personnel.

A few of the many attributes of the VA's research program, which is the largest of its kind in the world, include: the world's most advanced program for the study of mental disease, the development of the Pacemaker, a mechanism which combats heart disease by regulating the heartbeat, projects to investigate the value of the laser beam in surgery, the development of the artificial kidney, the employment of radio isotopes in medical prognosis, the utilization of a computer in the detection of heart disease, the use of surgery as a treatment for cancer, and many other worthwhile programs.

When these research programs decay, top VA scientists search for new research opportunities elsewhere. This destroys the quality of the VA hospital system, and also impedes the advancement of medical knowledge.

One final principle which the Senator from California has articulated must be reemphasized: the cost of providing American veterans with high quality medical attention, equitable educational and vocational opportunities, and reasonable compensation for disability, must be classified as a basic cost of war. Funds are lavishly spent in equipping a man with the weapons of war, and in instructing him in the military way of life. Our attention must instead be focused on enabling American veterans to readjust easily in making the transition from military to civilian life.

Mr. President, the prolonged deterioration of VA facilities and the retardation of VA programs will irreparably stigmatize the VA medical program. The broken morale of a dedicated staff will make the VA objective of providing the best possible medical care for American veterans an illusory goal.

Once again, Mr. President, I must strongly endorse the Appropriations Committee's recommendation for adding $100 million to the House-passed VA budget. I have been informed that in my State of Oregon, this could tentatively mean an additional $1,054,700 to be divided in the following fashion:

Purpose:	*Amount*
Additional general medical care and personnel	$198,200
Elimination of equipment, maintenance, and repair backlog	761,400
Elimination of dental case backlog	60,000
Allied health and intensive care training	35,000
Total	1,054,600

These funds are critically important to the two VA hospitals in Oregon. Without these additional appropriations, the expansion of existing programs and the substantive improvement of medical services will be severely limited.

The recommendations of the Appropriations Committee culminate 8 months of research and six sessions of hearings held by the Subcommittee on Veterans' Affairs. The subcommittee has documented the deficiencies of the program, and has concluded that substantially increased appropriations are necessary in order to improve medical services and programs. The $100-million addition to the House-passed budget must be retained in its entirety, research programs must be expanded, salary levels must be made competitive, and qualified health personnel must be licensed if the deterioration of the VA medical program is to be halted, and if first class medical care is to be provided to American veterans.

Mr. HATFIELD. Mr. President, these are but two examples of actions in the past year that it would have been most appropriate for Mr. Johnson to discuss in his official capacity as Administrator of the VA.

Mr. President, Mr. Johnson did not see fit to confine his remarks to his "VA stockholders report," as he termed it. Instead, he used this platform and used his capacity as a Government spokesman to deliver a ringing attack on a number of Senators.

Before I turn to his speech, I might repeat here what I have said many times before concerning the freedom of speech

by Government officials. Certainly all Government officials, be they the Vice President or the Commissioner of Education, should be able to offer their opinions regarding the Vietnam war. In this I have no quarrel with Mr. Johnson's personal beliefs and expressions of these beliefs.

I turn now to the specifics of Mr. Johnson's remarks. He attacked the Hatfield-McGovern amendment—the amendment to end the war—and its cosponsors in language that was inaccurate, inflammatory, and abrasive to those of us he mentioned, both by name and by inference.

Johnson's first notation of the so-called Doves—to use his terms—by name is in the following sentence:

I have no basis on which to challenge the motives of these people—the Hatfields, the Goodells, the McGoverns, the Fulbrights and others of that ilk—but I do challenge their reasoning.

I can only presume that by "ilk," Mr. Johnson meant the 24 consponsors of the "amendment to end the war." I ask unanimous consent that a list of these Senators appear at this point in the RECORD:

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

COSPONSORS OF THE AMENDMENT TO END THE WAR

Senators Hatfield, McGovern, Cranston, Hughes, Goodell, Bayh, Church, Gravel, Harris, Hart, Hartke, Inouye, Kennedy, Mansfield, McCarthy, Metcalf, Mondale, Muskie, Nelson, Ribicoff, Tydings, Williams, Yarborough, and Young.

Mr. HATFIELD. Mr. President, he then continued, after adding Senator MUSKIE, stating:

Yet there are those today—the Hatfields, the Goodells, the McGoverns, the Muskies, the Fulbrights and others—who are not willing to pay that price. In fact, they fight actively against it. In fact, they fight actively in favor of surrender to the forces of Communism and totalitarianism, not only in Vietnam but also almost everywhere else in the world.

Later he referred to this group as "those apostles of retreat and defeat" and "salesmen of surrender."

Johnson later stated:

Senator Hatfield, Senator McGovern and 22 of their cohorts would nullify what hundreds of thousands of Americans have fought for. In the name of peace they would betray the peace.

These remarks and similar ones continued for several pages, before Johnson turned to the affairs of the VA of interest to the members of the DAV attending this national convention.

In addition, Mr. Johnson distorted the facts and misled his audience, when he described the Hatfield-McGovern amendment as follows:

This is the amendment that would, first of all, stop Americans from fighting in Vietnam and secondly, and most importantly, have them all out of Vietnam by next June, regardless of what the situation is there.

This just is not so. I ask unanimous consent that the pertinent section of the amendment and an explanation of the June deadline appear at this point in my remarks.

There being no objection, the text of the amendment and the explanation were ordered to be printed in the RECORD, as follows:

TEXT OF AMENDMENT

. . . *Further provided*, that the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process. . . .

EXPLANATION

The Amendment sets June 30, 1971, as the date by which the withdrawal of American military personnel should be completed. However, even this is not an inflexible deadline. We have carefully constructed the Amendment to allow for this date to be changed and altered if necessary, provided that Congress gives its approval. Specifically, we state that this time can be changed by Congress voting for a Joint Resolution upon a simple request by the President. Thus, the actual impact of this provision is to involve the Congress in the decision-making process regarding the policies and commitments of our Nation, as is clearly intended by the Constitution.

Mr. HATFIELD. It would be easy for me, Mr. President, to stop here and pound my desk, and demand that Mr. Johnson resign. Instead, I want to raise some questions about Mr. Johnson's future effectiveness.

First, it is well established that a sizable number of Vietnam veterans oppose the Vietnam war and served there against their wishes. Veterans serve on peace groups and support the amendment to end the war across the country. In fact, a group called Vietnam Veterans Against the War placed a large ad in the Washington Post on July 30.

Some of these men no doubt are involved in facets of VA operations. Can they have confidence in the VA for impartial and apolitical operation when they read such comments by the VA Administrator? I have the utmost confidence in the entire VA staff and believe they will operate in an impartial manner. We have no such guarantee, however, that a Vietnam veteran who is active in peace groups would not have grave doubts about the VA in light of Mr. Johnson's comments.

Second, I think the fact needs no elaboration that the VA is a sensitive organ of the Government, and deserves the best we can offer—both in administration and in funding. Soon, the Senate will vote on the conference report containing appropriations for the VA. In my opinion, speeches such as Mr. Johnson's inject a harsh note of disunity and strife into an area we all should support completely. I will vote for that conference report, as I hope all those named specifically, or by inference, also will support it. I raise the question, though, of whether someone making such strong public utterances—and I have no quarrel with his personal convictions—can best serve the many thousands of Veterans in light of these remarks.

In a related area, I think I also should note that the chairman of the Veterans' Affairs Subcommittee, Senator CRANSTON, is one of the original cosponsors of the Hatfield-McGovern amendment. Other members of that subcommittee are Senators YARBOROUGH, RANDOLPH, MONDALE, HUGHES, SCHWEIKER, DOMINICK, SAXBE, and SMITH of Illinois, Senators YARBOROUGH, MONDALE, and HUGHES also are cosponsors of the amendment. These men certainly will not let remarks like those used by Mr. Johnson stand in the way of fair and impartial treatment of the VA by the committee. If I were Mr. Johnson, however, I might question my future effectiveness in dealing with the committee and the staff, in light of the strong language used.

In closing, Mr. President, I ask all Senators to read this speech carefully. Is this a man you want to represent the thousands of dedicated VA members? Can he serve all veterans? Is this a man who has destroyed his effectiveness in dealing with Congress? Is this a man who has used an official platform to peddle political propaganda? We all will form our own opinions. I have mine and I invite my colleagues to form theirs.

Mr. BYRD of West Virginia. Mr. President, regular order.

The PRESIDING OFFICER (Mr. CASE). The regular order is called for.

Mr. MILLER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

MESSAGE FROM THE HOUSE

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

S. 1703. An act for the relief of Rosa Pintabona;

S. 1704. An act for the relief of Lillian Biazzo;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney; and

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CASE). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of July 28, 1970, pp. 26099–26100, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there

objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, the amount agreed to by the conferees totaled $18,009,525,300. This sum is $541,301,800 above the budget estimate. It is $619,313,000 above the amount recommended by the House and $645,494,200 under the sum recommended by the Senate.

More than 50 percent of the total amount provided in the bill—or $9,065,528,000—is for the Veterans' Administration. This amount is $80 million more than the sum allowed by the House, and it is $105 million above the budget estimate. As you will recall, the Senate bill provided $80 million more than the House bill for medical care and $20 million more than the House for the construction of hospital and domiciliary facilities. The Senate conferees were able to retain the full $80 million add-on for medical care but were compelled to give up the $20 million for hospital construction.

Mr. JAVITS. Mr. President, does the Senator wish to yield on particular items or does the Senator wish to complete his statement?

Mr. PASTORE. I will yield at any time; it does not make any difference to me.

Mr. JAVITS. I thank the Senator.

On this particular item, I wish to report to the Senate that it is a matter in which the Senator from California (Mr. CRANSTON) took the lead in the Senate Chamber. I happily joined with him.

The Senator from California and I have two outstanding examples of why this $20 million for construction of hospital and domiciliary facilities was needed and why the situation is so serious. I have in my State the Bronx Veterans' Administration Hospital and the Senator from California has in his State the so-called Wadsworth Los Angeles Veterans' Administration Center. The Bronx Veterans' Administration Hospital is a heartbreaking situation. The physicians, nurses, and other health personnel are trying very hard and striving manfully with insufficient facilities and personnel, attributable to the lack of money, to provide quality health care to our veterans.

There are examples of severe space and equipment shortages, which have had an adverse impact on patient care that are shocking. There are, for example, no day rooms in many wards; the treatment room in the spinal cord injury ward is also used for storage and water pitcher service; the shower and enemy room for the paraplegic and quadraplegic patients is one and the same and the room is not temperature controlled; there is a severe shortage of lab rooms; there is a shortage of therapy equipment in the ADL (active daily living) room where the spinal cord injury patients receive therapy desiged to teach them ambulatory skills and offer necessary daily living skills; and much of the hospital traffic has to go through the wards, which makes a very bad situation for the patients.

These are untolerable and wholly inadequate conditions for providing up-to-date, quality health care for our veterans.

I know of no Senator in the Chamber who would fight harder and more effectively or more vigorously than the Senator from Rhode Island (Mr. PASTORE), but one is greatly affected by the sheer heartbreaking character of the situation itself.

I visited the Veterans' Administration Hospital in Buffalo yesterday. That is a very good hosiptal which is well run. The difference in the demeanor and outlook of the patients is visible but it breaks one's heart to see young men without an arm or without a leg.

Mr. PASTORE. And sometimes without arms and legs.

Mr. JAVITS. Yes. It is the most terrible thing in the world. I spread this on the RECORD only because this is a continuing thing. In a recent survey by Mr. TEAGUE, the distinguished chairman of the House Veterans' Affairs Committee, the deficiency for construction and modernization of the VA hospitals in New York State was revealed to be $12,587,669. Thus $12 million plus deficiency included only the following items: "purchase of new and replacement" equipment and "recurring and nonrecurring maintenance and repair." It did not include funding deficiencies for dental care, recruiting necessary medical personnel, and so forth, which brought the total funding shortages for New York to $25,397,162.

I know the Senator and his conferees have done everything they humanly could do. I hope that by the reiteration of the consequences of these denials we may reach the hearts and minds of some colleagues who may not feel as we do, and that we will have better success in a supplemental, or setting priorities in the expenditure of unobligated carryover construction funds, or on another occasion.

Mr. PASTORE. I will put it this way. The administration, through the Administrator himself, the Director of the Veterans' Administration, was very much opposed to any add-ons to begin with. We had this matter before the full committee and some thought there was sufficient money there. By the way, this is the largest budget ever for the VA. There is no question about it. No one has more of a claim on compassion than the next person. We all love our veterans, and we understand we have to do our very best. No one should be abandoned. Nothing should be sacrificed. If we have to sacrifice anything let us sacrifice everything else and give it to the veterans who are maimed and lying on their backs or confined to wheelchairs in Veterans' Administration hospitals.

The Senator from California (Mr. CRANSTON) made a very fine case before our committee. He dramatized his presentation with these very shocking pictures that were published in one of the periodicals.

Of course, it came down to the question of, "What do you do; don't you have enough?" So we finally decided we would add $100 million on the Veterans' Administration and split it up this way. Incidentally, the President had recommended $50 million before the budget came up. We put $80 million more than was originally agreed to; the House added another $25 million; we added another $80 million and the $20 million for this construction.

With reference to the construction in this bill, there is $59 million plus a carryover of about $61 million. It was felt by the conferees—that is, chiefly on the House side—there was enough money there; that they could do these things the Senator is talking about. If they cannot, it can always be considered later on in the supplemental because we want these things done. But the Senator knows how it is in conference. On one side they feel they should not add one nickel, and you feel you should add $100 million, and it is a Herculean job when you come out with $80 million. If I were going to sacrifice anything I did not want it to be medical care.

They wanted to make it $50 million. I said, "No, we cannot take that back. There was too much feeling in the Senate that it should be $100 million." So we compromised it on that score.

I feel many of the things the Senator is suggesting, as well as the Senator from California and the Senator from Texas, can be done with carryover money, and if it is not enough PASTORE will always be in the vanguard to do the best we can do.

Mr. JAVITS. The Senator is very heartening.

Mr. PASTORE. Including Mr. ALLOTT.

Mr. JAVITS. I said that.

Mr. PASTORE. The Senator from Colorado (Mr. ALLOTT) is the best Republican Democrat I have met yet.

Mr. JAVITS. I am sure the Senator from Colorado and the Senator from Rhode Island will do everything they humanly can. The Senator encourages Senators like my colleague (Mr. GOODELL), the Senator from California (Mr. CRANSTON), and myself when he says they will keep an oversight watch on the situation so that if the money proves to be insufficient, or is not allocated by the Veterans' Administration for priorities which seem urgent and for which funds are depleted, he will be receptive to our coming back and saying, "Look, this is still miserable; it is not being done; help us," and that the Senator will be sympathetic to our plea.

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

Mr. PASTORE. I yield.

Mr. ALLOTT. I want to express my own concern about this. I think what the Senator from New York has just said is perfectly true. I think it behooves all of us to check on the situation, because no Senator would try to claim a strangle hold on his concern for veterans.

Mr. PASTORE. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. ALLOTT. I yield.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLOTT. I was hoping for a while in the conference that we could hold some of the $20 million, but I learned, and it appeared during the course of the conference, that they have $61.4 mil-

lion in construction money that is a carryover.

I have been interested in this matter because there are some hospitals in the South, for example, that need air conditioning and that do not have it. But the House was absolutely adamant on it.

I think, frankly, the chairman of the conferees did a good job. I did not think we would come out on this particular item with $80 million, considering the circumstances. It is not that the Members of the House are any less concerned than we are; I think it is true that they feel they are in a position to watch this matter closer than even the Senate can.

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

Mr. PASTORE. I yield.

Mr. GOODELL. I wish to commend both the Senator from Rhode Island and the Senator from Colorado. I know of their deep concern, as we all have, that our veterans be given the proper medical care.

Is it my understanding that House Members felt there was enough funds in the fiscal 1970 carryover carried over, plus what is provided, in the fiscal 1971 request to construct the VA hospitals in California and in the Bronx—two examples of the worst situation in this respect?

Mr. PASTORE. When the Senator asked if it is adequate, let me reply that it is to take care of the needs at the present time, and they made their position very clear. I should state the Director of Veterans' Affairs apparently is conducting a very broad survey of what the needs are. When it comes to the Bronx hospital, I think a brandnew hospital is needed there. It has been there for a long, long time. It does not lend itself to the present situation. It is crowded. But, after all, it is the place where veterans having that particular type of injury are taken care of, because many of the experts live in that neighborhood. That is why these men go there. Some of the best doctors in the field of spinal injuries are there. But the facilities are not as modern as they should be.

In view of the number of disabled veterans, especially because of the new kind of horrible war we are engaged in, in Vietnam, I, myself, think this whole matter should be reviewed and we ought to build modern hospitals in the proper areas. I think the whole situation should be reviewed. It was generally felt that, as far as the needs for this fiscal year are concerned, there was enough from the 1969 appropriation, plus the $61.4 million that is a carryover, to take care of the immediate needs in this field.

Personally, I would rather have seen the $20 million in there, but the House conferees felt that we did not need $100 million. The Senate conferees felt we needed it. We must compromise at a certain point in order to reach an understanding, and we came out with 80 percent of what was in the bill, which I think is a good score.

Mr. GOODELL. I think the Senator did extremely well.

Let me ask the question in a different way. I am sure our House colleagues would appraise the Bronx hospital in the same way the Senator has—that it should be reconstructed. I am sure our House colleagues would not want to see any superficial improvements that were not sufficient either in the Bronx hospital, those in the South, or those in California.

The conferees felt that there is authority for the Veterans' Administration to proceed with the new construction of a hospital for veterans in the Bronx. If there is not enough money in this bill to do it, we will assess some money very soon, either in the supplemental bill or in the next fiscal year. Is that correct?

Mr. PASTORE. It was not talked about in that fashion.

Mr. GOODELL. Is there anything that would inhibit the Veterans' Administration from allocating the money for new construction?

Mr. PASTORE. The Veterans' Administration can use the money in any way it wants. It can plan use of the money in any way it pleases. It can establish its own priorities under the money available to it.

I would certainly hope that the junior Senator from New York would write a very nice letter to Mr. Johnson, explaining his views to him, and call to his attention the urgency with respect to the Bronx hospital.

I regret that I have not visited the hospital, but I shall do so at the first opportunity I have. From what was said about it and the pictures shown, I was not too pleased. I realize that sometimes in the rush of things, perhaps there is a little neglect, but the fact remains that it is not a modern hospital, that it can be improved considerably.

I did not like the idea of cans right next to beds. I do not think anybody planted them. It was said that there was supposed to be a curtain there, which was not drawn and should have been closed. It was claimed that what was taken off the bodies of soldiers was thrown into those cans. In other words, it was not garbage that was in those cans. I do not want anyone to get the wrong impression.

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

Mr. GOODELL. Will the Senator let me conclude this point?

Mr. ALLOTT. I do not want him to leave this point before I can comment on it.

Mr. GOODELL. I will remain.

I served for 9½ years in the House of Representatives, and I know that many Members of the House look very closely at the budget. They are to be commended for it. They want to economize. I also know that none of them wants to economize on veterans.

Mr. PASTORE. That is correct.

Mr. GOODELL. And I believe every one of them, aware of the conditions in the Bronx Veterans' Administration Hospital, would recognize there was a need for a new facility, as the Senator from Rhode Island has said. I believe they would want construction on a new facility to begin immediately. They would not want to go through another fiscal year with the Veterans' Administration having to economize and undertake some superficial changes in the VA hospital while we delayed further the decision to erect a new facility. I hope the RECORD will be made clear. I do not think that I am in any way misrepresenting the feelings of our colleagues in the House. The RECORD should be clear that the Veterans' Administration hospitals should be properly equipped and the Veterans' Administration should go forward with whatever plans are necessary to give adequate care to our veterans.

There seems to be great dispute about whether there is really enough money here to do it or not. I know that House Members often feel, "It is enough money. You can go ahead and construct this new facility," and perhaps they are justified. It is hard to assess that.

Mr. President, many words have been spoken on the floor of this Chamber about our fighting men in Vietnam; about the future policies of this Government in relation to the Indochina conflict. In fact, we will shortly be discussing the so-called amendment to end the war which I have coauthored with other Senators.

Today, however, I want to speak of our wounded men; those men disabled, crippled, maimed, and many crushed in spirit as they lie in veterans' hospitals, inadequately staffed and poorly equipped to meet their rehabilitation needs.

The costs of this medical care, both in human and financial resources, are the hidden costs of the Vietnam war.

The Vietnamese war has become the most crippling and disabling conflict in our history. Sophisticated weapons, guerrilla tactics, land mines, and booby traps cause injuries so severe that over 10 percent would have been fatal in Korea and World War II. Over 275,000 men have been wounded and more than half have been hospitalized. Of those hospitalized, 30 percent of the injuries are spinal cord disorders, causing partial or total paralysis, 28 percent are psychiatric disorders, the highest proportion of any other war, and almost 10 percent are amputations. Permanent disabilities of Vietnam veterans are almost twice as high as the veterans from the Korean conflict and World War II.

The same technology that has caused hideous injuries has also produced lifesaving care. Helicopter evacuation procedures in Vietnam can transport a man from the battlefield to a support hospital within minutes. Unlike conditions in previous conflicts, delicate operations are performed in these field hospitals which can mean the difference between life and death for a wounded soldier. Likewise, military hospitals are well-equipped to perform the health care services necessary for rapid recovery. The Defense Department strives for excellence in the application of technological advances and as a result, since Korea and World War II, a soldier has twice as good a chance of survival.

The technological advances break down when the care of a wounded or disabled man is transferred to the Veterans' Administration upon separation from the service. Even more than other civilian hospitals, the 166 VA hospitals must operate with staff shortages, lack of funds for research, and the ever-in-

creasing costs for durgs, medical supplies, equipment, and labor. As a result, the VA hospitals are simply not equipped to meet the needs of our returning Vietnam veterans.

Over 5 years ago, our military activity in Vietnam was escalated and geared to wartime procedures. At the same time, the VA installations continued operating under the myth of peacetime. Plans, equipment, and personnel were never expanded and coordinated to deal with the numbers and kinds of injuries that would be sustained in Indochina. Additional clinics for the treatment of paralyzed veterans were not constructed. As a result, they are now hopelessly overcrowded. Recruitment of psychiatric staff was not stressed and now battle trauma accounts for almost 30 percent of the injuries sustained in Vietnam. As a result, psychiatric patients have doubled since 1964 and the staff is half as large. Psychiatric facilities now operate with a patient to doctor ratio of 535 to one while the acceptable ratio is 25 to 1.

In recent years, expansion of facilities and staff has been deferred and delayed because of budgetary considerations. Hiring of personnel in 1968 was held at a 1966 level and now there are fewer full-time personnel than there were 5 years ago. In the meantime, 30,000 more veterans require care. Modernization and construction of facilities have been deferred as a result of the 1969 freeze on Federal projects.

The tragic irony is that the major cause for the austerity budget—a budgetary condition which has resulted in a cutback in veterans' care—has been the war in Vietnam.

The administration requested an appropriation which was reportedly the largest VA budget in its history. The increase was only 7.5 percent or $122 million more than the fiscal 1970 appropriation. The fiscal 1971 budgetary request was barely enough to cover the annual inflationary cost increases of existing services. It could not even begin to meet the increased need of the returning Vietnam veterans.

The Senator from California (Mr. CRANSTON) has been a forceful and compassionate advocate for increased appropriations for proper veterans' care. As a result of a 7-day investigation by his Subcommittee on Veterans' Affairs, on the conditions in our Nation's VA hospitals, he recommended an additional $189 million for the VA appropriations bill.

The Senator from Rhode Island (Mr. PASTORE) with his customary cooperation and sensitivity reported a bill from his subcommittee which earmarked an additional $80 million for medical care and an additional $20 million for construction of hospital and domiciliary facilities.

The conference report, which we debate today, recommends a total of $105 million above the budget request for medical care—$80 million added by the Senate and $25 million added by the House. The appropriation for construction—$20 million—was deleted in conference. It would have provided funds to expedite designs for the air-conditioning of 43 VA hospitals, to modernize the Brentwood VA hospital in California, and to design plans for the replacement of the Bronx, N.Y., and Wadsworth, Los Angeles, VA hospitals.

I regret that this recommendation was deleted by the conference. The conference approved $59 million for construction of hospital and domiciliary facilities rather than $79 million as proposed by the Senate. The unobligated balance carried forward from fiscal 1970, however, is $61.4 million for construction, and this provides a total of $120 million for hospital construction by the Veterans' Administration for 1971.

I urge the Veterans' Administration to reprogram these funds so that the vitally needed replacement and modernization of the VA facilities specifically recommended by the Subcommittee on Veterans' Affairs and the Senate Appropriations Subcommittee on Independent Offices, can be achieved.

In my own State, the Bronx VA hospital must be replaced with modern, efficiently designed facilities. Recently, the conditions in that hospital were the subject of the new controversial May 22 Life article, "From Vietnam to a VA Hospital: Assignment To Neglect." While the veracity of the photographs printed in that article has been in dispute, the conditions in the hospital are shameful.

In a statement, refuting the article, Dr. A. N. Kleinman, director of the hospital said:

> The title "Assignment To Neglect" is a cruel misnomer. Our patients are far from neglected. Considering the handicaps under which we work the quality of care which our patients receive should be classed as "superb"—but we class it only as "good" because of certain handicaps. Yes, we do have shortcomings. The buildings are old, the physical layout of the wards is inefficient, space is limited, and personnel is small in numbers but enormously large in dedication and devotion.

Mr. President, the director and his staff perform exceptionally under the most difficult conditions—conditions mentioned by Dr. Kleinman himself. The quality of care, however, as a result of these handicaps is "good" not "excellent." "Good" service—second-rate service—is an insult to men who have sacrificed active healthy lives in the service of their country. These men deserve nothing but the best care available. Amputees need highly personalized therapy from sensitive staff. They must learn to use artificial limbs—their own having been lost in battle. They need support and encouragement in their efforts to rehabilitate themselves. Those less fortunate—those who have forever lost the movement and sensation in their limbs—require constant care. Every need they have requires assistance from others. All hospital patients are entitled to clean, pleasant surroundings.

In the Bronx VA hospital, excellent care is not given to the patients. The small staff is overworked so that men do not have intensive care. Equipment and clinics are out of date which limit successful attempts at rehabilitation. The wards are overcrowded so that to the veteran privacy and human dignity become luxuries.

Clearly, the physical design of the buildings constructed at the turn of the century, handicaps the delivery of quality care to our wounded veterans.

In hearings before the Appropriations Subcommittee, the Administrator of Veterans' Affairs, Donald E. Johnson expressed the VA concern for the physical conditions in the Bronx hospital:

> Senator PASTORE. Mr. Johnson, you do have some problems in the Bronx Hospital, do you not?
>
> Mr. JOHNSON. Yes, sir, and we admit and do not deny those.
>
> Senator PASTORE. What are these problems?
>
> Mr. JOHNSON. Sir, the number one problem at the Bronx Hospital stems mainly from the fact that it is old, one of the oldest physical plants in the system. There has been a steady and continuing program of modernization, including air conditioning, but the physical arrangement of the hospital does lead to certain deficiencies; and, it probably raises the per diem cost of operation.
>
> Senator PASTORE. Well, now, if these deficiencies do exist, can they be curbed?
>
> Mr. JOHNSON. In the Bronx VA Hospital, yes sir. Their staffing in the 1971 budget will allow improvement and we will put the emphasis on the spinal cord injuries service. This is one area that will be highlighted. The 1971 target allowance, the reference we made to total allocations that are given to the hospital director as a possible target for them to work with, will allow the spinal cord injury service staffing ratio to move up to 1.27, or above what has been the accepted level.

The Administrator mentioned the intended staffing increases. These are desperately needed. In his response, however, he gives no hope for remediation of the major problem—replacement of an old, inefficient building designed for treatment in another era.

Senator CRANSTON held 7 days of hearings on the condition of medical care for wounded Vietnam veterans. The depressing conditions which exist in the Bronx hospital exist in other VA facilities most notably the Wadsworth Hospital and the Brentwood Neuropsychiatric Hospital in Los Angeles, Calif. Forty-three VA hospitals, many of which are located in the hot climates of Texas, South Carolina, New Mexico, Arkansas, Alabama, and Kansas, need air conditioning—a very minimal requirement for quality health care.

These deplorable physical conditions require an urgent response from the Congress and the Veterans' Administration.

The American soldier is given the best training, the best equipment, and the best chance of survival money can buy. When wounded or disabled, he deserves the best medical care money can buy. Unfortunately, this has not been the case. The fighting man has received the benefits of technological breakthroughs and adequate funding. The disabled veteran receives neither. Having done his duty, he is consigned to waste and neglect in an overcrowded ward—he is discarded like a broken tool.

The priorities which foster this inhumane treatment, this outrage, must not continue.

After extensive hearings on the subject, our colleague from California has

recommended the immediate attention of the VA to four urgent projects:

Modernization of the Brentwood Hospital;

Replacement designs for Wadsworth and Bronx VA hospitals;

Air-conditioning designs for 43 qualified hospitals.

This is merely a beginning of the task that lies ahead to insure quality care to veterans.

I urge the Veterans' Administration to reallocate its carryover funds from fiscal 1970 to meet these urgent construction priorities, approved by the Senate.

I understand the VA has already committed $1 million for modernization of the Brentwood Hospital. This is a step which encourages me to believe that the VA will begin replacement designs for the Bronx and Wadsworth facilities and the 43 air-conditioning designs.

Any attempt by the Bureau of the Budget to freeze these funds, as it has done in the past, can no longer be tolerated.

The funds for veterans' care, like the funds for other war costs, must be forthcoming from the administration—with priority and without hesitation.

I hope the VA Administrator will be on notice that if they have to have a new facility in the Bronx or in Los Angeles, he ought to make an effort to get it. We can do everything possible to see that he gets the necessary funds if they are not available.

Mr. PASTORE. He ought to ask for it. All the Senator from Rhode Island can say to that is, amen, amen, and amen.

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

Mr. PASTORE. I yield.

Mr. ALLOTT. I want to read just a sentence from the House report:

> The committee concurs in the full budget request for $59 million. This amount will provide for total obligations of $120,418,000 in 1971 for construction of hospitals and domiciliary facilities, an increase of $88,281,000 over 1970.

Then they go on to say that the plan recommended for 1971 would be the highest level for this program since 1950.

This may be true, and yet it may not be adequate to the needs. The thing I mentioned to the Senator a moment ago was this: this item is not handled as some items even in this bill are handled. The committee has, at times past, in the report mentioned specific facilities which we thought the Veterans' Administration—I am thinking particularly of certain facilities in Florida—should construct; but here they are not named specifically.

So I think the suggestion of the chairman that the Senators from New York call upon the Administrator—who I am sure the chairman and I both agree is very competent and sincere, and anxious to do an outstanding job—call his attention to this matter, and even perhaps inspect the facilities with him and build a case with the Veterans' Administration for a new facility, or at least a study to see if there is any way that it can be brought up to date.

I do not know the facility, so I would not want to comment either way on that. But the point is that there are not in this bill specific designations on certain construction items.

Mr. GOODELL. Mr. President, I thank the Senator from Colorado for his comments, and I am sure the Senator would agree with what the Senator from Rhode Island and I have just discussed here: that if the VA administrator determines that, to have adequate care for the veterans in the Bronx Hospital, they need a new facility, we will try to provide the money for that new facility.

Mr. ALLOTT. That is right, and in that area.

Mr. GOODELL. I thank the Senator.

Mr. PASTORE. I yield to the Senator from Texas.

Mr. YARBOROUGH. I thank the distinguished Senator for yielding.

Mr. President, as a member of the Senate Veterans' Subcommittee for the past 13 years, which is a longer period than any other Member of the Senate has served on the subcommittee, and as its former chairman, I rise to commend the Senate conferees under the leadership of the distinguished chairman of the Senate Subcommittee on Independent Offices Appropriations (Mr. PASTORE) for their hard, efficient work on this important appropriations bill. In particular, I wish to commend the conferees for their success in retaining the $80 million added by the Senate for veterans medical care programs.

It has been pointed out here that this was a monumental task, to retain the $80 million for staffing and supplies in these veterans hospitals. The steadfastness of the conferees on this matter is most commendable.

On an inspection I made in Dallas, Tex., a few weeks ago, I found that the cost of blood plasma had increased 100 percent in just 1 year. The average cost of all services and supplies—and I am excluding labor services—averaging it all out, foods, medicines, blood plasma, and the like, had increased by 24 percent in 1 year. They had no more money, and were doing a monumental job with the facilities they had. They did not cut care and services to wounded veterans; they cut personnel. When someone quit his job, they would not hire another person. They were trying to stretch out their funds in order to get by.

This money provided in the conference report is badly needed. With these funds, the Veterans' Administration can begin the necessary work to raise the standard of care in our country's 166 Veterans' Administration hospitals and 202 outpatient clinics to the level of excellence that our veterans need and deserve.

As the Senator from Rhode Island knows, it is a tragic situation that our hospitals have been forced to function under these conditions. The statement was made by the Senator from Colorado that perhaps the House of Representatives is in better condition to fight this battle than we in the Senate. It is true that the House has a whole Veterans' Committee, with a staff of 18 full-time members.

The Senate Veterans' Subcommittee, so ably chaired for 2 years by the Senator from California (Mr. CRANSTON), has only one professional staff man and one young lady secretary—only two positions.

Yet, this Senate subcommittee, with this small, minimal staff, has investigated and pointed up this situation. It has not been the House of Representatives that has shown this tragic neglect of our veterans at veterans hospitals; it has been this small Senate subcommittee.

Mr. PASTORE. Principally Mr. CRANSTON.

Mr. YARBOROUGH. Principally Mr. CRANSTON, the distinguished Senator from California, has done this. And this staff has not been working on it a long time; it has been accomplished in the last year and a half.

I commend the Senate conferees for the work they have done to insure adequate funds for veterans medical care. This is the least that a grateful Nation can do for those men who have given so much in the service of their country.

This $80 million, when combined with the $25 million added by the House of Representatives, makes a total of $105 million above the President's original budget request for veterans medical care. I urge the President not to veto this bill because of these increases but rather to think of the needs of our veterans and sign this bill and use these funds for their benefit.

The Senator from Rhode Island has pointed out the horrible nature of this war in Southeast Asia. A result of this war is that 12½ percent of all of our wounded veterans are left permanently disabled. This war is producing the highest percentage of veterans who are permanently and totally disabled of any war in American history. Twelve and one-half percent of our veterans are coming back from this war in Southeast Asia totally and permanently disabled. Yet at the time of the investigation of the Senator from California pertaining to veterans hospitals, there were only half as many attendants per hundred veterans as there are in the average hospital over the country.

Of course, I was disappointed that the House did not agree to accept the additional $20 million appropriated by the Senate for construction of Veterans' Administration hospitals.

Mr. PASTORE. But will the Senator agree with me that if we were to retain anything, we should have retained it in medical care?

Mr. YARBOROUGH. In medical care, certainly.

Mr. PASTORE. That is exactly what we did.

Mr. YARBOROUGH. I started to commend the Senator for doing first things first. Before getting these facilities built, we have to get the medical care for the veterans who are already in there. The Senator put first things first. I know the great pressure that the distinguished chairman of the Senate conferees was under in negotiating on these items, and I think that he did an excellent job in working for our veterans. The veterans of this Nation owe a debt of gratitude to Senator PASTORE and Senator CRANSTON, the distinguished chairman of the

Senate Subcommittee on Veterans' Affairs, for their efforts to improve the medical care in our Veterans' Administration hospitals.

I also wish to commend the Senate conferees for retaining in the bill the $7,401,800 for the construction of the new San Antonio Federal courthouse and Federal office building. This facility is badly needed in San Antonio and on behalf of these people, I thank the conferees for the concern that was shown for this project.

In addition to the increased funds for veterans medical care programs, and the funds for the San Antonio Federal courthouse and Federal office building, the Senate conferees were successful in retaining the $916,000 that I added on the floor of the Senate for the site acquisition and planning of the Denton Post Office. These funds were excluded in the original House version of the appropriations bill. The distinguished chairman of the Subcommittee on Independent Offices accepted my amendment on the floor and put these funds back into the bill. On behalf of the people of Denton who are badly in need of a new post office, I again wish to thank our conferees for retaining these funds.

Mr. TALMADGE. Mr. President, will Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from Georgia.

Mr. TALMADGE. I associate myself with the remarks of my able colleague from Texas in complimenting the distinguished Senator from Rhode Island and the conferees, who did such a magnificent job of improving the health care facilities of our veterans hospitals.

I happen to be chairman of the Veterans' Subcommittee of the Committee on Finance, which has jurisdiction over benefits for veterans, their widows, and their dependents. We have taken steps to pass several bills during this Congress to improve their benefits and keep them comparable to the increasing cost of living in recent years.

I also wish to compliment and commend my distinguished colleague, the Senator from California (Mr. CRANSTON), whose subcommittee has legislative jurisdiction of veterans hospital matters. The hearings that he conducted were very helpful, I am sure, to the Senator from Rhode Island and his colleagues on the conference in obtaining sufficient funds to help staff these hospitals.

I have visited a number of them in my own State, and I have been shocked at the shortage of doctors, nurses, and medical personnel and other facilities to take care of our wounded veterans.

This is the least we can do for those men, many of whom have sacrificed their lives and those who did not sacrifice their lives in many instances have sacrificed their health; and I think a grateful nation should always remember that fact, and we should never see our wounded and disabled veterans lack for medical care.

Mr. PASTORE. I thank the Senator, and I agree with him implicitly.

I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Rhode Island for his very able representation of the Senate position in the conference, and also the ranking Republican member of the conference committee (Mr. ALLOTT) and the other members of the conference for their very effective help in this regard. I also thank the Senator from Texas for his remarks about the subcommittee and for his support in our efforts; without his backing, the results being achieved today would have been impossible.

I also want to say to the Senator from Georgia (Mr. TALMADGE) that he, too, was very helpful. In connection with his chairmanship of the Veterans' Legislation Subcommittee of the Finance Committee, he has done some remarkable work. He has just been successful in clearing through the Congress S. 3448 to provide a very badly needed disability compensation increase for service-connected disabled veterans. I was privileged to cosponsor that measure with Senator TALMADGE, and I thank him for his cooperation with me and our subcommittee.

It is very important that the conferees on H.R. 17548 did stand by medical care funding and got the total Senate amount. I agree with Senator PASTORE that that was the most important aspect of the measure as originally passed by the Senate.

When we take the $80 million that the Senate added and stood by and got from the conference and add the $25 million by the House, we have $105 million more available above the budget request for vitally important medical personnel, equipment, and supplies.

It is absolutely urgent now that VA hospitals begin to deliver an adequate level of care throughout the Nation for veterans. I think we have taken the first step, but not all the steps we need to take.

I would like to go over some of the ground already touched upon and ask the chairman of the Senate conferees some questions.

First, I trust that the Veterans' Administration will give full consideration to the proposed breakdown for the $80 million Senate increase which I outlined in my July 6 floor statement based on the Veterans' Affairs Subcommittee's extensive oversight hearings.

Now, I would like to turn to the conference recommendation for the hospital and domiciliary construction item.

Was it the feeling of the Senate conferees that the proposed expenditure for construction of $120.4 million contained in the budget request was about as much as the VA could handle administratively during fiscal year 1971?

Mr. PASTORE. That is the position they took.

Mr. CRANSTON. With regard to the $61.4 million of carryover unobligated balances which the VA proposes to use along with the $59 million in newly appropriated construction money, what is the Senator's understanding with respect to the projects for which this amount of unobligated money will be spent?

Mr. PASTORE. That they have flexibility in planning.

Mr. CRANSTON. And that relates to the carryover money that they have available?

Mr. PASTORE. That is correct—$61.4 million.

Mr. CRANSTON. It is my impression that the VA central office is currently engaged in a total review of construction priorities for fiscal year 1971 for the purpose of arriving at a final allocation of $61.4 million in carryover money.

It is further my understanding that at this time it seems very likely that included in the new reprograming priorities will be the necessary funds to execute designs for replacement hospitals at the Bronx Hospital in New York, which has been the subject of extensive discussion with the two Senators from New York, and the Wadsworth hospital in Los Angeles.

I refer Senators to the hearing record just published regarding our subcommittee inquiring into conditions at the Wadsworth Hospital. Some of the increases have been discussed, and there is a great deal of backup material there. As the Senator from Rhode Island will recall, the unmet needs at these two hospitals, one in New York and one in Los Angeles, were two of the greatest urgencies included in my construction recommendations to the subcommittee on May 27.

Given the enormous amount of national attention focused on the deficiencies in the physical plants at these two hospital locations, I feel that it is essential for the VA to proceed to bring about replacement hospitals at those sites—not just in New York but also in California—as a matter of the highest priority; I hope that the distinguished chairman of the Appropriations Subcommittee would agree with that great need.

Mr. PASTORE. I do. Here, again, I suppose this is a matter of priorities to be established by the administrator. I think it behooves the committee—that is, the legislative committee—and the Senators from New York to address themselves to the Director of the Veterans' Administration so that he may be better informed as to what the priorities are to be.

Of course, I am in no position to say whether the hospital in The Bronx should come first or the hospital in Los Angeles or the hospital in Buffalo or any place else. I am in no position to say that. But I would hope that a responsible director—and I think Mr. Johnson is a responsible director—would do what is right.

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

Mr. PASTORE. I yield.

Mr. JAVITS. I wish the Senator would leave out Buffalo, because Buffalo does have quite a modern structure.

Mr. PASTORE. I have not seen the hospital at Buffalo or the hospital at Denver. I have seen the hospital at Rhode Island. We have a very fine veteran's hospital there. Please do not put me in the position of dictating at this time what should come first. I do not know.

Mr. JAVITS. I just did not want the reference, because they read these things closely. There is no complaint about Buffalo. It is New York City, the Bronx, and Los Angeles.

Mr. PASTORE. The Bronx is in the jurisdiction of Mr. JAVITS, and Los Angeles is in the jurisdiction of Mr. CRANSTON, and other places may need the same attention.

Mr. CRANSTON. Also with respect to construction, one of my recommendations on May 27 was that the Brentwood Neuropsychiatric Hospital in Los Angeles receive a full remodeling, costing $5 million, in order to give it the potential to function effectively and to compete for badly needed staff in the 1970's.

Yesterday, in Los Angeles, the VA Administrator announced that the $5 million I called for has been committed for this purpose. I am delighted with this development and this responsiveness by the Administrator. It is my understanding that plans are being executed at this very minutes to proceed with that desperately needed remodeling.

There is one final matter regarding construction that I would like to discuss with the Senator from Rhode Island. The Senator will recall that in my construction recommendations to his subcommittee, I included approximately $6 million to provide for air-conditioning designs for the 43 VA hospitals qualifying for air conditioning, but not now air conditioned and without pending designs. Some of these hospitals are in the very hottest parts of our country, and I know that the Senators from the 25 States involved—and indeed all Senators and the American people—would want to expend the funds necessary to see that disabled veterans in these extremely hot places receive medical care in reasonably comfortable surroundings.

What was the thinking of the conferees, and especially the Senate conferees, with regard to these air-conditioning problems and needs?

Mr. PASTORE. We did not go into that detail, but we did say that they had over $120 million and that it was up to them to make sure that they established the right priorities. We did not go into these things detail by detail, to that extent. The strong point that was made by the conferees from the House was that we did have this carryover of $61.4 million, and they thought that many of the things that had been complained about—justifiably so—by Senator CRANSTON and Representative TEAGUE possibly could be included. If it is not enough, I think we ought to give it serious consideration later on. Certainly, in some of these places that are very hot we ought to have air conditioning. The least we can do is to make these wounded men comfortable.

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

Mr. CRANSTON. I yield.

Mr. DOLE. Let me, first, commend the junior Senator from California and the chairman, the Senator from Rhode Island.

I have a great interest in Veterans' Administration and, of course, veterans, particularly with reference to the point just mentioned—air conditioning. Kansas is noted for many things, and one is that it is sometimes a hot place in which to live. The temperature in Wichita, Kans., has been 106 and 108 degrees in the past 2 weeks. We have a very fine Veterans' Administration hospital there without air conditioning.

So I am pleased to join the Senator from California in emphasizing the need for air conditioning at places such as Wichita, and other places which may need it as badly.

Mr. PASTORE. At least, they ought to have what the Senator is enjoying at this moment.

Mr. DOLE. I agree with the Senator.

Mr. CRANSTON. I note that on the list of those hospitals for which I recommended air-conditioning designs for this fiscal year, in my May 27 appropriations testimony, is the hospital at Wichita, Kans. As the Senator from Kansas has pointed out, this facility does not presently have air conditioning.

As I understand it, in addition to the $61.4 million in carryover funds slated to be used for construction this fiscal year, there still remains in that account some $17.5 million in unobligated balances. Would not the Senator from Rhode Island agree that certainly the VA should give most serious consideration during the course of this fiscal year to request the Bureau of the Budget approval to obligate the necessary amounts from these unobligated balances to begin those air conditioning designs in as many of the 43 hospitals as can be effectively carried out?

Mr. PASTORE. Of course.

Mr. CRANSTON. Finally, I would like to urge that the VA make the maximum effort to convince the Bureau of the Budget to provide in fiscal year 1972 a construction budget request of at least the amount requested and approved for expenditure during this fiscal year—$120 million. In my view, it is absolutely necessary for VA construction to be carried out as part of a planned, ongoing, strong program in the years ahead.

I have studied the VA construction obligation record since 1946 and find a very clear pattern; that is, the years of high obligation, such as fiscal years 1948, 1950, 1964, and 1969, invariably preceded and followed by years of low obligation by comparison with the high mark years. Indeed, this was precisely the case with regard to fiscal year 1971, since the obligations for fiscal year 1970 totaled about one-fourth of those now approved for fiscal year 1971.

With all the force that I can muster, and based upon the extensive oversight investigation of my subcommittee, I call upon the President, the Budget Bureau, and the VA, to break this up-and-down pattern in fiscal year 1972 in order to give VA hospital construction the badly needed shot in the arm it requires, and to prevent the continuing deterioration of the overall physical plant situation in the hospital and domiciliary system.

Mr. President, to illustrate my point, I ask unanimous consent to have printed in the RECORD a table showing VA obligations for hospital and domiciliary construction from fiscal year 1946 to date.

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

TABLE.—*VA hospital and domiciliary construction obligations*

[In millions of dollars]

Fiscal year:	
1946	14
1947	68
1948	225
1949	84
1950	212
1951	104
1952	43
1953	49
1954	23
1955	47
1956	30
1957	22
1958	64
1959	63
1960	35
1961	77
1962	69
1963	72
1964	109
1965	65
1966	44
1967	64
1968	20
1969	106
1970 (estimated)	34
1971 (estimated)	120.4

Mr. CRANSTON. Mr. President, I note the presence on the floor of the distinguished ranking minority member of the Labor and Public Welfare Committee, the Senator from New York (Mr. JAVITS), who has extended such great cooperation to our subcommittee during its oversight investigation. I also wish to recognize the hard work of the distinguished ranking minority member of the Veterans' Affairs Subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), who has participated so ably and fully in our bipartisan subcommittee investigation.

I also wish to express my great appreciation for the tremendous cooperation of the chairman of the Veterans' Affairs Committee in the House, OLIN E. TEAGUE, who has worked tirelessly on behalf of retaining all of the additional funds passed by the Senate and has been an invaluable ally throughout the last 6 months, and especially while the conferees have been deliberating on this most vital matter.

And, as I stated at the outset of my remarks, special tribute is also due the chairman of the full Labor and Public Welfare Committee, the distinguished Senator from Texas (Mr. YARBOROUGH), who also serves as the ranking majority member of the Veterans' Affairs Subcommittee, for his truly outstanding efforts during our oversight investigation and in securing these vital additional appropriations and over the years on behalf of our Nation's veterans.

I thank the Senator from Rhode Island very much for his explanations today, his great work for our veterans in the conference after his work in committee and on floor, and for his many courtesies to me and my subcommittee during this appropriation process. In light of his explanations today in response to questions from myself and other Senators, I believe that the conference recommendations—now adopted by the House—should be agreed to by the Senate.

I urge my colleagues to support the conference report.

Mr. President, once the Senate accepts the conference report and passes the appropriations bill, and if the President decides not to veto the bill, even then our work to improve substantially in this fiscal year the quality of care for our disabled veterans is not at an end. We must seek to insure that all the moneys appropriated for the VA medical and hospital program are fully and promptly apportioned to the VA by the Budget Bureau.

This has not always been the case in the past, and, at this time of impending crisis for the VA, any appreciable delay or cutback in apportionment could be disastrous. Thus, I ask for the support of all my colleagues in the Senate, and particularly of the distinguished Senator from Rhode Island, in remaining vigilant to see to it that the excellent work now begun for VA hospitals is not stymied, unfairly and unjustly, by Budget Bureau notions of needed economies.

Mr. President, I make the plea, which has been made by other Senators, that there be no veto by the President. If it is vetoed, it will mean great uncertainty on the part of veterans and their loved ones as to whether there will be improvements in their care and inevitable delays in the improvement of that care. So I hope no thought will be given to a veto by the President. It would be disastrous for our disabled veterans.

Mr. PASTORE. Mr. President, I have heard it now three times about the President vetoing this bill. I am one of those who do not place any credence in rumors. I do not believe that the President has intimated in any way that he is going to veto the bill. I am sure that when it reaches his desk he will take a good look at it, and that he will realize whatever increases were made over the estimate, No. 1, the $350 million for urban renewal, that we still have left in the authorization for urban renewal more than three-quarters of a billion dollars and that money will not be spent within a year. It has to be planned. But we have to appropriate for it before commitments can be made for the various cities. We all know that many of our cities are in a state of decay. This is a domestic program. We have spent billions of dollars abroad, which does not seem to bother us from time to time. This one time, this is for American cities.

I do not believe that the President will veto the bill. When he gets it, he will take a good look at it. I hope that we do not begin to arouse ourselves over a rumor and get agitated over the fact that the President may veto something he has not yet seen.

Now, what is the next one, the next big increase? It is $350 million for water and sewerage in rural areas. Tell me the President who will veto that? Mr. President, do you know what that means? It means that in the rural areas, where they have to depend upon a cesspool, if this continues, it cannot absorb any more and the area will end up with pestilence. I do not believe that the President will veto the bill because there is in it $350 million for water and sewerage facilities.

What is the next one? The next one is the veterans. I think, myself, that we are getting ourselves overly apprehensive. I would like to wait until Mr. Nixon has a chance to look at the bill. I have every confidence that he will sign it. He has not told me that he would. But, he has not told me that he would not.

After all, I assume that he loves America as much as we do.

Another significant budget funded in this bill is that of the National Aeronautics and Space Administration. The President had requested $3,333,000,000 to fund the NASA programs for fiscal year 1971, and the House had provided $3,197,000,000 while the Senate recommendation aggregated $3,319,303,000. The amount agreed to in conference totaled $3,268,675,000 which is $64,325,000 under the budget estimate, $71,675,000 over the sum recommended by the House, and $50,628,000 less than the sum recently voted by the Senate. For the item, research and development, the budget estimate and the amount recommended by the Senate was $2,606,100,000 while the House allowance totaled an even $2.5 billion. The amount agreed to in conference for this item was $2,565,000,000. For construction of facilities for the space agency, the conference committee agreed to the sum of $24,950,000, and in the conference report, it is spelled out that the addon of $6,675,000 over the House allowance for this item was to be used specifically for the following:

For the isotope thermoelectric systems application laboratory at the Jet Propulsion Laboratory, $1,250,000;

For the earth resources technology laboratory at Goddard, $1,925,000; and

For the nuclear engine test stand No. 2 in Nevada, $3,500,000.

Mr. ALLOTT. Mr. President, will the Senator from Rhode Island yield at that point?

Mr. PASTORE. I yield.

Mr. ALLOTT. There are many things in the bill that I have an interest in—in fact, almost every phase of it, having worked on it so long—that I desire to say just a word about the NASA budget which was cut by the conference committee $650,628,000.

I note that the chairman of the committee has some feeling, that he would like to see emphasis placed in other areas in the space committee, and he makes no bones about it, and states so very frankly.

While I realize the importance of these things, on the other hand, I feel that the NASA has provided such a tremendous forward thrust in science that it is one of the most valuable things we have and we would only deplete it so much, without anything to retain a space system. Almost every phase of it has been cut back. Apollo XIV is now back into January. Apollo XV, I guess, may be indefinitely postponed. There is no talk about sending any people out to further planets. as there once was. But the number of things that has been a fallout of science and to human beings is fantastic. One of the newest valves, for example, in heart operations is a result of the direct application of the technology in science developed from Space Administration.

Just last week I read of a new instrument which tests blood pressure and makes other blood tests which can actually be inserted through a hypodermic needle. It is fantastic that we would be thinking of using instrumentation of the blood by an instrument that is inserted through a normal hypodermic needle.

There is a whole book available which the space agency furnished us on the technological and scientific fallouts now being used.

I was sorry to see the space funds cut. And I say that without apology to anyone, because I think we have to remain in the forefront of science.

The amount we came up with, that the conference committee settled on, was as unsatisfactory to me as some of the figures were unsatisfactory to the Senator from Rhode Island. But this is our legislative process. This is the way we arrive at things.

I hope that come next year we will be able to strengthen the showing of NASA and to bring the people to the realization that NASA is just not a stunt.

Unfortunately, in the early stages of NASA, and perhaps fortunately in some ways, the idea and concept of a man going to the moon and landing on the moon by Apollo became fixed in the minds of a lot of people as a stunt.

This is the most insignificant part of the space program in my opinion.

The scientific fallout and the forward thrust that it has given to our scientific efforts and our research in the United States is a great thing that has been provided us and will continue to be provided us through the years.

We had to settle for a lesser amount. But I must say that I was not happy about it. And I hope that somehow we can accommodate the program within the funds we have.

Mr. PASTORE. Mr. President, I merely want to add to what the Senator from Colorado has said that there was no more valiant protagonist and fighter for his convictions in that conference than he.

For the National Science Foundation, the committee of conference agreed to provide the full budget estimate of $513 million, which is $9,500,000 less than the amount recommended by the Senate. Nonetheless, the conferees did concur with the Senate position by retaining language earmarking $9,500,000 of the funds provided for graduate traineeships.

Another budget of considerable significance funded in this bill is that of the Department of Housing and Urban Development. The conference committee agreed on the sum of $3,643,081,000 to operate HUD in fiscal year 1971. This amount is $650,060,000 more than the budget estimate, $364 million over the House allowance, but $403,790,000 less than the amount recommended by the Senate.

The largest item in the HUD budget was that for the urban renewal programs. The Senate had voted the sum of $1.7 billion while the budget estimate and the House allowance was $1 billion. In the conference, it was a case of an immovable object meeting an irresistible

force, and in such a situation, there was only one result acceptable—an even split. Consequently, the amount agreed to by the conferees for the urban renewal programs in fiscal year 1971 amounted to $1,350,000,000.

For urban research and technology—the item containing funding for the so-called Operation Breakthrough—there was a $25 million difference between the House and Senate recommendations; $30 million was provided by the House for this purpose and the Senate had recommended the full budget estimate of $55 million. On this item, the House conferees were adamant and the Senate conferees felt that since they did not wish to allow this one item to destroy an excellent conference, they receded to the House position and agreed to the allowance of $30 million for urban research and technology programs in fiscal year 1971.

The other significant item over the budget estimate in the HUD budget was the grants for basic water and sewer facilities. The President had requested $150 million for this item and both the House and Senate had voted $500 million. Consequently, this particular item was not in conference. Thus, a $350 million add-on above the budget estimate was locked into the bill before the conferees had met.

And a final item, Mr. President, would be the amount made available to the Federal Home Loan Bank Board to cover interest adjustment payments, which were recently authorized by Public Law 91-351, approved July 24, 1970. This recently passed statute provided that $250 million was authorized to be appropriated without fiscal year limitation, to be used by the Federal Home Loan Bank Board for disbursement to Federal Home Loan Banks for the purpose of adjusting the effective interest charged by such banks on short-term and long-term borrowing to promote an orderly flow of funds into residential construction. This item was not considered by the House since the budget estimate was sent directly to the Senate and is contained in Senate Document No. 91-85. It was primarily because of this that the Senate was compelled to give up approximately two-thirds of the $250 million it had recommended for the interest adjustment payments.

In this connection, a statement on the part of the managers of the House points out that the $85 million is merely meant to cover the first year of this new program, and that a request for additional funds can be considered when there is a demonstrated need for additional funding and specific plans are developed.

Mr. ALLOTT. Mr. President, if the Senator would yield?

Mr. PASTORE. I yield.

Mr. ALLOTT. Mr. President, I have two items that I would like to discuss extremely briefly.

I was disappointed also that the bill passed by the Senate last year which created an environmental council was not completely financed. Unfortunately, we had to settle, not for the $1,500,000 but we had to settle for $1 million.

The conference committee on the HUD-Independent Offices appropriation bill has recommended an appropriation of only $1,000,000 for fiscal year 1971 for the Council on Environmental Quality, a reduction of $500,000—33 percent—from the $1,500,000 the President requested and which was passed by the Senate. A reduction of this magnitude would have a very serious impact on Council activities. Specifically, the following would result from this cut:

First. Fifty-four personnel spaces—includes about 30 professional staff—are authorized to the Council for fiscal year 1971. Approximately 40 is all that could be funded, a reduction of 14-26 percent. Given the tremendous scope of the subject matter with which the Council will have to deal, however, the proposed staff of 54 represents minimum requirements. Any reduction would seriously impair the Council's ability to develop independent staff competence in evaluating the environmental impact of the myraid of Federal programs or projects the Council must assess, and would limit our efforts in the development and recommendation to the President of national policies to foster and promote the improvement of environmental quality.

Second. Funds—about $130,000—would be eliminated that were programed to continue work—in addition to a current, but preliminary, monitoring contract—on the development of usable indices for environmental status and change and to develop a reliable monitoring system for collecting the data, in order to identify environmental trends. The information to be gained from this study is critical in makng an accurate assessment of the status and trends of the environment in the President's annual report submitted to the Congress each year, as well as assessing how well Federal programs are doing to improve the environment.

Mr. President, I am prepared to say that if we get a further evaluation of the environmental council work and their needs that I am prepared to fight or it in the first supplemental.

I am satisfied that Congress is not going to let this very important Council which was created after much work both by the House and the Senate sit there without the means to provide the leadership and the overall view of environment in this country.

Mr. President, there is another item on the research and technology in Housing and Urban Development Administration which we fought very hard for. The chairman fought very hard. I must say that I did, and some members of the House committee were very much of the same feeling we were.

However, there was a situation here where there was a feeling that some people had been left out of this or not properly advised, perhaps.

This concerns the financing of operation breakthrough, the real breakthrough in housing. It is an absolute necessity.

We have not financed this research as well as we should have. On the other hand, neither have we had for many years an opportunity for the leadership in this field that we have now through Mr. Harold Finger, the Director of Research for HUD and through the present Secretary, Secretary Romney.

The Senate conferees could not succeed in maintaining the $55 million budget request for HUD—research and technology and had to give in to the House for a 45-percent cut to $30 million.

In my opinion this action seriously impairs the Government's ability to develop programs which this Nation sorely needs for the improvement of its housing. Extensive research is needed to overcome urban blight, including abandoned housing, deteriorating neighborhoods, ineffective municipal management, and inadequate public services.

Research and direction is needed to make use of the technology which exists today in industry and which must be brought to bear if we are to solve the housing and urban problems of which we are all aware. Operation Breakthrough, which is the main program under this appropriation, is aimed at the modernization of the housing industry and the application of new and untried methods of developing low-cost housing.

We should not be reducing this appropriation. I believe it should be even larger than the $55 million requested for fiscal year 1971.

Mr. JAVITS. Mr. President, the Senator from Rhode Island has done a great job. I am sure that he has shown for the RECORD the problems of urban renewal.

Here the Senator from Rhode Island—who is my hero in this particular field as he is in so many others—fought a tremendous battle with respect to the necessary increase of the amount which is available for that purpose.

This is a most important program in the new construction to the cities of the United States. And we all know not only the deficiencies in housing in social terms, but also in terms of the economy of the United States which is seriously affected by the shortfall in housing starts and is extremely serious.

Mr. President, the conferees were compelled—and I am sure that is literally true—to cut the Senate increase in the area of 50 percent. They have come up with a figure of $1,350,000,000 which I hasten to point out is 35 percent greater than the amount the House originally offered.

It was certainly a significant improvement, when laid side by side with the $3 billion backlog in urban renewal requirements—a backlog not of my authorship or of my appraisal, but of the appraisal of Secretary Romney of HUD.

We insisted that we have the amount necessary.

Mr. President, this is really tying our hands behind our backs unless it is justified on the issue of national priorities and the economy and things of that score.

Mr. President, I would like to refer to a very interesting analysis, it seems to me, made by the New York Times in an editorial this morning entitled, "How Livable is the City?" Here are some conclusions which I think are critically important on this issue of priorities:

The typical urban taxpayer—the father of two, making $10,000 a year—paid $19 for

space exploration last year and only $1 for mass transportation. This taxpayer paid $26 for more Federal highways to accommodate more automobiles and only $4 to fight pollution of both the air and water.

The experience of course in New York City only about a week ago indicates that no longer are we in the hypothetical region of determining whether the city is livable by reason of the debris in its own atmosphere.

Mr. President, I would like to assert—and I beg the Senator to correct me and interrupt me in any way to supplement how I feel about this matter—that we recognize the practical problems which have been faced by the conferees and the extraordinarily gifted contribution of the Senator from Rhode Island. I know the feelings of the Senator from Colorado on this program because he has on occasion had grave reservations about it and know also that without his understanding—I will not use the word cooperation—we would not be here now with a figure of $1,300,000,000. It is a pledge to him to see that this program is properly operated.

Mr. ALLOTT. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. ALLOTT. In this instance cooperating.

Mr. JAVITS. I know how deeply the Senator feels about this matter.

Mr. PASTORE. We were given an ultimatum by the chairman of the House committee that they would not tolerate anything over $200 million. We sat there and got them to agree to $150 million. That is what we were up against. I agree with everything the Senator said. This is one of the priorities. Unless we do something about our decaying cities we will have a decaying society and if that happens, God help our democracy.

Mr. JAVITS. Mr. President, I appreciate the remarks of the Senator from Rhode Island and the Senator from Colorado. I am delighted to hear of the cooperation of the Senator from Colorado. I feel it my duty, in company with Senators coming from large cities which have enormous backlogs on urban renewal programs, to press this issue whenever it presents itself, especially in the supplemental appropriation bill, and we will keep the feet of housing and urban development to the fire on the backlogs and get the facts on the urgency of taking care of at least a part of the backlog. We will not rest content and not accept the fact that $1.3 billion represents the outermost limit of this priority.

On behalf of 18 million New Yorkers and Americans, I affirm for them that this is a fight that we will continue. We will make it on the next supplemental bill and every one after that until there is some recognition of this particular item.

Mr. PASTORE. And the Senator from Rhode Island will stand shoulder to shoulder with the Senator from New York.

Mr. JAVITS. I am sure of that.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD a table indicating the action taken on the bill.

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

COMPARATIVE STATEMENT OF CONFERENCE ACTION

INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL 1971 (H.R. 17548)

Agency and item	New budget (obligational) authority 1970 [1]	Amended budget estimates of new (obligational) authority 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I								
INDEPENDENT OFFICES								
Appalachian Regional Commission								
Salaries and expenses	$890,000	$958,000	$958,000	$958,000	$958,000			
Civil Service Commission								
Salaries and expenses:								
Appropriation	43,132,500	48,619,000	45,800,000	47,800,000	47,577,000	−$1,042,000	+$1,777,000	−$223,000
By transfer	(7,794,000)	(8,173,000)	(8,173,000)	(8,173,000)	(8,173,000)			
Annuities under special acts	1,265,000	1,180,000	1,180,000	1,180,000	1,180,000			
Government payment for annuitants, employees health benefits	41,185,000	46,523,000	46,523,000	46,523,000	46,523,000			
Payment to civil service retirement and disability fund	230,816,600	[2]						
Federal Labor Relations Council, salaries and expenses	300,000	900,000	700,000	700,000	700,000	−200,000		
Total, Civil Service Commission	316,699,100	97,222,000	94,203,000	96,203,000	95,980,000	−1,242,000	+1,777,000	−223,000
Commission on Government Procurement								
Salaries and expenses	700,000	1,800,000	1,500,000	1,500,000	1,500,000	−300,000		
Federal Communications Commission								
Salaries and expenses	23,925,000	24,900,000	24,725,000	24,900,000	24,900,000		+175,000	
Federal Power Commission								
Salaries and expenses	17,700,000	18,450,000	18,210,000	18,350,000	18,210,000	−240,000		−140,000
Federal Trade Commission								
Salaries and expenses	20,500,000	21,375,000	20,500,000	20,500,000	20,500,000	−875,000		
General Services Administration								
Operating expenses Public Buildings Service	314,222,000	344,153,000	335,250,000	344,153,000	340,350,000	−3,803,000	+5,100,000	−3,803,000
Repair and improvement of public buildings	61,600,000	83,280,000	83,280,000	83,280,000	83,280,000			
Construction public buildings projects	26,533,000	101,664,500	142,024,300	120,672,500	133,560,300	+31,895,800	−8,464,000	+12,887,800
Sites and expenses public buildings projects	11,371,000	14,000,000	14,000,000	14,000,000	14,000,000			
Payments public buildings purchase contracts	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000			
Expenses U.S. court facilities	1,250,000	1,463,000	1,000,000	1,463,000	1,000,000	−463,000		−463,000
Operating expenses Federal Supply Service	81,946,000	83,513,000	83,346,000	83,346,000	83,346,000	−167,000		
Operating expenses National Archives and Records Service	22,985,000	24,695,000	24,485,000	24,485,000	24,485,000	−210,000		
National historical publication grants	350,000	350,000	350,000	350,000	350,000			
Operating expenses Transportation and Communications Service	6,678,000	6,478,000	6,478,000	6,478,000	6,478,000			
Operating expenses Property Management and Disposal Service	29,796,000	[3] 33,079,000	31,000,000	31,000,000	31,000,000	−2,079,000		
Salaries and expenses Office of Administrator	1,997,000	1,215,000	1,000,000	1,215,000	1,215,000		+215,000	
Allowances and office staff for former Presidents	335,000	303,000	303,000	303,000	303,000			
Administrative operations fund (limitation on administrative expenses)	(13,800,000)	(28,561,000)	(28,500,000)	(28,500,000)	(28,500,000)	(−61,000)		
Total General Services Administration	561,463,000	696,593,500	724,916,300	713,145,500	721,767,300	+25,173,800	−3,149,000	+8,621,800

Footnotes at end of tables.

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL 1971 (H.R. 17548)—Continued

Agency and item	New budget (obligational) authority 1970 [1]	Amended budget estimates of new (obligational) authority 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—Continued								
INDEPENDENT OFFICES—Continued								
National Aeronautics and Space Administration								
Research and development	$3,006,000,000	$2,606,100,000	$2,500,000,000	$2,606,100,000	$2,565,000,000	−$41,100,000	+$65,000,000	−$41,100,000
Construction of facilit[illegible]	53,233,000	34,600,000	18,275,000	34,478,000	24,950,000	−9,650,000	+6,675,000	−9,528,000
Research and program [illegible]anagement	675,400,000	692,300,000	678,725,000	678,725,000	678,725,000	−13,575,000		
Total, National Aeronautics and Space Administration	3,734,633,000	3,333,000,000	3,197,000,000	3,319,303,000	3,268,675,000	−64,325,000	+71,675,000	−50,628,000
National Commission on Consumer Finance								
Salaries and expenses	375,000	500,000	500,000	500,000	500,000			
National Science Foundation								
Salaries and expenses	438,000,000	511,000,000	495,000,000	520,500,000	511,000,000		+16,000,000	−9,500,000
Scientific activities (special foreign currency programs)	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000			
Total, National Science Foundation	440,000,000	513,000,000	497,000,000	522,500,000	513,000,000		+16,000,000	−9,500,000
Renegotiation Board								
Salaries and expenses	4,110,000	4,235,000	4,110,000	4,235,000	4,235,000		+125,000	
Securities and Exchange Commission								
Salaries and expenses	21,416,000	21,916,000	21,716,000	21,716,000	21,716,000	−200,000		
Selective Service System								
Salaries and expenses	75,348,000	76,000,000	75,000,000	75,000,000	75,000,000	−1,000,000		
Veterans Administration								
Compensation and pensions	5,314,400,000	5,456,600,000	5,456,600,000	5,456,600,000	5,456,600,000			
Readjustment benefits	1,609,700,000	[4] 1,354,500,000	1,354,500,000	1,354,500,000	1,354,500,000			
Veterans insurance and indemnities	7,253,000	5,100,000	5,100,000	5,100,000	5,100,000			
Medical care	1,655,201,000	[5] 1,752,200,000	1,777,200,000	1,857,200,000	1,857,200,000	+105,000,000	+80,000,000	
Medical and prosthetic research	57,621,000	59,200,000	59,200,000	59,200,000	59,200,000			
Medical administration and miscellaneous operating expenses	17,905,000	19,100,000	19,100,000	19,100,000	19,100,000			
General operating expenses	236,700,000	239,200,000	239,200,000	239,200,000	239,200,000			
Construction of hospital and domiciliary facilities	69,152,000	59,000,000	59,000,000	79,000,000	59,000,000			−20,000,000
Grants for construction of State extended care facilities	4,000,000	7,500,000	7,500,000	7,500,000	7,500,000			
Grants to the Republic of the Philippines	1,362,000	2,000,000	2,000,000	2,000,000	2,000,000			
Payment of participation sales insufficiencies	5,721,000	6,128,000	6,128,000	6,128,000	6,128,000			
Loan guaranty revolving fund (limitation on obigations)	(425,000,000)	Language	(350,000,000)	(350,000,000)	(350,000,000)	(+350,000,000)		
Total, Veterans Administration	8,439,010,000	8,960,528,000	8,985,528,000	9,085,528,000	90,65,528,000	+105,000,000	+80,000,000	−20,000,000
Total, Independent Offices, title I	13,656,769,100	13,770,477,500	13,665,866,300	13,904,338,500	13,832,469,300	+61,991,800	+166,603,000	−71,869,200
TITLE II								
EXECUTIVE OFFICE OF THE PRESIDENT								
Council on Environmental Quality and Office of Environmental Quality								
Salaries and expenses	350,000	[6] 1,500,000	650,000	1,500,000	1,000,000	−500,000	+350,000	−500,000
NATIONAL AERONAUTICS AND SPACE								
Salaries and expenses	549,000	560,000	400,000	560,000	500,000	−60,000	+100,000	−60,000
OFFICE OF EMERGENCY PREPAREDNESS								
Salaries and expenses	5,290,000	[7] 6,005,000	5,290,000	5,890,000	5,890,000	−115,000	+600,000	
Salaries and expenses, telecommunications	1,795,000	3,300,000	1,795,000	3,300,000	2,000,000	−1,300,000	+205,000	−1,300,000
Defense mobilization functions of Federal agencies	3,200,000	3,130,000	3,130,000	3,130,000	3,130,000			
Total, Office of Emergency Preparedness	10,285,000	12,435,000	10,215,000	12,320,000	11,020,000	−1,415,000	805,000	−1,300,000
Office of Science and Technology								
Salaries and expenses	1,958,000	2,175,000	2,000,000	2,175,000	2,100,000	−75,000	+100,000	−75,000
Total, Executive Office of the President	13,142,000	16,670,000	13,265,000	16,555,000	14,620,000	−2,050,000	+1,355,000	−1,935,000
Funds Appropriated to the President								
Appalachian regional development programs	282,500,000	295,500,000	291,500,000	295,500,000	293,500,000	−2,000,000	+2,000,000	−2,000,000
Disaster relief	245,000,000	65,000,000	65,000,000	65,000,000	65,000,000			
Total, funds appropriated to the President	527,500,000	360,500,000	356,500,000	360,500,000	358,500,000	−2,000,000	+2,000,000	−2,000,000

Footnotes at end of tables.

Agency and item	New budget (obligational) authority 1970 [1]	Amended budget estimates of new (obligational) authority 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
DEPARTMENT OF DEFENSE								
Civil Defense								
Operation and maintenance	$49,200,000	$50,100,000	$50,000,000	$51,000,000	$50,100,000		+$100,000	−$900,000
Research, shelter survey and marking	20,050,000	23,70,000	22,000,000	22,000,000	22,000,000	−$1,700,000		
Total, Civil Defense, Department of Defense	69,250,000	73,800,000	72,000,000	73,000,000	72,100,000	−1,700,000	+100,000	−900,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Public Health Service								
Emergency health	4,000,000	3,755,000	3,500,000	3,755,000	3,755,000		+255,000	
Total, title II	613,892,000	454,725,000	445,265,000	453,810,000	448,975,000	−5,750,000	+3,710,000	−4,835,000
TITLE III								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Renewal and housing assistance								
Grants for neighborhood facilities	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000			
Alaska housing	1,000,000							
Urban renewal programs	[8] 1,000,000,000	1,000,000,000	1,000,000,000	1,700,000,000	1,350,000,000	+350,000,000	350,000,000	−350,000,000
Rehabilitation loan fund	45,000,000	35,000,000	35,000,000	35,000,000	35,0000,00			
Low-rent public housing annual contributions	473,500,000	654,500,000	654,500,000	654,500,000	654,500,000			
Grants for tenant services		5,000,000		5,000,000		−5,000,000		−5,000,000
College housing:								
Increased limitation for annual contract authorization	(11,500,000)	(9,300,000)	(7,200,000)	(9,300,000)	(9,300,000)		(+2,100,000)	
(Cumulative limitation for annual contract authorization)	(17,000,000)	(26,300,000)	(24,200,000)	(26,300,000)	(26,300,000)		(+2,100,000)	
Appropriation for payments	2,500,000	2,500,000				−2,500,000		
Salaries and expenses, renewal and housing assistance	39,508,000	45,000,000	41,000,000	45,000,000	43,500,000	−1,500,000	+2,500,000	−1,500,000
Total, renewal and housing assistance	1,601,508,000	1,782,000,000	1,770,500,000	2,479,500,000	2,123,000,000	+341,000,000	+352,500,000	−356,500,000
Metropolitan Development								
Comprehensive planning grants	50,000,000	60,000,000	50,000,000	50,000,000	50,000,000	−10,000,000		
Community development training and urban fellowship programs	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
New community assistance	2,500,000	10,000,000	5,000,000	5,000,000	5,000,000	−5,000,000		
Open space land programs	75,000,000	75,000,000	75,000,000	75,000,000	75,000,000			
Grants for basic water and sewer facilities	135,000,000	150,000,000	500,000,000	500,000,000	500,000,000	+350,000,000		
Grants to aid advance acquisition of land	2,500,000							
Salaries and expenses, metropolitan development	7,980,700	8,700,000	8,000,000	8,700,000	8,000,000	−700,000		−700,000
Total, metropolitan development	276,480,700	307,200,000	641,500,000	642,200,000	641,500,000	+334,300,000		−700,000
Model cities and governmental relations								
Model cities programs	575,000,000	575,000,000	575,000,000	575,000,000	575,000,000			
Salaries and expenses, model cities and governmental relations:								
Appropriation	577,600	700,000	600,000	600,000	600,000	−100,000		
By transfer	(6,750,000)	(9,300,000)	(8,300,000)	(8,300,000)	(8,300,000)	(−1,000,000)		
Total, model cities and governmental relations	575,577,600	575,700,000	575,600,000	575,600,000	575,600,000	−100,000		
Urban technology and research								
Urban research and technology	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	−25,000,000		−25,000,000
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	[9] (2,000,000)							
Total, urban technology and research	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	−25,000,000		−25,000,000
Mortgage Credit								
Homeownership and rental housing assistance:								
Homeownership assistance, increased limitation for annual contract authorization:								
1971	(125,000,000)	(140,000,000)	(130,000,000)	(130,000,000)	(130,000,000)	(−10,000,000)		
1972		(140,000,000)				(−140,000,000)		
(Cumulative annual contract authorization):								
1971	(195,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)			
Rental housing assistance increased limitation for annual authorization:								
1971	(120,000,000)	(145,000,000)	(135,000,000)	(135,000,000)	(135,000,000)	(−10,000,000)		
1972		(145,000,000)				(−145,000,000)		
(Cumulative annual contract authorization):								
1971	(190,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)			
Appropriation for payments	26,500,000	[10] 115,100,000	115,100,000	115,100,000	115,100,000			

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL 1971 (H.R. 17548)—Continued

Agency and item	New budget (obligational) authority 1970 [1]	Amended budget estimates of new (obligational) authority 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE III—Continued								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued								
Rent supplement program:								
Increased limitation for annual contract authorization:								
1971	($50,000,000)	($75,000,000)	($50,000,000)	($75,000,000)	($55,000,000)	(−$20,000,000)	(+$5,000,000)	(−$20,000,000)
1972		(75,000,000)						
(Cumulative annual contract authorization):								
1971	(122,000,000)	(197,000,000)	(172,000,000)	(197,000,000)	(177,000,000)	(−20,000,000)	(+5,000,000)	(−20,000,000)
Appropriations for payments	23,000,000	46,600,000	46,600,000	46,600,000	46,600,000			
Low and moderate income sponsor fund	2,000,000	5,000,000	3,000,000	3,000,000	3,000,000	−2,000,000		
Loans for housing and related facilities for elderly or handicapped families				25,000,000	10,000,000	+10,000,000	+10,000,000	−15,000,000
Salaries and expenses, Federal Housing administration	3,500,000	6,290,000	3,500,000	6,290,000	3,500,000	−2,790,000		−2,790,000
Total, mortgage credit	55,000,000	172,990,000	168,200,000	195,990,000	178,200,000	+5,210,000	+10,000,000	−17,790,000
Federal Insurance Administration								
Flood insurance	2,428,000	6,050,000	5,000,000	5,000,000	5,000,000	−1,050,000		
Fair Housing and Equal Opportunity								
Fair housing and equal opportunity	6,391,400	11,300,000	7,000,000	11,300,000	8,000,000	−3,300,000	+1,000,000	−3,300,000
Departmental Management								
General administration	9,559,500	9,200,000	9,000,000	9,000,000	9,000,000	−200,000		
Regional management and services	11,155,000	14,550,000	13,500,000	14,500,000	14,000,000	−550,000	+500,000	−500,000
Working capital fund	4,338,000							
Total departmental management	25,052,500	23,750,000	22,500,000	23,500,000	23,000,000	−750,000	+500,000	−500,000
Participation Sales								
Payment of participation sales insufficiencies	56,238,000	58,781,000	58,781,000	58,781,000	58,781,000			
Special Instructions								
National homeownership foundation		250,000				−250,000		
Total, Department of Housing and Urban Development—title III	2,623,676,700	2,993,021,000	3,279,081,000	4,046,871,000	3,643,081,000	+650,060,000	+364,000,000	−403,790,000
TITLE IV								
CORPORATIONS								
Federal Home Loan Bank Board								
Interest adjustment payments		[11] 250,000,000		250,000,000	85,000,000	−165,000,000	+85,000,000	−165,000,000
Revolving fund	8,400,000							
	8,400,000	250,000,000		250,000,000	85,000,000	−165,000,000	+85,000,000	−165,000,000
Administrative and non-administrative expenses (Limitation on Accounts of Corporate Funds To Be Expended)								
Federal Home Loan Bank Board:								
Administrative expenses	(5,712,000)	(6,625,000)	(5,750,000)	(6,625,000)	(6,625,000)		(+875,000)	
Nonadministrative expenses	(14,125,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)			
Federal Savings and Loan Insurance Corporation	(384,000)	(408,000)	(408,000)	(408,000)	(408,000)			
Department of Housing and Urban Development:								
Housing for the elderly or handicapped	(1,200,000)	(850,000)	(850,000)	(850,000)	(850,000)			
College housing loans	(1,175,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)			
Public facility loans	(1,055,000)	(1,400,000)	(1,200,000)	(1,200,000)	(1,200,000)	(−200,000)		
Revolving fund (liquidating programs)	(106,007)	(125,000)	(125,000)	(125,000)	(125,000)			
Federal Housing Administration:								
Administrative expenses	(12,950,000)	(13,800,000)	(13,500,000)	(13,500,000)	(13,500,000)	(−300,000)		
Nonadministrative expenses	(110,175,000)	(125,550,000)	(112,000,000)	(125,550,000)	(118,775,000)	(−6,775,000)	(+6,775,000)	(−6,775,000)
Government National Mortgage Association	(5,000,000)	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)			
Total, administrative and nonadministrative expenses—title IV	(151,882,700)	(171,058,000)	(156,133,000)	(170,558,000)	(163,783,000)	(−7,275,000)	(+7,650,000)	(−6,775,000)
Grand total, all titles, new budget (obligational) authority	16,902,737,800	17,468,223,500	17,390,212,300	18,655,019,500	18,009,525,300	+541,301,800	+619,313,000	−645,494,200
Consisting of—Appropriations	(16,902,737,800)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(+541,301,800)	(+619,313,000)	(−645,494,200)
Grand total	(16,902,737,800)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(+541,301,800)	(+619,313,000)	(−645,494,200)

[1] Includes all supplemental appropriation acts of 1970.
[2] Sec 103 of the Civil Service Retirement Amendments of 1969 requires the Secretary of the Treasury to make annual payments from general revenues as determined by the Civil Service Commission.
[3] Reflects increase of $600,000 contained in H. Doc. 91-305.
[4] Reflects increase of $275,500,000 contained in H. Doc. 91-312.
[5] Reflects increase of $50,000,000 contained in H. Doc. 91-294.
[6] Additional estimate of $800,000 contained in S. Doc. 91-87
[7] Additional estimate of $600,000 contained in S. Doc. 91-88
[8] Includes advance funding for fiscal year 1970, provided in 1969 act; $750,000,000 does not include amount contained in 2d supplemental bill.
[9] Provided by transfer from "Urban Research and Technology."
[10] Reflects increase of $10,500,000 contained in H. Doc. 91-273.
[11] Estimate contained in S. Doc. 91-85 not considered by House.

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

Mr. PASTORE. I yield.

Mr. SPARKMAN. Mr. President, I wish to say a word particularly about some of the things already covered here on housing and urban renewal, and more particularly on the subject of research. I do not know whether Senators realize it or not, but for years we have tried to get the enactment of a research program, in the housing agency first, and in the housing department. We have on one or two occasions, had some part of a research program, but finally we provided a Secretary of Housing for Research.

We have a very capable head of that department. We need research in housing. Through the years we have been engaged in housing on a very active and large program since 1934 when the homeowners loan program was first set up. But if there is any activity on which so much money has been spent that did not have an adequate research division other than housing, I am not aware of it.

I have often said that one of the great troubles with housing in this country is that it is the one big industry in which we are building on a retail basis rather than on a wholesale basis on the assembly line.

I wish to relate an experience I had a couple of weeks ago. I went to Corinth, Miss. Secretary Romney was scheduled to go, but the President called on him for something that day which prevented him from going. I went there and saw a complete train that had started from Avon, Conn., and had come all the way down through the country to Corinth, Miss., with, I believe, 26 complete houses being transported on freight cars.

They were brought in there and lifted off. There were four units to a house; four-bedroom houses; and they were put on a trailer and brought up to the site. This housing was being used to replace housing that had been destroyed in the tornado that had struck there a short time ago. I saw those units lifted off and set on a prepared foundation, a unit at a time. The four units were unloaded and put there and they had a complete house except for the wiring and things of that sort in little over an hour's time. I was told, "You see where that house that is being prepared." There were several, but one was set there while we were present. "Day before yesterday this land was covered with rubble left over from the tornado. They came in here yesterday and leveled off the ground, got it to the right elevation, put in the foundation, and put the house in today; and tomorrow the occupants can move in." That is the result of development that has taken place in the field of research and the field of mass production. We need more.

I am sorry the Senator from New York has had to leave the Chamber. We always hear about the need of things to be done in the urban areas. The need is much more than we are able to meet, even with this increase in urban renewal. We are terribly behind in many of the other programs.

The Senator mentioned the very ambitious program Secretary Romney developed, Operation Breakthrough. This was part of the breakthrough down there being used on a disaster basis. If we could get that Operation Breakthrough to operate we could go in and really put in housing for low-income people on a massive scale that would help us catch up and get into a position to meet the goals written into the law of 26 million units to be built by 1978. We have to move along much faster than we are moving now to accomplish that goal, but it can be done.

When we talk about the great need in urban areas, let us not forget the great and tremendous need in rural areas. That is something that has been lacking all through the years. But we have now written this legislation that provides the same type relief in rural areas that is provided in urban areas.

Mr. President, that is all I shall say at this time. However, I do indorse what the Senator from Colorado said with respect to our space program. It is easy to condemn the space program and the great amount of money it costs, but it is something that has a repayment value far beyond what we usually think of because we usually think of the spectacular landing of men on the moon. There is a natural urge on the part of the people of this country to want to continue exploration in space, as we have continued exploration from the time of Columbus.

Mr. PASTORE. Mr. President, I want to say on the breakthrough that the budget estimate was $25 million. There was a $25 million difference between the House and the Senate recommendations. The House provided $30 million and the Senate recommended the full budget estimate of $55 million. We went to conference, and although we tried hard to retain the $25 million difference there was strong resentment on the part of the House manager and it got almost to a stalemate. There was nothing more we could do. I am not critical. We have to keep working. That is how it happened.

Mr. DOLE. Mr. President, when the independent offices appropriation bill came to the Senate floor early this June, I made a strong statement on behalf of the additional $100 million added by the Senate for the Veterans' Administration.

As a veteran who spent more than 3 years in Army hospitals, I understand in a personal way the importance of providing good medical care for all veterans.

I wish to commend Senator PASTORE, Senator ALLOTT, and the other Senate conferees in retaining $80 million of the $100 million in conference. This means the Veterans' Administration will receive $105 million more in fiscal year 1971 than originally requested.

Although $20 million was deleted for the construction of VA hospitals and domiciliary facilities, the conference level for hospital construction is consistent with the administration's request. Furthermore, by adding the unobligated balance of $78,907,000 carried forward for hospital construction from fiscal year 1970, the conference report allows a total of $137,907,000 for hospital construction by the Veterans' Administration in fiscal year 1971.

Mr. COOPER. Mr. President, I wish to make a brief comment on the conference report concerning the appropriation for the Council on Environmental Quality and the Office of Environmental Quality.

The Senate Committee recommended an appropriation of $1.5 million for salaries and expenses of the Council and the Office on Environmental Quality as a single organization. I regret very much that the conferees have reduced the Senate allowance of $1.5 million to $1 million, a reduction of one-third of the President's budget request.

I have noted the remarks of the distinguished Senator from Colorado, the ranking minority conferee (Mr. ALLOTT), and share his concern, that some 54 staff members including some 30 professional staff members would be dropped from the organization's planned activities as a result of the reduction recommended by the conferees.

As the ranking minority member of the Public Works Committee where we have worked in control of air, water, solid waste pollution, I have become familiar with the difficult problems concerning our environment.

The President's Council on Environmental Quality headed by its Chairman, Mr. Russell Train, is of the greatest importance in solving these problems. The work of this group is much too important and too necessary to have its personnel and activities curtailed.

When the House Appropriations Committee held hearings on the budget request of $700,000 for salaries and expenses of the Council it approved the sum of $650,000. Subsequent to these hearings the Council and the Office of Environmental Quality were combined and received a budget recommendation of $1.5 million.

I recognize that the House had no opportunity as the Senate had had, to hold hearings on the added budget request for the Office of Environmental Quality. I hope that the House Appropriations Committee will hold hearings on this request this year and I am pleased to note that the conference report recommends:

> Further hearings should be conducted in connection with any request for supplemental appropriations if further funds are required after pending reorganization plans are finalized.

Mr. President, I am hopeful that this request may be included in a supplemental appropriations bill later this year and that both the House and the Senate will take favorable action.

Mr. GRIFFIN. Mr. President, the conferees have improved this bill considerably from the shape it was in when the Senate voted earlier to send it to conference.

But the conference report still calls for appropriations which would be $541 million in excess of the President's budget request. Although I cannot speak for the White House, I shall be surprised, frankly, if the President does not veto this bill.

It is not easy to vote against an appropriations bill which includes funds for so many worthy projects and causes. However, there must be some degree of cooperation between Congress and the executive branch with regard to Government spending if we hope to bring inflation under control.

Perhaps a relatively small increase over the budget could be tolerated. But the increase in this bill—more than one-half billion dollars—is too much if the Congress is to be responsible.

Accordingly, I shall reluctantly vote against the conference report. I do so in the hope that this appropriation bill will go back to conference where it can be adjusted to more nearly accommodate the budget and fiscal limitations which bear so importantly on the problem of inflation.

Mr. PASTORE. I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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 Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Missouri (Mr. SYMINGTON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 70, nays 8, as follows:

[No. 253 Leg.]

YEAS—70

Allen	Gravel	Murphy
Allott	Gurney	Muskie
Anderson	Hansen	Packwood
Bayh	Hatfield	Pastore
Bellmon	Holland	Pearson
Bennett	Hollings	Pell
Bible	Hughes	Percy
Boggs	Inouye	Prouty
Brooke	Jackson	Proxmire
Burdick	Javits	Saxbe
Byrd, Va.	Jordan, N.C.	Schweiker
Byrd, W. Va.	Jordan, Idaho	Scott
Case	Kennedy	Smith, Ill.
Church	Long	Sparkman
Cook	Magnuson	Spong
Cooper	Mansfield	Stennis
Cranston	Mathias	Stevens
Dole	McClellan	Talmadge
Eagleton	McGee	Williams, N.J.
Eastland	McGovern	Yarborough
Ellender	McIntyre	Young, N. Dak.
Fong	Miller	Young, Ohio
Fulbright	Mondale	
Goodell	Moss	

NAYS—8

Cotton	Fannin	Thurmond
Curtis	Goldwater	Williams, Del.
Dominick	Griffin	

NOT VOTING—22

Aiken	Hartke	Ribicoff
Baker	Hruska	Russell
Cannon	McCarthy	Smith, Maine
Dodd	Metcalf	Symington
Ervin	Montoya	Tower
Gore	Mundt	Tydings
Harris	Nelson	
Hart	Randolph	

So the report was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the committee amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert "Honolulu, Hawaii, Indianapolis, Indiana, Albany, New York, and Bronx, New York,".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$1,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 39 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert on page 41 after line 15:

"Housing for the Elderly or Handicapped Fund

"For the revolving fund established pursuant to Section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), $10,000,000, to remain available until expended."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

"SEC. 512. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment."

Mr. ALLOTT. Mr. President, I move that the Senate concur in the House amendments to Senate amendments Nos. 7, 30, 39, and 55.

The motion was agreed to.

AMENDMENT OF DEFENSE PRODUCTION ACT OF 1950

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3302.

The PRESIDING OFFICER (Mr. BELLMON) laid before the Senate the amendment of the House of Representatives to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes which was to strike out all after the enacting clause, and insert:

TITLE I—DEFENSE PRODUCTION ACT AMENDMENTS

§ 101. Extension of Act

Section 717(a) of the Defense Production Act of 1950 is amended by striking out "July 30, 1970" in the first sentence and inserting in lieu thereof "June 30, 1972".

§ 102. Definitions

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by inserting "space," after "stockpiling," in subsection (d); and

(2) by adding at the end thereof a new subsection as follows:

"(f) The term 'defense contractor' means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense."

§ 103. Uniform cost-accounting standards

Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows:

"COST-ACCOUNTING STANDARDS BOARD

"SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two, of whom one shall be particularly knowledgeable about the cost accounting problems of small business shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive com-

pensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

"(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

"(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

"(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

"(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

"(g) The Board shall by June 30, 1971, and each June 30 thereafter, recommend to Congress cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. The Board shall also recommend uniform bid procedures and bid forms for Government agencies to require to be used by all contractors and subcontractors to whom the recommended cost-accounting standards would apply."

TITLE II—COST OF LIVING STABILIZATION

§ 201. Short title

This title may be cited as the "Economic Stabilization Act of 1970".

§ 202. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, interest rates, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

§ 203. Delegation

The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 204. Penalty

Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

§ 205. Injunctions

Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

§ 206. Expiration

The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971, but such expiration shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 205, committed prior to March 1, 1971.

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House on S. 3302 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. MUSKIE, Mr. MONDALE, Mr. HOLLINGS, Mr. BENNETT, Mr. TOWER, Mr. GOODELL, and Mr. PACKWOOD conferees on the part of the Senate.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1970

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2846.

The PRESIDING OFFICER (Mr. BELLMON) laid before the Senate the amendments of the House of Representatives to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes", which were to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Services and Facilities Construction Act for 1970".

TITLE I—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

AUTHORIZATION OF GRANT PROGRAMS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 101. Part C of the Mental Retardation Facilities Construction Act is amended to read as follows:

"PART C—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"DECLARATION OF PURPOSE

"SEC. 130. The purpose of this part is—

"(1) to authorize grants to assist the several States in developing and implementing a comprehensive and continuing plan for meeting the current and future needs for services for persons affected by developmental disabilities; and

"(2) to authorize grants to assist public or nonprofit private agencies in the construction of facilities for the provision of services for persons affected by developmental disabilities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. (a) For the purpose of providing funds for grants under this part, there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1971, $85,000,000 for the fiscal year ending June 30, 1972, and $105,000,000 for the fiscal year ending June 30, 1973.

"(b) For the fiscal year ending June 30, 1974, and for each of the next fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make grants under section 137(a)(1)(B) with respect to services for which a grant under that section was made before July 1, 1973, and which are eligible for such a grant for the year for which sums are being appropriated under this subsection.

"STATE ALLOTMENTS

"SEC. 132. (a)(1) From the sums appropriated under section 131(a) for each fiscal year to carry out the purposes of section 130, the several States shall be entitled to allotments determined, in accordance with regulations, on the basis of (A) the population, (B) the extent of need for services and facilities for persons with developmental disabilities, and (C) the financial need of the respective States; except that the allotment of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any such fiscal year shall not be less than $100,000.

"(2) In determining, for purposes of paragraph (1), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under this part.

"(3) Sums allotted to a State for a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year; except that if the State plan of a State calls for the construction of a specific facility the Federal share of which will exceed the allotments available to the State for a fiscal year for construction, the Secretary may, on the request of the State, provide that funds allotted to the State and available for such year shall remain available for con-

struction of that facility, to the extent necessary but not to exceed two additional years beyond the year for which the funds were initially allotted.

"(b) Whenever the State plan developed in accordance with section 134 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of this part. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of this part will receive proportionate benefit from the combination.

"(c) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such other States for such fiscal year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted under this subsection to a State for a fiscal year shall be deemed to be a part of its allotments under subsection (a) for such fiscal year.

"NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

"SEC. 133. (a)(1) Effective July 1, 1971, there is hereby established a National Advisory Council on Services and Facilities for the Developmentally Disabled (hereafter in this part referred to as the 'Council'), which shall consist of twenty members to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

"(2) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(3) The members of the Council shall be selected from persons who are not officers or employees of the United States employed on a full-time basis and who are leaders in the fields of service to the mentally retarded and to other developmentally disabled persons, in State or local government, and in organizations representing consumers of such services. At least five members shall be representative of State or local agencies responsible for services to the developmentally disabled, and at least five shall be representative of the interests of consumers of such services.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twenty members first appointed, five shall hold office for a term of three years, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Secretary at the time of appointment.

"(c) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this title, and (2) study and evaluate programs authorized by this title with a view to determining their effectiveness in carrying out the purposes for which they were established.

"(d) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as the Council may require to carry out such functions.

"(e) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day and, while so serving 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 in the Government service employed intermittently.

"STATE PLANS

"SEC. 134. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services and facilities for persons with development disabilities must—

"(1) designate (A) a State planning and advisory council, to be responsible for submitting revisions of the State plan and transmitting such reports as may be required by the Secretary; (B) the State agency or agencies which will administer or supervise the administration of all or designated portions of the State plan; and (C) a single State agency as the sole agency for administering or supervising the administration of grants for construction under the State plan, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

"(2) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as may be specified by the Secretary, but in any case including education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 132 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;

(3) set forth policies and procedures for the expenditure of funds under the plan, which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities;

(4) contain or be supported by assurances satisfactory to the Secretary that (A) the funds paid to the State under this part will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds will be made available to other public or nonprofit private agencies, institutions, and organizations; (C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant such nonFederal funds; and (D) there will be reasonable State financial participation in the cost of administering and implementing the State plan;

"(5)(A) provide for the furnishing of a range of services and facilities for persons with developmental disabilities associated with mental retardation, (B) specify the other categories of developmental disabilities which will be included in the State plan, and (C) describe the quality, extent, and scope of such services as will be provided to persons with mental retardation and with other developmental disabilities;

"(6) provide that services and facilities furnished under the State plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services and the maintenance and operation of such facilities, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

"(7) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(8) provide that (A) the State planning and advisory council shall be adequately staffed and shall include representatives of each of the principal State agencies and representatives of local agencies and nongovernmental organizations and groups concerned with services for persons with developmental disabilities; and (B) at least one-third of the membership of such council shall consist of representatives of consumers of such services;

"(9) provide that the State planning and advisory council will from time to time, but not less often than annually, review and evaluate its State plan approved under this section and submit appropriate modifications to the Secretary;

"(10) provide that the State agencies designated in paragraph (1) will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(11) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in securing facilities and services for persons with developmental disabilities who are residents of such areas;

"(12) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of developmentally disabled persons in the State;

"(13) provide for the development of a program of construction of facilities for the provision of services for persons with developmental disabilities which (A) is based on a statewide inventory of existing facilities and survey of need; and (B) meets the requirements prescribed by the Secretary for furnishing needed services to persons unable to pay therefor;

"(14) set forth the relative need, determined in accordance with regulations prescribed by the Secretary, for the several projects included in the construction program referred to in paragraph (13), and assigned priority to the construction of projects, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(15) designate the portion of the State's

allotment (under section 132) for any year which is to be devoted to construction of facilities, which portion shall be not more than 50 per centum of the State's allotment or such lesser per centum of the allotment as the Secretary may from time to time prescribe;

"(16) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"(17) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part; and

"(18) contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"APPROVAL OF PROJECTS FOR CONSTRUCTION

"SEC. 135. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 134 (b) (1) (C), an application by the State or a political subdivision thereof or by any other public or nonprofit agency. If two or more agencies join in the construction of the project, the application may be filed by one or more such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications thereof, in accordance with regulations prescribed by the Secretary;

"(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility;

"(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(6) a certification by the State agency of the Federal share for the project.

"(b) The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (1) that the application contains such reasonable assurances as to title, financial support, and payment of prevailing rates of wages and overtime pay, (2) that the plans and specifications are in accord with regulations prescribed by the Secretary, (3) that the application is in conformity with the State plan approved under this part, and (4) that the application has been approved and recommended by the State agency designated in accordance with section 134(b) (1) (C) and is entitled to priority over other projects within the State in accordance with the State's plan for persons with developmental disabilities and in accordance with regulations prescribed by the Secretary.

"(c) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of any approved application shall be subject to approval in the same manner as the original application.

"WITHHOLDING OF PAYMENTS FOR CONSTRUCTION

"SEC. 136. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency (designated in accordance with section 134(b) (1) (C) of any State, finds that—

"(1) the State agency is not complying substantially with the provisions required by section 134(b) to be included in the State plan, or with regulations of the Secretary,

"(2) any assurance required to be given in an application filed under section 135 is not being or cannot be carried out,

"(3) there is a substantial failure to carry out plans and specifications related to construction approved by the Secretary under section 134, or

"(4) adequate funds are not being provided annually for the direct administration of the State plan, the Secretary may forthwith withhold payments for construction from the allotment of such State in accordance with subsection (b).

"(b) If the Secretary makes a finding described in subsection (a), he may forthwith notify the State agency that—

"(1) no further payments will be made to the State for construction from allotments under this part, or

"(2) no further payments will be made from allotments under this part for any construction project or the action or inaction referred to in paragraph (1), (2), projects designated by the Secretary as being affected by (3), or (4) of subsection (a),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments for construction projects may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"GRANTS TO THE STATES FOR PLANNING AND SERVICES

"SEC. 137. (a) (1) To carry out the purposes of section 130(1), the Secretary shall make grants under this section to assist the States in meeting the costs of (A) developing and administering their State plans, and (B) compensation of personnel to provide, in accordance with approved State plans, services for persons with developmental disabilities. Grants under this section with respect to any such service provided under a State plan may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day.

"(2) A grant under this section may be made only to a State which (A) has a State plan approved under this part, and (B) has made an application for such grant in accordance with regulations of the Secretary. For each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973, a grant to a State under this section shall be made from the portion of the State's allotment under section 132 which is not designated in its State plan for construction purposes. For the fiscal year ending June 30, 1974, and each of the next six fiscal years, a grant to a State under clause (B) of paragraph (1) of this subsection shall be made from funds appropriated under section 131 (b).

"(b) (1) A grant under this section for any fiscal year to assist a State in meeting the costs of developing and administering its State plan may not exceed 5 per centum of the State's allotment under section 132 for that fiscal year or $75,000, whichever is less.

"(2) (A) A grant under this section to assist a State in meeting the costs of compensation of personnel to provide services for persons with developmental disabilities may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in subparagraph (B), such grants with respect to any State may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(B) In the case of any State providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for the costs of a State for compensation of personnel providing services for persons in such an area may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

"(3) For the purpose of determining the costs of a State for compensation of such personnel, costs of a political subdivision thereof or of a nonprofit private agency for compensation of such personnel shall, subject to such limitations and conditions as may be prescribed by the Secretary by regulation, be regarded as costs of such State.

"(c) Payment of grants under this section may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and no such terms and conditions, as the Secretary may determine.

"WITHHOLDING OF PAYMENTS FOR PLANNING AND SERVICE

"SEC. 138. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council (designated in accordance with section 134(b) (1) (A)) finds that—

'(1) there is a failure to comply substantially with any of the provisions required by section 134 to be included in the State plan, or

"(2) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State council that further payments for planning or services will not be made to the State under section 137 (or, in his discretion, that further payments for planning or services will not be made to the State under that section for activities in which there is such failure), until he is satisfied that there will no longer be such failure. Until he is so satisfied, the Secretary shall make no further payment under that section to the State, or shall limit further payment under that section to such State to activities in which there is no such failure.

"REGULATIONS

"SEC. 139. The Secretary, as soon as practicable, by general regulations applicable uniformly to all the States, shall prescribe—

"(1) the kinds of services which are needed to provide adequate programs for persons with developmental disabilities, the kinds of services for which assistance may be pro-

vided under this part, and the categories of persons for whom such services may be provided;

"(2) standards as to the scope and quality of services which must be provided for persons with developmental disabilities under a State plan approved under this part;

"(3) the general manner in which a State, in carrying out its State plan approved under this part, shall determine priorities for services and facilities based on type of service, categories of persons to be served, and type of disability, with special consideration being given to the needs for such services and facilities in areas of urban and rural poverty; and

"(4) general standards of construction and equipment for facilities of different classes and in different types of location.

After appointment of the Council, regulations and revisions therein shall be promulgated by the Secretary only after consultation with the Council.

"NONDUPLICATION

"SEC. 140. (a) In determining the amount of any payment for the construction of any facility under a State plan approved under this part, there shall be disregarded (1) any portion of the costs of such construction which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

"(b) In determining the amount of any grant under section 137 to assist a State in meeting the costs of planning and of compensation of personnel, there shall be disregarded (1) any portion of such costs which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

CONFORMING AMENDMENTS

SEC. 102. (a) Section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2691) is amended by—

(1) striking out ", and the District of Columbia" and all that follows in subsection (a) and inserting in lieu thereof ", the District of Columbia, and the Trust Territory of the Pacific Islands.":

(2) amending subsection (b) to read as follows:

"(b) The term 'facility for the developmentally disabled' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons affected by one or more developmental disabilities.";

(3) striking out "mentally retarded" wherever it occurs in subsection (d) and inserting "developmentally disabled" in lieu thereof;

(4) amending the first sentence of subsection (h)(2) to read as follows: "The Federal share with respect to any project in the State shall be the amount determined by the State agency described in the State plan, but except as provided in paragraph (3), the Federal share (A) for any project under part C of title I may not exceed 66⅔ per centum of the costs of construction of such project; and (B) for any project under part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State's Federal percentage, whichever is the lower."; and

(5) adding at the end of the section the following subsections:

"(l) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(m) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual affected by such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day-care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual affected by such disability and of his family, protective and other social and socio-legal services, information and referral services, and follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"(n) The term 'regulations' means (unless the text otherwise indicates) regulations promulgated by the Secretary."

(b) Sections 403 and 405 of such Act are amended by inserting "or the developmentally disabled" after "mentally retarded" wherever it occurs.

APPLICATION OF NEW PROVISIONS RELATING TO DURATION OF GRANTS AND FEDERAL SHARE TO CONTINUATION GRANTS UNDER EXISTING STAFFING GRANT PROGRAM

SEC. 103. (a) Effective with respect to costs of compensation of professional and technical personnel of any facility for the mentally retarded for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 141 of part D of the Mental Retardation Facilities Construction Act, subsection (b) of such section is amended to read as follows:

"(b) (1) Grants under this section for such costs for any facility may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any facility may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(2) In the case of any such facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for such costs for any such facility may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any mental retardation facility for which a staffing grant was made under section 141 of the Mental Retardation Facilities Construction Act before July 1, 1970, (1) the provisions of subsection (b) of section 141 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection of (b) had been in effect on the date a staffing grant for such facility was initially made, and (2) non-Federal funds made available for costs incurred after the date such grant was initially made but before June 30, 1970, shall not, to the extent they exceed the minimum amount of non-Federal funds required under such subsection with respect to grants for costs incurred after June 30, 1970, be taken into account in applying section 142(a)(3) of such Act to such grants.

EFFECTIVE DATE

SEC. 104. The amendments made by sections 101 and 102 of this title shall apply with respect to fiscal years beginning after June 30, 1970. Funds appropriated before June 30, 1970, under part C of the Mental Retardation Facilities Construction Act shall remain available for obligation during the fiscal year ending June 30, 1971.

TITLE II—AMENDMENTS TO PART B OF THE MENTAL RETARDATION FACILITIES CONSTRUCTION ACT

CONSTRUCTION GRANTS

SEC. 201. (a) The first sentence of section 121(a) of the Mental Retardation Facilities Construction Act is amended—

(1) by striking out "clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded (which, for purposes of this part, includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this part) and";

(2) by striking out "clinical training" and inserting in lieu thereof: "interdisciplinary training"; and

(3) by striking out "each for the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970" and inserting in lieu thereof: "for each of the next five fiscal years through the fiscal year ending June 30, 1973".

(b) Such section 121(a) is amended by striking out "the mentally retarded" in the second sentence and the second time and third time it appears in the first sentence and inserting in lieu thereof "persons with developmental disabilities".

(c) Sections 124 and 125 of the Mental Retardation Facilities Construction Act are each amended by striking out "the mentally retarded" each place it appears in those sections and inserting in lieu thereof "persons with developmental disabilities".

DEMONSTRATION AND TRAINING GRANTS

SEC. 202. Part B of the Mental Retardation Facilities Construction Act is amended by redesignating sections 122, 123, 124, and 125 as sections 123, 124, 125, and 126, respectively, and by adding the following new section after section 121:

"DEMONSTRATION AND TRAINING GRANTS

"SEC. 122. (a) For the purposes of assisting institutions of higher education to contribute more effectively to the solution of complex health, education, and social problems of children and adults suffering from developmental disabilities, the Secretary may, in accordance with the provisions of this part, make grants to cover costs of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with development disabilities, including established disciplines as well as new kinds of training to meet critical shortages in the care of persons with developmental disabilities.

"(b) For the purpose of making grants under this section, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971; $17,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973."

SEC. 203. Section 123 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "(a)" after "SEC. 122.", by inserting "the construction of" before "any facility", and by adding the following new subsection at the end thereof:

"(b) Applications for demonstration and training grants under this part may be approved by the Secretary only if the applicant is a college or university operating a facility of the type described in section 121, or is a public or nonprofit private agency or organization operating such a facility. In considering applications for such grants, the Secre-

tary shall give priority to any application which shows that the applicant has made arrangements, in accordance with regulations of the Secretary, for a junior college to participate in the programs for which the application is made."

SEC. 204. Section 124 of such Act, as so redesignated by section 202 of this Act, is amended by striking out "for the construction of a facility" and "of construction" in subsection (a) thereof, and by striking out "in such installments consistent with construction progress," in subsection (b).

SEC. 205. Section 125 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "construction" before "funds".

MAINTENANCE OF EFFORT

SEC. 206. Part B of such Act is amended by adding at the end thereof the following new section:

"MAINTENANCE OF EFFORT

"SEC. 127. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds."

CONFORMING AMENDMENTS

SEC. 207. (a) The heading for title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by striking out "THE MENTALLY RETARDED" and inserting in lieu thereof "PERSONS WITH DEVELOPMENTAL DISABILITIES".

(b) Section 100 of such title is amended to read as follows:

"SHORT TITLE

"SEC. 100. This title may be cited as the 'Facilities for the Developmentally Disabled Construction Act'."

(c) The heading for part B of such title is amended to read as follows:

"PART B—CONSTRUCTION DEMONSTRATION AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES"

And amend the title so as to read: "An Act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes."

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendments of the House to S. 2846 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to: and the Presiding Officer appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

AMENDMENT OF TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3586.

The PRESIDING OFFICER (Mr. BELLMON) laid before the Senate the amendments of the House of Representatives to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, which were to strike out all after the enacting clause, and insert:

SECTION 1. (a) Paragraph (1) of subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 295h(a)(1)) is amended (1) by striking out "and" after "June 30, 1969;", and (2) by striking out the period and inserting in lieu thereof a semicolon and the following: "; $20,000,000 for the fiscal year ending June 30, 1971; $30,000,000 for the fiscal year ending June 30, 1972; and $40,000,000 for the fiscal year ending June 30, 1973."

(b) Paragraph (1) of subsection (b) of such section is amended by striking out "July 1, 1969" and inserting in lieu thereof "July 1, 1972".

SEC. 2. (a) Effective with respect to appropriations for the fiscal year beginning July 1, 1970, section 792 of the Public Health Service Act (42 U.S.C. 295h–1(a)) is amended as follows:

(1) Subsection (a) of such section is amended to read as follows:

"Basic Improvement Grants

"SEC. 792. (a)(1) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for basic improvement grants under this subsection."

(2) Subsection (b) of such section is amended—

(A) by striking out the subsection heading,

(B) by striking out "(b)(1)" and inserting in lieu thereof "(2)",

(C) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)",

(D) by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973", and

(E) by striking out "(2)" in paragraph (2) and inserting in lieu thereof "(3)".

(3) Subsection (c) is repealed and the following new subsections are inserted immediately before subsection (d):

"Special Improvement Grants

"(b) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for special improvement grants to assist training centers for allied health professions in projects for the provision, maintenance, or improvement of the specialized function which the center serves.

"Special Projects for Experimentation, Demonstration, and Institutional Improvement

"(c)(1) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for grants and contracts for special projects under this subsection.

"(2) The Secretary is authorized, from sums available therefor from appropriations made under this subsection and subsection (b), to make grants to public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions, for special projects related to training or retraining of allied health personnel, including—

"(A) planning, establishing, or developing new programs, or modifying or expanding existing programs, including interdisciplinary training programs;

"(B) developing or establishing special programs, or adapting existing programs, to reach special groups such as returning veterans with experience in a health field, the economically or culturally deprived, or persons reentering any of the allied health fields;

"(C) developing, demonstrating, or evaluating new or improved teaching methods or curriculums;

"(D) developing, demonstrating, or establishing interrelationships among institutions which will facilitate the training, retraining, or utilization of allied health manpower;

"(E) developing, demonstrating, or evaluating new types of health manpower;

"(F) developing, demonstrating, or evaluating techniques for appropriate recognition (including equivalency and proficiency testing mechanisms) of previously acquired training or experience; and

"(G) developing, demonstrating, or evaluating new or improved means of recruitment, retraining, or retention of allied health manpower."

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, subsection (d) of section 792 is amended—

(A) by striking out "basic or special improvement" in paragraph (1);

(B) by inserting "in the case of a basic or special improvement grant," immediately after "(A)" in paragraph (2)(A); and

(C) by striking out "for grants under subsection (c)" in paragraph (3) and inserting in lieu thereof "for special improvement grants under subsection (b) and for special project grants under subsection (c)".

(c) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, section 795(3) of such Act (42 U.S.C. 295h–4) is amended by striking out "as applied to any training center for allied health professions" and inserting in lieu thereof ", as applied to any training center for allied health professions or to any private agency, organization, or institution applying for a grant under section 792(c) or 793,".

(d)(1) Effective with respect to the fiscal year beginning July 1, 1970, sections 794 and 798 of such Act (42 U.S.C. 295h–3, 295h–7) are repealed.

(2) Effective with respect to the fiscal year beginning July 1, 1970 (section 797 of such Act (42 U.S.C. 295h–6) is amended by striking out "793, or 794" and inserting in lieu thereof "or 793".

SEC. 3. (a) Subsection (a) of section 793 of the Public Health Service Act (42 U.S.C. 295h–2(a)) is amended by (1) by striking out "and" after "June 30, 1969;", and (2) by inserting after "June 30, 1970;" the following: "$8,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; and $12,000,000 for the fiscal year ending June 30,, 1972; and $12,000,000 for the fiscal year ending June 30, 1973;".

(b) Effective with respect to grants from

appropriations for the fiscal year beginning July 1, 1970—

(1) Subsection (b) of such section is amended by striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, organizations, and institutions".

(2) Subsection (c) of such section is amended by striking out "centers" and inserting in lieu thereof "public or nonprofit private agencies, organizations, and institutions".

And amend the title so as to read: "An Act to amend the Public Health Service Act to extend for three years the programs of assistance for training in the allied health professions, and for other purposes."

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendments of the House on S. 3586 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

THE YEAR 1963 AND THE WAR

Mr. DOLE. Mr. President, in September of 1963 President John F. Kennedy submitted to an interview by two NBC reporters—Chet Huntley and David Brinkley. In that interview the President expressed public views exactly contrary to those his former aide, Kenneth O'Donnell says he privately held.

I ask unanimous consent to insert in the RECORD at this point pertinent excerpts from the President's interview of September 9, 1963, and I call particular attention to the last two sentences thereof:

What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the Government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw.

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

PRESIDENT KENNEDY'S NBC TV INTERVIEW, SEPTEMBER 9, 1963—EXCERPTS

Mr. HUNTLEY. Are we likely to reduce our aid to South Viet-Nam now?

The PRESIDENT. I don't think we think that would be helpful at this time. If you reduce your aid, it is possible you could have some effect upon the government structure there. On the other hand, you might have a situation which could bring about a collapse. Strongly in our mind is what happened in the case of China at the end of World War II, when China was lost—a weak government became increasingly unable to control events. We don't want that.

Mr. BRINKLEY. Mr. President, have you had any reason to doubt this so-called "domino theory," that if South Viet-Nam falls, the rest of Southeast Asia will go behind it?

The PRESIDENT. No, I believe it. I believe it. I think that the struggle is close enough. China is so large, looms so high just beyond the frontiers, that if South Viet-Nam went, it would not only give them an improved geographic position for a guerrilla assault on Malaya but would also give the impression that the wave of the future in Southeast Asia was China and the Communists. So I believe it.

Mr. BRINKLEY. With so much of our prestige, money, so on, committed in South Viet-Nam, why can't we exercise a little more influence there, Mr. President?

The PRESIDENT. We have some influence. We have some influence and we are attempting to carry it out. I think we don't—we can't expect these countries to do everything the way we want to do them. They have their own interests, their own personalities, their own tradition. We can't make everyone in our image, and there are a good many people who don't want to go in our image. In adidtion, we have ancient struggles between countries. In the case of India and Pakistan, we would like to have them settle Kashmir. That is our view of the best way to defend the subcontinent against communism. But that struggle between India and Pakistan is more important to a good many people in that area than the struggle against the Communists. We would like to have Cambodia, Thailand, and South Viet-Nam all in harmony, but there are ancient differences there. We can't make the world over, but we can influence the world. The fact of the matter is that with the assistance of the United States and SEATO [Southeast Asia Treaty Organization], Southeast Asia and indeed all of Asia has been maintained independent against a powerful force, the Chinese Communists. What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the Government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw. * * *

WHAT PRESIDENT KENNEDY WOULD HAVE DONE

Mr. GOLDWATER. Mr. President, on the same subject, I had prepared brief remarks, and I should like to present them at this time.

Over the weekend, Life magazine made available to the press excerpts of a book that Mr. Kenneth O'Donnell, former key aide to President Kennedy, has written.

To say the least, his remarks are extremely surprising, and in order to keep history straight, I think that some explanation should be made by either Mr. O'Donnell or the majority leader or both. For example, on September 9, 1963, which was after the President's remarks to Mr. O'Donnell, the President said in a television interview:

Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the government in Saigon, that we should withdraw.

That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw.

To add to the confusion of Mr. O'Donnell's statement is the remembrance of the fact that Robert Kennedy supposedly advised his brother to increase the military personnel in Vietnam.

The Washington Daily News of today has a very penetrating editorial on the whole subject which I ask unanimous consent to have printed at this point in my remarks so that my colleagues might have the opportunity to see for themselves some of the questions that the O'Donnell report immediately raised in the minds of many of us, and now I find it in the minds of some of the press, also.

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

WHAT KENNEDY WOULD HAVE DONE

Kenneth P. O'Donnell, a key aide to President Kennedy, has just belatedly disclosed that JFK had decided in the spring of 1963 to withdraw all U.S. troops from South Vietnam in 1965.

In a new book, Mr. O'Donnell says the President planned, after his re-election in 1964, to "take the risk of unpopularity" and pullout, even tho "I'll be damned everywhere as a Communist appeaser."

Mr. O'Donnell's version will please people who revere Mr. Kennedy's memory and believe, almost as an article of faith, that he would not have involved this nation so deeply and bloodily in Vietnam.

The O'Donnell report is confirmed by Senate Democratic Leader Mike Mansfield, who is credited with helping "convert" Mr. Kennedy to withdrawal. Even at this surprisingly late date for the disclosure, we don't doubt Mr. O'Donnell's and Sen. Mansfield's word. But we are left with some nagging questions, among them:

Did Mr. O'Donnell, who stayed on in the White House, warn President Johnson, that he was taking a path that Mr. Kennedy had decided against? Why didn't Sen. Mansfield speak up?

How was it that Mr. Kennedy's decision was a secret to his brain trust, the Rusks, McNamaras, Bundys and Rostows, who urged the new President to send troops to Vietnam and pursue the policy of his fallen predecessor?

After he left the White House in January, 1965, and was a private citizen, why didn't Mr. O'Donnell see it as his patriotic duty to alert the country that Mr. Johnson was leading it to what Mr. Kennedy had regarded as disaster?

Whatever Mr. Kennedy had decided, he hardly took the country into his confidence. On Sept. 9, 1963, months after his remarks to Mr. O'Donnell, he said in a TV interview he feared that:

"Americans will get impatient and say, because they dont like events in Southeast Asia or they don't like the government in Saigon, that we should withdraw.

"That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw."

Mr. O'Donnell tells us what Mr. Kennedy intended and doesn't stress what the President did. As a reminder, when Gen. Eisenhower left office in 1960, there were 1,364 U.S. advisers in South Vietnam. Under Mr. Kennedy, the figure grew to 16,575 and American soldiers were fighting and dying in combat.

It's also useful to recall the situation in early 1963, when Mr. Kennedy reportedly decided to withdraw. The war was at a low level, the authoritarian Diem regime seemed solidly implanted, our military was saying that things were looking up, and it was normal to plan to get out in 1965.

In November, however, Mr. Diem was overthrown, with encouragement by the Kennedy Administration. A period of chaos and revolving governments started. The Viet Cong moved to the offensive and began chewing up the South Vietnamese army.

This was a new ball game from spring, 1963. In 1964 a Communist takeover by force of arms was imminent. President Johnson,

advised by Kennedy holdovers, reacted with a troop buildup. We do not know what JFK would have done. Neither does Mr. O'Donnell.

PROSPECTS FOR SINE DIE ADJOURNMENT PRIOR TO NOVEMBER ELECTIONS

Mr. MANSFIELD. Mr. President, last week I made the prediction that the Congress would have to return after the November election this fall to consider at least the Defense appropriations bill.

I was misinformed of the intention of the House leaders with respect to that appropriations bill. I have been assured by Chairman MAHON personally that the Defense bill will be completed prior to any recess in October.

I would hope, therefore, that the Senate could proceed to the electoral reform, welfare reform, and the appropriations bills prior to the end of October and that the Congress will not need to return after the election in November.

I believe, however, that the legislative program for this Congress should be completed in this Congress, and if we can work together it can be all completed in time for a sine die adjournment prior to the November election.

However, if our work is not completed we will be back after the elections.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement made by the chairman of the Appropriations Committee of the House, Mr. MAHON, the distinguished chairman of the Committee on Rules, Mr. COLMER, and one of the distinguished Republican leaders in the other body, Mr. RHODES. All these statements indicate that the House intends to go ahead.

I apologize to them if I said anything which carried the wrong implication because I am just as anxious as anyone else in this body to complete the schedule before the elections, if possible, and will do everything I can in that respect.

But I repeat, if we do not complete the schedule outlined by the elections, then we will, of necessity, have to come back after the elections because it is the intention of the joint leadership to see to it that the administration's program is put through, if at all possible, this year.

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

[House proceedings, August 3, 1970, p. 26980]

SCHEDULING OF THE DEFENSE APPROPRIATION BILL, FISCAL YEAR 1971

Mr. MAHON. Mr. Speaker, in the Washington Post of yesterday, in a UPI story by John Hall, there is attributed to Senator MANSFIELD, the Democratic leader of the Senate, certain statements about the defense appropriation bill. I quote the story in part:

"In addition, he (Senator Mansfield) said he had been advised that managers of President Nixon's $72-billion defense appropriations bill do not want to bring it to a vote in the House until after the Nov. 3 election, in which all House seats and 35 Senate seats are at stake.

"Mansfield said he did not know why the House wanted to hold up action on the defense measure."

Mr. Speaker, I am shocked that any such inaccurate information should have been conveyed to Senator MANSFIELD in regard to the defense appropriation bill. I do not say this in criticism of Senator MANSFIELD. We are old friends and I have the greatest respect for him. It is simply a case of his having been misadvised.

Senator MANSFIELD, on March 18, put in the RECORD of the proceedings of the other body the reporting schedule—which I issued the day before—of the House Appropriations Committee, and applauded our efforts to move the appropriation bills rapidly.

The Committee on Appropriations finished its hearings on the Defense appropriation bill weeks ago, and has wanted to move forward with House consideration of the measure as quickly as feasible. Our March 17 reporting schedule called for the Defense appropriation bill to be approved by the committee on June 3 and to be considered by the House several days later.

We were unable to meet that timetable, or a somewhat later date, because of the failure of the Senate to pass the defense authorization bill, H.R. 17123, upon which many of the items in the Defense appropriation bill are based. Of course, agreement in conference on the authorization would also be required.

The House passed the authorization bill—it having been reported out of the committee by the gentleman from South Carolina (Mr. RIVERS) on May 6, nearly 3 months ago.

I earnestly hope that the Senate will, in the very near future, pass the authorization bill, and that any difference between the two bodies can be expeditiously worked out in conference so that we may be able to bring the appropriation bill before the House at the earliest date—and certainly weeks before the election.

I wish to flatly and bluntly repudiate the intimation that the managers of the defense appropriation bill desire to postpone consideration of the defense measure until after the November election. Any such suggestion tends to indicate that the House expects to play politics with an issue involving the security of the Nation. This intimation is unfortunate and must not be permitted to stand.

The defense appropriation bill is the only regular appropriation bill for the current fiscal year 1971 remaining for House consideration. We would like to sweep the slate clean before the August recess, but we have not been able to do so because finalization of action on the authorization bill has not taken place.

I would say further, Mr. Speaker, that after consultation with the Speaker, the majority leader of the House, and the minority leader of the House, I find no intimation whatever that there is any such plan of delay in defense appropriation action in the House.

Mr. COLMER. Mr. Speaker, I take this time in order to congratulate the gentleman from Texas (Mr. MAHON) upon his statement and the manner in which he has expedited the consideration of these appropriation bills.

Time did not permit me to ask him the question, but I wondered if he had discussed this with the distinguished majority leader in the other body, as to whether they still adhere to the program.

Mr. Speaker, it appears to this humble Member of this body that there is a definite movement on foot to prolong this session of the Congress until the very final day of the year.

The gentleman from Texas and others on his committee have expedited these appropriation bills, and there is no reason why we should be forced to stay around here until Christmas again.

Mr. Speaker, in my humble book, this is just another case of the tail wagging the dog, with the other body calling all of the signals. I have a high regard for the Senate majority leader, in fact, I entertain genuine affection for him personally, but I do not feel that he should attempt to run this body too and it is difficult to believe he does.

Mr. RHODES. Mr. Speaker, I wish to congratulate my good friend, the chairman of the Committee on Appropriations, the gentleman from Texas, on the statement that he just made. I wish to assure him and to assure the House that on the minority side of the Committee on Appropriations and on the minority side of the House there is a definite feeling that we should go ahead with the business of appropriating funds for this fiscal year. We feel that it is incumbent on the House and the other body to do this.

I would like to say to my good friend from Texas at this time that if at any time it appears likely there is some sort of a slowdown on authorizations to make the defense appropriation bill come up after the election, I personally will be glad to go with the gentleman from Texas to the Committee on Rules and ask for a rule waiving points of order so that this appropriation bill could be brought up and the great Department of Defense could be apprised as to what funds it has to operate for the next fiscal year.

Mr. Speaker, I have been amazed and appalled, as I am sure the gentleman from Texas has, at some of the stories I have seen in newspapers and in the communications media concerning the possibility that there would be a movement afoot to load up appropriation bills which have political appeal, with the idea that the last bill will be for the Department of Defense and sufficient cuts could be made there so that there will be a balanced budget. This would in my opinion, be completely irresponsible, and would be playing politics with national security. The Department of Defense bill must not be made a political football and when it is passed it must contain funds adequate for the proper support of our Defense Establishment, with no surplus, but with sufficient funds printed to take care of the defense needs of this country, which, after all, is the most important duty this body has to perform.

ORDER FOR ADJOURNMENT UNTIL 10 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 10 o'clock tomorrow morning.

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

FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 14705 to extend and improve the Federal-State unemployment compensation program. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BELLMON). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of May 5, 1970, p. 14189, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. LONG. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. LONG. Mr. President, I ask unanimous consent that Mr. Frank J. Crowley, Education and Public Welfare Division, Legislative Reference Service, Library of Congress, be granted the privileges of the floor during the debate and consideration of the conference report on H.R. 14705, the Employment Security Amendments of 1970.

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

Mr. LONG. Mr. President, this is the conference report on the Employment Security Amendments of 1970. The bill passed the Senate on April 7, 1970, by a vote of 77 to 0. However, before passing the bill the Senate amended it in 43 respects.

Basically, the bill has three principal features. First, it extends coverage of the unemployment compensation program to more than 4,700,000 additional jobs. Second, it establishes a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment. And, third, it improves the financing of the unemployment compensation program. In the process, the bill also makes a number of relatively minor changes in administrative aspects of the unemployment compensation system.

While the Senate made a total of 43 changes in the House text, the large majority of those changes were not controversial; rather they were necessitated because of the passage of time since the bill passed the House. Senators will recall that the Tax Reform Act was before the Senate in November of last year when the House acted on this unemployment compensation bill.

I believe it is fair to say that there are only seven significant amendments in the bill—two of these were floor amendments, four were committee amendments and the last one involved a floor modification of a committee amendment. Of these, the Senate receded on four and the House receded on three. Virtually all of the remaining Senate amendments were agreed to by the House.

Agricultural employees: The most important of the Senate amendments would have extended coverage of the unemployment insurance system to large farms, specifically those employing eight or more workers in each of 26 different weeks during the last year. This Senate amendment would have added 275,000 jobs and 23,000 employers to the unemployment compensation program. The Secretary of Labor testified before the committee that this extension of coverage was the most important unresolved issue in the House bill. I was glad the Finance Committee and the Senate were willing to extend the protection of the system to employees of large farms, and I vigorously defended the committee bill on the floor. Unfortunately, we were not able to persuade the House conferees to accept the Senate amendment or any part of it. They advised us that after the most careful deliberation, they had rejected similar amendments in the House Ways and Means Committee and under those circumstances they were not willing to have it now thrust on them as a Senate amendment. On this important question the only concession we were able to obtain from the House conferees was to make the coverage of agricultural workers the top priority in a special study of the unemployment compensation system called for in another provision of the bill.

Small firms: The Senate bill deleted provisions of the House bill which extended the coverage of the unemployment compensation system to employees of small firms. Under existing law, the Federal unemployment tax does not apply and unemployment benefits need not be extended to employees unless the firm employs four or more persons in each of 20 different weeks during the year. The House bill covered small firms—those either employing one or more workers during 20 weeks in a calendar year, or paying wages of $800 or more in any calendar quarter. The Senate deleted this House provision on the theory that it imposed unnecessarily complicated tax and recordkeeping requirements on many small businesses whose employees could not be eligible for benefits in any event because of the part-time nature of their employment. Nonetheless, the House conferees insisted that there was little reason not to cover this group and they argued that the administrative burdens were not as severe as the Senate had felt. Because they felt so strongly, the Senate conferees yielded to them but only after the $800 per quarter alternative test in the House language had been increased to $1,500. We felt this change would enable very small firms to continue to avoid the tax and recordkeeping burden where benefits for the workers involved would be absolutely minimum. This change provides coverage for 1.3 million jobs and 627,000 employers.

Faculty and research personnel: I am pleased to report that the House conferees did agree to Senate amendments extending the unemployment compensation program to faculty, research, and administrative personnel of State hospitals and institutions of higher learning. This adds about 115,000 jobs to the system. The Senate bill provided that these faculty, research, and administrative staff personnel would not be considered unemployed during the summer months when their school was not in session so long as they had a contract to return to work—either for the same institution or another institution—after the summer recess is over. This, too, was accepted by the House conferees.

Sheltered workshops: The Senate bill had expanded coverage of the unemployment compensation program to encompass so-called clients of sheltered workshops. These are the handicapped people for whom the sheltered working environment is provided. The House bill, although extending the program to cover the staff of these sheltered workshops, had not included the clients themselves. The Finance Committee—and the Senate—felt that their employment should be covered so that they, too, would realize unemployment compensation benefits as a right, rather than have to rely on charity for their sustenance, in the event they should lose their jobs. I regret that the House conferees would not accept this Senate amendment. They argued that it would lead to such increased costs in the operation of sheltered workshops—like the Good Will Industries—that they would be hard pressed to provide employment opportunities for the handicapped. We were not able to salvage any of this amendment, and for that I am sorry. But the House conferees were clearly of the opinion that their bill went as far as they felt it could go at this time.

Local colleges and hospitals: The Senate bill added new language to the House text authorizing the coverage of employees of county or municipal hospitals and institutions of higher education under special rules permitting these institutions to elect to have their employees covered under an agreement to make payments in lieu of taxes. I am pleased that this amendment was agreed to by the House conferees. It permits 436,000 additional jobs to be covered under the system.

Unrelated amendments: Two amendments not related to the unemployment compensation program were added to the bill during Senate debate. Of these one was accepted by the House with a relatively minor change. The other was rejected.

Industrial development bonds: The first of these additional amendments was offered by the senior Senator from Alabama, the distinguished chairman of the Committee on Banking and Currency (Mr. SPARKMAN). It was identical to an amendment the Senate had previously agreed to during consideration of the tax reform bill of 1969. Senator SPARKMAN'S amendment was designed to exempt from the registration requirements of the Securities and Exchange Commission any industrial development bonds issued by a State or local government if the interest on that bond remains tax exempt under the industrial development bond provisions of the Internal Revenue Code.

As I have noted, an identical amendment had been agreed to when the tax reform bill was before us last year. It was deleted from that bill because the House conferees felt that since the registration requirement itself was the result of an administrative action, the matter could be corrected administratively.

The chairman of the House Ways and Means Committee personally wrote the Chairman of the Securities and Exchange Commission about the matter shortly after the conference action in December. Chairman Budge replied that while the Securities and Exchange Commission had little objection to the adoption of an amendment to the statute, they felt the situation was such that they could not reverse their earlier administrative action. That being the case, Senator SPARKMAN reoffered his amendment and with relatively minor modification, it was agreed to by the House conferees.

I might say that a question has developed as to the implications of the conference agreement on certain housing bonds, presently exempt from the registration requirements of the Securities and Exchange Commission.

The conferees did not intend to require registration of any security which is exempt from registration under existing law. Thus, this amendment will not change the exempt status under section 3(a)(2) of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 of bonds or other obligations issued by housing or mortgage finance agencies or authorities of States or local governments to finance programs to provide residential housing or mortgage loans for residential housing where these programs are administered by the agency or authority or by the State or local government.

This amendment does, however, relieve a compliance burden on many State and local governments in their effort to attract and expand business in their communities. It does not affect the Federal revenues.

A number of Senators have announced that they will make an effort to defeat the conference report and demand a further conference with the House on the question of coverage of agricultural workers.

This matter had not been dealt with by the House. But Senators will recall, the Finance Committee added amendments to the House-passed version extending the coverage of the unemployment insurance system to employees of large farms—those employing eight or more farmworkers in each of 26 different weeks during the year. In extending this coverage, however, the Finance Committee carved out an exception for farmworkers employed by "crew leaders"—those who shepherd migratory workers from job to job across State lines as the planting and harvesting seasons come and go.

It was the committee's thought that this exception was essential if we were to devise a workable plan for adding agricultural employees to the unemployment compensation program. We were convinced that providing coverage for migratory workers raised problems for which we had no solution at this time. We felt that experience with the coverage of a limited group of regular farmworkers might provide experience that would enable us to work out a plan in the future for bringing migratory workers under the system.

Unfortunately, the Senate was not willing to agree to the committee plan. Rather, it insisted on immediately bringing migratory workers within the farm coverage provision. The senior Senator from Delaware, who is also the ranking minority member of the committee, advised the Senate when it was considering that amendment of the many problems involved. He said it raised problems we could not solve. I, too, advised the Senate that there were problems with respect to the coverage of migratory workers for which we had no answers.

It was not a lack of compassion that prompted the committee to omit the coverage of these workers. It was very practical administrative problems. I predicted at the time the Senate agreed to the migratory worker amendment that we would not be able to solve the problems of the migratory worker in conference. As it turned out, my prediction was true.

As a matter of fact, the addition of the migratory worker amendment in the Senate solidified the opposition to coverage of any farmworkers at this time. The House conferees raised a number of questions about the Senate amendment which we could not answer.

Ever since the Federal-State system of unemployment insurance began, coverage of farmworkers has generally been thought of as a desirable objective. And, every time that farmworker coverage has been proposed, we have been told that the administrative problems are too great and that time is needed for a study of the matter.

In the years that have gone by, some limited coverage of farmworkers has been provided in several jurisdictions and studies of the problems involved in specific States have been undertaken. There has, however, been no study of the nationwide problems involved. In the light of all this, it seemed to the Finance Committee that the best way to secure knowledge of what the problems might be was to attack head on and to provide coverage limited to those farmworkers who most nearly equate with the types of employment that are now covered. In effect, we would have provided a nationwide experiment in farm coverage. This we thought was something that could be done. In this, we were more venturesome than our friends on the House Committee on Ways and Means. Acting on the same information that we had, they had decided that even the limited coverage we had proposed in committee was not possible.

In considering farmworker coverage in committee, we had given careful consideration to the special problems presented by migrant farmworkers. We concluded that they should not be covered at this time, and we thought that if migratory farmworker coverage was not provided, the conferees from the Ways and Means Committee might be convinced that they should go along with a proposal for more limited coverage of farmworkers.

As it turned out, the measure that we took to conference included coverage for migratory workers. The inclusion of that provision made our task in conference impossible. However, in the course of the conference, it was also made clear that until a thorough study of the whole farmworker coverage problem was made, no provision for covering farmworkers could be acceptable to the House. We at least were able to get the study started by making specific reference to it in the statute.

In addition to raising these problems, the House conferees were of the opinion that the cost of covering farmworkers would be far greater than we estimated, and that this would involve tremendous subsidization by other employers to pay benefits to farmworkers. They insisted that since they had rejected a farm coverage amendment in the Ways and Means Committee they were not willing to have it thrust on them now as a Senate amendment. And they refused to yield to any degree.

If Senators will look at the good in the conference bill, the improvements that it would make in the unemployment program, I am sure that they will vote for it. The bill extends coverage to a number of groups who are now without protection. It improves the financing of the existing program, and it establishes an extended benefits program for periods when unemployment is high. It seems to me that these are worthwhile improvements which should not be lost in a dispute over a questionable extension of coverage.

But make no mistake about it. If this conference report is not agreed to here today, it will not be agreed to in this Congress. It will be a dead bill. There is virtually no chance that we could get another conference with the House of Representatives. They let a bill comparable to this one die in 1966 because they did not like the Senate amendment

I would like to have prevailed on the farm coverage amendment—I voted for it in committee. But even without it, I believe this is a good bill. With unemployment continuing to rise, it is more important than ever that we get the extended benefits program enacted into law now so it will not be necessary to pass emergency legislation later on. But that is not all the bill does. It also provides coverage of the unemployment compensation program for an additional 4.7 million people who had not previously been protected, and improves the financial structure of the system. These three factors make this a good bill—one that should be enacted.

I have already noted that there has been no nationwide study of the problems involved in extending unemployment insurance to farmworkers. However, an important regional study of the issue is getting underway at the University of Connecticut. This study will cover the northeastern region of the United States consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and Ohio. In the course of the survey farm operators, farm employees, crew leaders, and migrant workers will be interviewed to find out what kind of records employers keep and how much individual employees earn, work, and are unemployed. The information is to be collected in such a way that it should be possible to determine whether farm operators keep, or can keep, the kind of records needed for unemployment insurance; the amount of unemployment taxes that would have been collected had farmworkers been covered and how much in benefits would have been paid to unemployed farmworkers, both because of their farmwork and because of any other work that is covered under present law.

While the survey will not cover the entire country, the area selected for the study should give a fair representation of

the problems that might be encountered throughout the rest of the country. The area selected for study has a resident farmworker population and is the northern part of the eastern seaboard route followed by about 50,000 migratory farmworkers. In addition several thousand farmworkers from Puerto Rico work in the region and many resident farmworkers work in more than one State. Thus, the area is broadly representative of the national farm population and the problems in this area should reflect those that would be found throughout the entire country.

I would expect that the results of this study would be of a great deal of help to us in designing a workable program for covering farmworkers. We have been in touch with the people who are running the study and they tell us that they are generally keeping to their original schedule and that we should begin to get early results of the study around the end of this year. If we wait until this study has been completed before taking action on coverage of farmworkers, we should be in a better position to make sound decisions on how coverage should be extended to farmworkers.

Before concluding my remarks, let me advise the Senate that this farm coverage amendment is not essential to provide unemployment insurance protection for farmworkers. By no means, States are perfectly free to go beyond the Federal law and provide coverage for groups which may not be covered. Many have done so in various respects. So far as agricultural workers are concerned, a few States have extended coverage in limited situations. I urge other States to review their own programs and sympathetically consider amendments to cover farmworkers on as broad a basis as they reasonably can and to do so as swiftly as they see fit. I urge them not to wait for a Federal mandate.

Mr. President, this concludes my explanation of the Senate amendments to H.R. 14705.

Mr. SPARKMAN. Mr. President, will the Senator from Louisiana yield at that point?

Mr. LONG. I yield.

Mr. SPARKMAN. I appreciate the explanation the Senator has given. I had prepared an express question that I should like to propound, in order that the RECORD may clearly show largely what the Senator from Louisiana has already explained, if I may present it at this time?

Mr. LONG. Certainly.

Mr. SPARKMAN. Mr. President, I notice that the amendment relating to industrial revenue bonds was changed in the conference committee from the amendment adopted by the Senate. I am particularly concerned lest the amendment might be interpreted to take away rather than to bestow exemptions from registration under the securities laws, particularly with regard to housing, a matter in which I am most interested. I have reviewed the matter and I am of the opinion that this amendment will not change the exempt status under section 3(a)(2) of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 of bonds or other obligations issued by Housing or Mortgage Finance Agencies or Authorities of States or local governments to finance programs to provide residential housing or mortgage loans for residential housing where these programs are administered by the agency or by the State or local government.

I want to ask the Senator from Louisiana, the chairman of the Finance Committee and the manager of the conference report, if he concurs in my opinion?

Mr. LONG. Yes, I do concur. This is consistent with what was intended by the conferees. I have already referred to it in my statement, to make sure that I did agree.

Mr. SPARKMAN. I thank the Senator.

Mr. CURTIS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. CURTIS. I want to commend the chairman of the Finance Committee for the action he has taken with regard to these industrial bonds. It is my understanding that the municipal bonds—I am referring to the State tax-free bonds—have no requirement for registration with the Securities and Exchange Commission but because of the special category of the industrial bonds an Executive order was entered which requires that they be registered. This is a very expensive procedure for the municipalities issuing industrial bonds. In addition to that, the delay involved plus the added expense severely hampers the isuance of bonds for industrial expansion.

I believe that the action taken today, if the conference report is agreed to, will eliminate that requirement in the field of industrial bonds insofar as they are defined as being tax exempt. It is something which is very much needed.

It was a nuisance the way it was. It served no public purpose.

I congratulate the distinguished chairman for his action in the Senate and in the committee as well as in the conference.

Mr. LONG of Louisiana. I thank the Senator from Nebraska.

Mr. SPARKMAN. Mr. President, I join the Senator from Nebraska in his remarks. I want to say this about the chairman of the Finance Committee, that not only was he helpful in the conference, but he has also been cooperative on the floor of the Senate every time this matter has been brought up.

I can say the same thing about the distinguished Senator from Nebraska (Mr. CURTIS). He has been most helpful also. He is one of the leading members of the Finance Committee on the minority side.

Mr. LONG. Mr. President, I thank the Senator. I am extremely happy when a Senator can prevail on something that he has been right about and has been seeking to persevere on for some time.

I salute the Senator. He has been indefatigable in this matter. I am happy that it has finally been accomplished.

Mr. SPARKMAN. Mr. President, we have had a lot of good help. I refer to the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. ALLEN) and the others who have been helpful.

Mr. LONG. Mr. President, I regret that we were not able to prevail in conference on a very significant amendment which was offered by the Senator from Delaware (Mr. WILLIAMS). However, since that time, the Treasury has sought to cooperate with the Senator from Delaware in working out an amendment that the Treasury felt it could endorse.

That amendment was added to a measure yesterday which was passed. It is my impression that the senior members of the House Ways and Means Committee hope to cooperate on that measure.

While we were not able to prevail in this matter, I believe that the Senator's years of efforts in this area will reach fruition as a result of the amendment he was able to send to the House yesterday.

I congratulate the Senator from Delaware that he was able to do something about the interest rate on the series E bonds.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Louisiana. It is true that we have worked out an amendment relating to saving bonds that the senior members of the House Ways and Means Committee will accept. The Treasury Department has likewise approved it.

While I realize that the Senator from Louisiana was not enthusiastic about the proposal when it was first made, I thank him for giving us a chance to let the will of the Senate prevail.

Mr. LONG. Mr. President, as one who did not want to vote for the amendment, I suppose the Senate wanted to do something along that line because it voted for it.

Mr. President, this concludes my explanation of the Senate amendments to H.R. 14705. I hope that the conference report will be agreed to.

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

Mr. LONG. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I could not be here in the beginning of this discussion today. Did the Senator deal with the amendment which the Senate added on the floor attempting to make the Federal Unemployment Tax Act, applicable to certain groups of agricultural labor?

Mr. LONG. Yes, I did discuss that matter. The House was rather adamant on that provision. Since they had considered it and rejected it, they were unwilling to accept it as a Senate amendment.

The best we could get from them was an agreement on a study that would go forward as another provision in the bill. It will be a matter of priority and we will consider farm coverage again after the study is finished.

Mr. HOLLAND. Mr. President, does the Senator mean in this session?

Mr. LONG. Mr. President, I cannot assure the Senator that it will be considered again in this session. However, any Senator has a right on a future bill,

as the Senator knows, to raise the matter again.

I am frank to say that the House conferees were very firm on this matter. I hardly believe that they will agree to the matter before the study is finished.

Mr. HOLLAND. Mr. President, as I understand the situation, the existing law will continue. Under the existing law, agricultural labor is exempted from coverage under the Federal Unemployment Tax Act.

Mr. LONG. That is entirely correct. May I say that I, of course, like to see the Senate position prevail, and I voted for farm coverage in the committee and I voted for the bill.

Also, I believe we should keep in mind that the conference report we have here extends coverage to more people than either the Senate or House bill. To that extent, the bill makes a major contribution so that 20 times as many people will be covered under this bill as would have been affected by the farm coverage provision of the bill.

Mr. HOLLAND. Mr. President, the inclusion of any agricultural labor does not appear in the conference bill.

Mr. LONG. No; it does not. The House conferees were very firm on that matter. However, as I say, this bill does provide extended coverage to all unemployed workers covered by unemployment insurance. It provides for up to 13 weeks of additional benefits and adds 4.7 million jobs to those covered under the program.

Mr. HOLLAND. Mr. President, I congratulate the Senator from Louisiana on the outcome of his conference. Frankly, I had felt that the provisions of the Senate bill as applicable to agricultural labor would require further study. I am rather glad that they were eliminated from the bill.

I do congratulate my friend, the Senator from Louisiana, on having gained so many other points and in having made such a clear report on the conference.

Mr. LONG. Mr. President, I thank the Senator.

Mr. President, in that connection, I ask unanimous consent to have printed in the RECORD a tabulation showing the additional jobs to which coverage is extended. I believe that it makes a very impressive list. There would be 4,753,000 additional jobs covered as a result of this legislation.

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

JOBS ADDED TO UNEMPLOYMENT INSURANCE COVERAGE BY CONFERENCE VERSION OF H.R. 14705—MAY 5, 1970

Category	FUTA	State
Firms with 1 worker in 20 weeks or $1,500 quarterly payroll	2,302,000	1,132,000
Broader definition of "employee"	360,000	210,000
Narrower definition of "agricultural labor"	205,000	190,000
U.S. citizen employed by U.S. employers abroad	160,000	160,000
Nonprofit organizations	0	2,121,000
State hospitals and institutions of higher education	0	940,000
Total	3,027,000	4,753,000

EMPLOYERS ADDED TO UNEMPLOYMENT INSURANCE COVERAGE BY CONFERENCE VERSION OF H.R. 14705

Firms with 1 worker in 20 weeks or $1,500 quarterly payroll	999,000	490,000
Broader definition of "employee"	(1)	(1)
Narrower definition of "agricultural labor"	(2)	(2)
U.S. citizen employed by U.S. employer abroad	(1)	(1)
Nonprofit organizations	0	18,000
State hospitals and institutions of higher education	0	1,000
Total	999,000	509,000

[1] Employers already covered.
[2] Not available.

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

Mr. LONG. I yield.

Mr. ALLEN. Mr. President, I commend the able Senator from Louisiana for the excellent work which he and the other conferees have done with respect to H.R. 14705.

I draw particular reference to the inclusion in the bill as recommended by the conference report of section 401, the exemption of certain industrial development bonds from registration with the SEC.

I recall very well that when this bill was pending before the Senate, an amendment was offered by my distinguished colleague, the senior Senator from Alabama (Mr. SPARKMAN), and the distinguished junior Senator from Tennessee (Mr. BAKER), which would have exempted the industrial development bonds from registration.

The distinguished Senator from Louisiana said on the Senate floor that he would be willing to accept the amendment and take it to conference and seek to work out the matter.

It is with a great deal of satisfaction that the junior Senator from Alabama notes that the matter has been resolved in favor of exempting this type of bond from registration with the SEC.

It did place and does presently place, until the bill presently under consideration goes into effect as a law, an undue burden on small communities seeking to issue this type bond. It makes it almost impossible for them to go this route. H.R. 14705, as amended by the conference report will enable them to obtain much needed financing to allow them to engage in the industrial development of their communities.

I wish to express to the distinguished Senator from Louisiana the appreciation of the cities and towns in Alabama and the people of Alabama for the fine work which he has done and which has been done by Members on the part of the House and on the part of the Senate for agreeing to this conference report.

Mr. LONG. I thank the Senator. I think that the conference action on this matter further demonstrates the good judgment and sincerity of the senior Members of the House Committee on Ways and Means, headed by Chairman WILBUR MILLS of Arkansas.

When this matter was in conference on an earlier occasion their view was that they doubted the necessity for it. When they saw it was necessary they were willing to agree to it. Their good faith was demonstrated, as it has always been demonstrated. I am pleased to say they were ready to agree to this matter when it was demonstrated to them that it was necessary.

Mr. ALLEN. I thank the Senator.

Mr. WILLIAMS of Delaware. Mr. President, the conference report on H.R. 14705, the Employment Security Amendments of 1970, is the best unemployment compensation bill that the House of Representatives and the Senate have been able to agree on after 4 years of disagreement. It contains most of the recommendations made by the present administration and no provisions which they object to. Work on the current bill started in the House last October and in the Senate last March. In this period we were able to overcome the differences which prevented enactment of another unemployment compensation bill in 1966 as well as to iron out the differences which occurred in the course of writing the present legislation.

A number of the differences between the unemployment compensation bills passed by the House and by the Senate were merely technical. There were, however, two major differences which I think are worth talking about. One of these is the provision of the House-passed bill which would have extended unemployment compensation to employees of small firms and the other is the provision of the Senate-passed bill which would have extended coverage to people working on large farms.

With regard to the small firm provision the House passed bill would have extended coverage to firms which employed one or more people in 20 weeks a year or which had payrolls of $800 or more in a quarter. Under the present law, coverage is mandatory only for employers of 4 or more people in 20 weeks. This provision was not in the Senate bill and in the conference the will of the House prevailed and the Senate conferees agreed to delete the provision with an amendment increasing the alternate coverage test from $800 a quarter to $1,500 a quarter.

On the other hand, the provision relating to employees of large farms was a Senate provision which we could not get the House to agree to. Quite honestly. I can understand why the House did not go along with the Senate farm coverage provision. Adoption of the provision in the Committee on Finance was a close thing because we had grave doubts that the provision could be administered. We were sympathetic to the problems of farm employees and farm employers but we thought we would not be doing either of them any favor if we provided them with an unworkable system of unemployment insurance. Accordingly, there was a great deal of sentiment in favor of instructing the Department of Labor to make an in depth study of the problems and the costs involved and to report their recommendations to us, as the conference report requires.

My reservations about this provision

were strengthened when the Senate adopted an amendment which would have extended farm coverage to migrant workers. When the problem was considered in committee, migrant farmworkers were thought to present a special problem for which there was no clear solution.

The majority of the members of the committee who were in favor of some sort of farm coverage recognized this problem and agreed to exclude migrant workers from coverage. We did not know how the coverage of migrant workers could be administered and the administration could not tell us how it would be administered. Therefore, in committee we thought that experience with a limited provision might provide clues for broader farm coverage at a later time.

When the migrant farm workers amendment was before the Senate I did not argue against it on its merits—I thought a good argument could be made as to its merits. I had to oppose it because it was a problem to which we had no solution. We had no solution in the conference and we have none now.

We did, however, take the Senate passed provision to conference where we were met with very firm resistance. Had we not receded on this point, we could not have reached agreement on any bill. And, the action in the House the other day, where the motion to add the Senate passed provision to the bill failed by a vote of 219 to 270, shows that the House conferees represented the will of the majority of that body.

The House has rejected the farm coverage amendment and their conferees have been discharged. If we were to readopt the provision at this time, the unemployment compensation bill would be dead for this Congress.

I think we would not be wise to kill this bill. Senators will recall that in 1966 an unemployment compensation bill failed enactment when the House and Senate were unable to agree on what the provisions should be.

The bill before us represents pretty much what was not in dispute in 1966. We should look at the good which the bill would do. I believe that it is a good bill. It would extend coverage to about 4.7 million people who do not now have coverage, it improves the financing of the present program and it creates a program for paying additional benefits when unemployment is high. This new extended benefits program alone might be reason enough to enact the bill now. There are soft spots in our economy and unemployment is rising. In the past when unemployment was high we had to create ad hoc extended benefits programs and they did not get into operation early enough to get the most out of them. Now we have an opportunity to create a permanent program in advance of high unemployment. Hopefully the program will get little use but the fact is that in at least one State unemployment is now high enough so that extended benefits could be paid.

This is our last chance in this Congress to get an unemployment compensation bill passed. The provisions are all a part of the President's legislative program. They are good provisions, they are needed provisions. I hope that we will adopt this conference report.

Mr. MONDALE. Mr. President, I rise to oppose the conference report on H.R. 14705, the Employment Security Amendments of 1970.

As chairman of the Migratory Labor Subcommittee, I am pleased that Senator SAXBE, ranking minority member of the subcommittee, as well as most other members of the subcommittee, and other colleagues have joined in requesting that the Senate vote against the conference report on H.R. 14705, a bill which extends coverage and improves benefits for some workers under the unemployment compensation system.

We do this not because we are opposed to the provisions in the bill. In fact, we support them in these times of economic insecurity and rising unemployment.

We urge rejection of the conference report because we think that the provisions adopted by the Senate extending coverage of unemployment compensation to farm employers who have eight or more employees in each of 26 weeks during the year should not have been abandoned in conference.

We think it was most unfortunate that farmworker coverage was dropped in conference. The farmworker coverage adopted by the Senate was a very modest beginning. In fact, only 2 percent of all farm employers—approximately 22,000—and 20 percent of all farm employees—approximately 250,000—would be affected by this provision. Relatively few and only the larger agriculture businesses would be covered, and not the small family farmer. This does not go as far as the administration proposal which called for coverage of farm employers who have four or more employees in each of 20 different weeks during the year.

The great majority of the working force is covered by unemployment compensation—over 80 percent of all jobs. Coverage of farmworkers is entirely feasible according to existing studies. Recordkeeping presents no new obstacle, as the agribusinesses involved are already covered under other Federal and State laws requiring records. There is no justification for failing to include farmworkers under the coverage of unemployment compensation.

We therefore urge rejection of the conference report. If successful, we will request that a new conference be convened and that the Senate conferees insist on the farmworker provisions adopted by the Senate.

I think in many respects the report is sound, and in many respects excellent in terms of extending coverage and expanding benefits. It incorporates principles with which I wholeheartedly agree.

But tragically, and once again, adopting this report we will be repeating what is virtually an ancient and tragic mistake of completely forgetting about the migrant and seasonal farmworkers in America for they have been excluded from coverage. And this omission is despite the fact that the Senate, after substantial and heated debate last April 7, 1970, voted to take the first step in the right direction by including the large corporate farms and the migrant and seasonal farmworkers who are employed on those large farms under this unemployment compensation program.

In our effort to oppose the conference report and send it back with instructions to the conferees to include farmworkers, I am joined by the distinguished Senator from Ohio (Mr. SAXBE), who is the ranking minority member of the Subcommittee on Migratory Labor, the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER), who is also a member of the Subcommittee on Migratory Labor, and also the distinguished Senator from New Jersey (Mr. WILLIAMS), who is Chairman of the Subcommittee on Labor, the senior Senator from New York (Mr. JAVITS), who is the ranking minority member of the full Committee on Labor and Public Welfare, and I believe there will be others who will publicly wish to join in this effort.

I think I speak for all of them when I say we deeply regret the necessity for this effort to reject the conference report, but we see once again the neglect of the most desperately poor in American life, who probably work as hard and earn as little for their efforts as any people in America. These are the migrant and seasonal farmworkers who are the most desperately poor by practically any standard, including income, health, nutrition, housing, education, and the right to enjoy the political, economic, and social benefits attendant with living in a given geographical area. These people have been chronicled time after time in some of the great literature on American life, beginning with reports as early as 1901. They have been graphically portrayed in novels such as "Grapes of Wrath."

Again their plight was discussed by the Toland committee in the 1940's in the House of Representatives, then again, they were portrayed in a 1951 report in the Truman administration. Moving television documentaries, beginning with "Harvest of Shame" by Edward R. Murrow, and 2 years ago on educational television in "What Harvest for the Reaper" on migrants in the State of New York. Again, a few weeks ago in an NBC documentary "Migrant—An NBC White Paper."

Then a few days ago in a report by a team of noted doctors who had examined the health conditions of migrant farmworkers in Texas and Florida under the auspices of the Field Foundation, which described conditions that are beyond belief.

And all we are proposing to do here is to take the first step to include the farmworker within the unemployment compensation laws of this country, and to include only a small proportion, affecting less than 20 percent of farm labor and 2 percent of our farms—the large corporate growers, to be sure.

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

Mr. MONDALE. I yield.

Mr. JAVITS. Of course, I join, as the Senator said just a few minutes ago, with him and other Senators, but the Senator mentioned percentage figures, and I am sure he will agree that the percentages should relate to the actual numbered figures. As I understand it, 2 percent of the farm employers represents 23,000 employers and 20 percent of the farmworkers represents 276,000 workers.

Mr. President, I ask unanimous consent that a study made by the Department of Labor may be utilized in this respect by being printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, the unemployment insurance conference report before the Senate today discards one of the most important features of the Senate bill—namely, the coverage of agricultural employees—and the Senate must not perpetuate 30 years of injustice to and discrimination against this class of our Nation's labor force by adopting this report.

For years the Nation's agricultural workers have been the victims of this invidious discrimination. Only recently, in 1966, were they brought under the Fair Labor Standards Act and only in 1950 were they brought under social security.

President Nixon in his message to the Congress of July 8, 1969, recommended limited coverage for agricultural workers and Secretary of Labor Shultz vigorously supported coverage of employers having four workers in 20 weeks. The administration thus sought to cover "agricultural businesses"—those large farms employing more than four workers in 20 weeks, in which it was felt that the employment situation was at least as stable as in comparable industries.

Unfortunately the House Ways and Means Committee narrowly defeated a proposal to cover agricultural employers employing eight or more workers in 26 weeks, and the House bill provided no coverage for agricultural workers.

The Senate Finance Committee bill did, however, provide coverage to farmworkers where an employer had eight or more workers in 26 weeks. As the committee report stated on page 12:

> By limiting coverage to agricultural businesses the Committee believes that the cost of extension of coverage will be reasonable and comparable to cost rates of some currently covered industries.

The Senate bill would provide coverage for 2 percent of the farm employers—23,000—having 22 percent of the total farm work force—276,000—and represented a first step in removing this great injustice to a particular class of our Nation's labor force. I am greatly concerned that this Nation spends $3.7 billion per year in farm subsidies for 2.5 million recipients. It is inconceivable that over 13,000 recipients are paid subsidies greater than $20,000 a year and yet these same large agricultural businesses do not provide the most basic protection to their employees in the form of unemployment insurance. In terms of farm employers only, 2 percent of all farm employers would have been covered by the Senate bill.

Mr. President, the will of the Senate was clearly expressed when, by a record vote of 42 to 36, the Senate adopted an amendment offered by the Senator from Minnesota (Mr. MONDALE) and cosponsored by the Senator from California (Mr. MURPHY) that strengthened the amendments made in the Finance Committee bill. The Senate Finance Committee, in redefining the term "farm employer" used in the Federal Unemployment Tax Act, excluded from that definition the term "crew leaders" and their employees. Thus, the committee exempted from unemployment insurance coverage those agricultural workers who, by virtue of their employer's having eight workers in 26 weeks, would have been covered had they not been working for a "crew leader." The Mondale-Murphy amendment was a modest one and did not extend coverage for agricultural labor beyond that which was intended by the committee bill. The amendment simply recognized and alleviated a potential for abuse by removing the temptation on the part of many employers to appoint a "crew leader" and thereby exempt themselves from the unemployment insurance tax, although they ordinarily would be covered if they employed eight workers in 26 weeks.

The conference committee did not support the Senate position and the conference report, filed May 5, 1970, contains no coverage whatsoever for agricultural labor.

Mr. President, there is no question but that some coverage under the unemployment insurance laws should be extended to farmworkers. Such studies that are available indicate that the benefit cost ratio—benefits as a percent of taxable payroll—for coverage of employees of large agricultural operations would be no more costly than is coverage of other industries.

The benefit-cost rate for calendar year 1967 in California for the canning/processing industry was 10 percent and the rate for contract construction was 8.3 percent. Based upon Labor Department statistics and a special survey conducted in California in 1966, the benefit cost rate for agriculture is 9.5 percent. Under California's elective coverage law, as of December 31, 1968, 765 employers with approximately 18,000 employees had elected coverage and the benefit cost rates for agriculture under elective coverage in 1967 and 1968 were 5.3 and 4.5 percent respectively.

The North Dakota experience involving elective coverage shows similar results with the benefit cost rate comparable to that in other industries. Although the survey was a limited one, four employers with an annual taxable payroll of $10,000 or more had a benefit cost rate of 3.6 percent and the one employer under the North Dakota elective coverage law having eight or more workers in 26 weeks had a 1968 benefit cost rate of 1.7 percent.

In a Connecticut study based upon a special 1960 survey it was estimated that the benefit cost rate for agriculture would be 1 percent as compared with an all industry benefit cost rate of 2.5 percent.

Mandatory coverage for agricultural employers who employed 20 or more workers in 20 weeks was instituted in Hawaii in 1959. In 1968, 35 employers with average monthly employment of 9,815 were covered under the self-financed program—employers pay only for benefits paid which are chargeable to him, rather than contributing to the regular unemployment insurance program—and the benefit cost rate was 1.1 percent. In 1967 the benefit cost rate was also 1.1 percent for these agricultural employers while the benefit cost rate for private industry in Hawaii was 1.6 percent.

Finally Mr. President, the Canadian experience where agricultural coverage is mandatory, for the fiscal years 1967 through 1969 shows a benefit cost ratio of 1.2 percent for agricultural coverage while the ratio during the same period for construction was 2 percent. The Canadian program covers 35,000 employers and has added 62,000 to the insured work force.

Mr. President, as the chairman of our Finance Committee indicated, this bill represents a long overdue step in reforming the unemployment insurance system. The recent Labor Department unemployment figures and the minority report of the Joint Economic Committee underscore my deep concern for this vital legislation. I strongly support this legislation but I feel that it is inexcusable to provide the reforms in this bill to the majority of the Nation's labor force at the expense of our country's agricultural workers. This is particularly true when the Conference Committee could report back a bill within a matter of hours containing limited coverage for agricultural workers.

EXHIBIT 1

STATEMENT ON COVERAGE OF LARGE FARM EMPLOYERS

While employees in the agricultural industry should be covered under the same provisions as all other employees, a provision to extend coverage only to large farm employers, including farm labor contractors (crew leaders), is proposed as an initial step.

By beginning coverage in the agricultural sector with large farm employers, the same gradual approach that was used in the nonagricultural sector would be applied. Available information indicates that it would be feasible to start with coverage on the same basis as the present FUTA provision, i.e. employers of 4 or more workers in 20 weeks. Such a provision would affect about 5 percent of all employers of agricultural labor but 30 percent of all the employment under State unemployment insurance laws.

H.R. 14705 includes no provision for the extension of coverage to employees in agriculture. The House Ways and Means Committee did consider defining a large farm employer as one who employed 8 or more workers in 26 weeks. This provision, while more restrictive than the 4 or more work-

ers in 20 weeks provision, would, nevertheless, follow the same gradual approach used in the non-agricultural sector. Such a provision would extend coverage to only about 2 percent of all farm employers and about 20 percent of all the employment under State unemployment insurance laws.

Many persons are employed in both the agricultural and non-agricultural sectors of the work force. In the past ten years over 30% of all hired workers on farms earned part of their wages in non-farm work.

NUMBER OF PERSONS WHO DID ANY FARM WAGE WORK DURING THE YEAR, 1947–68

[Persons 14 years of age and over]

Year	Number			Percent			Year	Number			Percent		
	Total	Farmwork only	Farm and nonfarm work	Total	Farmwork only	Farm and nonfarm work		Total	Farmwork only	Farm and nonfarm work	Total	Farmwork only	Farm and nonfarm work
1947	3,394	1,835	1,559	100	54	46	1958	4,212	2,918	1,294	100	69	31
1948	3,752	2,498	1,254	100	67	33	1959	3,577	2,421	1,156	100	68	32
1949	4,140	2,886	1,254	100	70	30	1960	3,693	2,368	1,325	100	64	36
1950	4,342	(1)	(1)	100	(1)	(1)	1961	3,488	2,356	1,132	100	67	33
1951	3,274	2,410	864	100	74	26	1962	3,622	2,342	1,280	100	65	35
1952	2,980	(1)	(1)	100	(1)	(1)	1963	3,597	2,450	1,147	100	68	32
1953	(1)	(1)	(1)	(1)	(1)	(1)	1964	3,370	2,094	1,276	100	62	38
1954	3,009	2,145	864	100	71	29	1965	3,128	1,983	1,145	100	63	37
1955	(1)	(1)	(1)	(1)	(1)	(1)	1966	2,763	1,685	1,078	100	61	39
1956	3,575	2,544	1,031	100	71	29	1967	3,078	2,017	1,061	100	66	34
1957	3,962	2,947	1,015	100	74	26	1968	2,919	1,852	1,067	100	63	37

[1] Information not available.

Source: U.S. Department of Agriculture, Hired Farm Working Force, 1947–68, Sept. 16, 1969.

BENEFIT COST RATES AND AVERAGE TAX RATES FOR SELECTED INDUSTRIES BY STATE (SELECTED YEARS)

State	Benefit cost rate [1] all industries	Average tax rate [2]			Estimated benefit cost rate [3] agriculture
		Construction	Services	Manufacturing	
Arizona	1.3	1.9	1.5	1.4	3.8
California	2.4	3.5	3.0	2.8	[4] 9.5
Connecticut	2.5	2.4	1.9	2.1	1.5
Nebraska	.9	2.2	.9	1.1	1.6
New York	2.8	2.8	2.2	2.4	3.3

[1] Benefits paid as a percent of taxable wages. For Arizona, Connecticut, Nebraska, and New York: 1959; California: 1967.

[2] Benefit cost rates not available for these industries in all States listed. Average tax rates are only indicative of long range average costs. Consequently, in any given year the tax rate may be higher or lower than the cost rate for that year. Rates shown are for 1961 for Arizona, Connecticut, Nebraska, and New York and for 1967 for California.

[3] Based on special surveys conducted in the States shown. Arizona, 1959; California, 1965–66; Connecticut, Nebraska, and New York, 1960. Estimated cost rates are for a 12-month period prior to the survey date in Arizona, Connecticut, Nebraska, and New York and for calendar year 1967 for California.

[4] Benefit cost rates for selected industries for calendar year 1967 are: canning and preserving fruits, vegetables, and seafoods, 10 percent; contract construction, 8.3 percent.

FARM WORKERS,[1] NUMBER OF FARM EMPLOYERS: SELECTED YEARS

Item	Total	Workers with stated number of farm employers		
		1	2	3 or more
Number of workers (in thousands):				
1955	1,890	1,600	215	70
1960	1,900	1,610	220	70
1961	1,940	1,630	230	75
1962	1,945	1,625	225	95
1963	1,950	1,620	230	100
1964	1,960	1,620	235	105
Percent of workers:				
1955	100	85	11	4
1960	100	85	12	3
1961	100	84	12	4
1962	100	83	12	5
1963	100	83	12	5
1964	100	82	12	5

[1] Over 80% of all agricultural employees work for only 1 employer.

Source: Department of Health, Education and Welfare, Social Security Administration, Social Security Farm Statistics.

EXPERIENCE WITH COVERED EMPLOYMENT IN AGRICULTURE

The research studies summarized on page 23 were based on State surveys of farm workers and employers designed to measure the feasibility and cost of covering all farm employers. Other indicators of the cost of farm worker coverage are available, derived from actual experience. This statement covers the experience of Canada and Hawaii where the coverage is mandatory and of California and North Dakota where farm employers have elected coverage.

CANADA

Item	Fiscal year [1]		
	1967–68	1968–69	Apr. 1 1969 to Aug. 31 1969
Contributions	$2,097,560	$2,339,500	$994,487
Benefits paid	1,940,471	3,467,444	1,121,171
Benefits divided by contributions	0.9	1.5	1.1

[1] The Canadian fiscal year is Apr. 1 through Mar. 31.

For the total period the ratio of benefits to contributions is 1.2 (for the same period there was a 4.4 ratio for forestry and fishing and 2.0 for construction).

Unlike the proposals that have been considered in the United States, Canadian farm worker coverage is subject to no size-of-firm exclusion. Employment is not insurable if performed for a designated relative or if cash wages are less than $9 a week or if the employee or employer's spouse is self-employed in agriculture. Wages paid for the first 24 days of a temporary worker's employment are excluded from taxation and in any case a temporary worker's wages are taxable only if he has earned at least $250. The program, established March 1, 1967, covers 35,000 employers and has added 62,000 to the insured work force. Reported experience indicates that employer records are adequate and contribution delinquency is 10 percent below the average for other employers.

HAWAII

In 1959 mandatory coverage was instituted for agricultural employers who employed 20 workers in 20 weeks. An employer may elect to contribute under the regular unemployment insurance program or may elect to pay only for the benefits paid which are chargeable to him (self-financed). The majority of all employers and employment is covered under the self-financed program. In 1968, 35 employers with average monthly employment of 9,815 were covered under the self-financed program and 12 employers with average monthly employment of 1,106 were covered under the regular program. Benefit costs are not available for employers under the regular program. However, the benefit cost rate (benefits as a percent of taxable payroll) for self-financed agriculture for 1964–1968 is as follows:

HAWAII

Year	Self-financed agriculture	Private industry
1964	1.0	1.6
1965	1.0	1.3
1966	1.0	1.3
1967	1.1	1.6
1968	1.1	(1)

[1] Not available.

NORTH DAKOTA

The following data reflect elective coverage of agricultural employment in North Dakota.

Number of employing units	120
Average employment	148
Unemployment rate	[1] 13.2
Taxable wages (thousands)	$377.3
Contributions	$23,560
Percent of taxable wages	6.3
Benefit charges (thousands)	$46.9
Percent of taxable wages	12.4
Average weekly benefit amounts	[1] $34.79
Average weeks of benefits	[1] 14.9
Percent of beneficiaries exhausting benefits	[1] 26.0

[1] Workers earning largest portion of their wage credits in agricultural employment.

A distribution by annual taxable payroll shows that employers with relatively large annual payrolls have relatively low cost rates. For example, 9 employers had an annual taxable payroll of under $500 and a cost rate of 66.6 percent while 4 employers with an annual taxable payroll of $10,000 or more had a cost rate of 3.6 percent. Only one of the employers electing coverage in North Dakota had 8 or more workers in 26 weeks. This employer had a benefit cost rate in 1968 of 1.7 percent.

CALIFORNIA

As of December 31, 1968, 765 employers with approximately 18,000 employees had elected coverage under the provisions of the California law. The following is a distribution of the type of agricultural service or operation in which these employees worked.

CALIFORNIA

Type of service or operation	Number of employers	Approximate number of employees
Overall farming operations	90	3,900
Land leveling	65	372
Planting, raising, and harvesting	36	462
Nurseries	27	183
Crop dusting and fertilizing	57	640
Grain and seed cleaning	2	5
Hay baling	17	64
Irrigation—water companies, etc.	102	1,046
Field packing	4	137
Roadsiding	21	88
Livestock and dairying	50	413
Mink raising	1	1
Poultry raising	11	65
Poultry hatching	6	47
Packing shed	139	7,753
Dehydrating	3	106
Truckdrivers	92	1,549
Sheepshearing	24	297
Specialized services	18	1,156
Total, approved applications covering agricultural labor	765	18,284

The benefit cost rates for agriculture under elective coverage in 1967 and 1968 were, 5.3 and 4.5 percent respectively.

Other pertinent data of high cost industries in California show the following:

Industry	Average covered employment	Benefits paid per covered job	Benefit-cost rate
Contract construction	274,971	$436	8.3
Packing, processing, sorting, grading, assembling, preserving and canning of fruits and vegetables (includes canning and preserving of seafoods)	76,955	422	10.8
Total, all industries	4,839,950	95	2.4

EFFECTS OF ALTERNATIVE COVERAGE PROVISIONS FOR WORKERS IN AGRICULTURE UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

Size of firm	Estimated number of employers, 1968	Percent of all employers [1]	Estimated annual average employment 1968	Percent of all employment [1]
1 or more at any time	1,300,000	100	1,281,000	100
4 or more in 20 weeks	65,000	5	425,000	33
8 or more in 20 weeks	25,000	2	296,000	23
8 or more in 26 weeks	23,000	2	276,000	22

[1] Rounded to nearest percent.

Source: United States Department of Labor: Bureau of Labor Statistics, Wage and Hour and Public Contracts Divisions, and the Unemployment Insurance Service.

Mr. MONDALE. If I may interrupt there, it is the opinion of the counsel of the Migratory Labor Subcommittee that the number of employees estimated to be covered is actually inflated, because the fact is that the statistics are so loose and vague that the employees are not even accurately counted, and that the tests for coverage, almost by definition, will eliminate many. Thus, in addition to the eight employees for 26 weeks test for the farmer, each employee must meet State eligibility standards for experience in the work force, a test which may be particularly difficult for migrant and seasonal farmworkers to meet.

Mr. JAVITS. Is it not a fact that what we have tried to do, and what we will try to do by rejecting the conference report—and I shall vote against it—is to do what has been done in North Dakota, Connecticut, Hawaii, and Canada, and that the cost ratio to benefits as compared to actuarial expenses on the most hardheaded level fully bears out the fact that coverage of farmworkers would be no more burdensome than is coverage of industrial employees. So there is no reason for cutting it out even on the most hardheaded economic terms.

Mr. MONDALE. That is correct. That is why Secretary of Labor Shultz supported the program as well as many of our colleagues from both parties are in favor of it. I am not so sure they are in favor of rejecting the conference report, but they are in favor of the principle of extending coverage.

Mr. JAVITS. I think when a Senator who may be labeled a conservative joins the Senator from Minnesota (Mr. MONDALE), who may be classified as a liberal, that indicates the breadth of the support of this principle.

The conference report before us involves a very desirable bill. We are all for it except for this glaring omission.

Does the Senator feel, in good conscience—and I feel that way and I think it is very important that we make it clear—that if we rejected the conference report, for the reasons stated, just as the House often says "No," as it has in this case, the conferees would go back and there would reasonably soon come out of conference at least the minimum position of the Senate?

Mr. MONDALE. Yes, I certainly think so. This is a very modest proposal. It is about half what the President of the United States requested. The unemployment benefits would extend only to farmers having eight workers, for 26 weeks. The President's proposal was for covering farms with four workers for 20 weeks. It is clear that only large farms, and not the small family farmer would be affected by the Senate-passed amendment.

After all, what right do the larger corporations—indeed, I think some of them, such as Coca Cola, would agree—to say that their employees should not be covered by unemployment compensation? I think they would agree that they should be covered. It is far too late in history not to include the major corporate farms within the reach of this program.

I am encouraged into believing that the conferees would agree once the Senate confirmed its commitment to farmworker justice. The trouble has been that migrants have been considered expendable. They have no economic power. Who cares about them? They have no political power. They are the forgotten Americans. So it is the easiest thing in the world to forget about them, to compromise them away, but it is the most tragic situation in America.

I believe the conferees on the House side are as aware as we are of the situation and would help us if they thought we meant business.

Mr. JAVITS. I agree with the Senator. It is true that they have no vote, and, as the Senator has said, they have no economic power. The crying need itself has really disturbed this country. Millions of people, young and old alike, feel a deep grievance in their own consciences, because of what we know is happening to these workers. That is why "Grapes of Wrath" and all its progeny have had such a profound effect on America. That is why, when hearings are held on migratory workers—and the Senator from Minnesota has conducted them—there are headlines which catch our eyes and our ears. This, and the fact that the Senator and other Senators will be voting to turn down a highly expanded program of unemployment compensation, it seems to me, indicates that these people do have an impact and that ultimately we will vote to help them.

Mr. MONDALE. I thank the Senator from New York. I yield now to the Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. SCHWEIKER. Mr. President, I am pleased to have joined the Senator from Minnesota, chairman of the Migratory Labor Subcommittee, the Senator from New York, and the Senator from Ohio as a cosponsor of this very important amendment.

As the chairman of the subcommittee has pointed out, it is a very modest beginning. Unfortunately, when one sits day after day through these hearings on the migratory problem, he learns that this modest beginning is a very important start as far as those people are concerned.

One cannot help but be impressed by two factors which have placed migratory workers on the bottom rungs of the ladder of American workers and American economic status. Unfortunately, most of them are not represented in the House or in the Senate because of their migratory status. They have no Representative in the House or Senator to speak out for them, because by the time they harvest one crop, they are not qualified to vote in the elections because of their migratory or transitory working conditions. So they have one strike against them, in that they do not represent a constituency which can appeal to their representatives.

Second, and equally important, our committee made great efforts and great strides in agreeing to a few modest proposals, but, unfortunately, there is an administrative and enforcement problem, and it is a lot like aiming at that proverbial moving target. Every time we get a law on the books, by the time we try to enforce it, the worker is gone, nobody is there, everything is forgotten, because the administrator is not on the

scene to enforce it, as is the case with the normal worker, and blow the whistle when employers get off base. By the time he gets off base, the worker is in another State, harvesting some other crop or food.

I think that the conscience of America has got to come to grips with this problem. I commend the conferees for what they have done on this bill. I think, with the exception we are talking about here, that it is a good bill. They have done a lot of work.

I realize there are differences between the House and the Senate, and I realize the other body would have to take some action on this proposal. But, having served in the House of Representatives, let me say that the vote there was the largest, to my knowledge, that the migratory worker has ever received in that body. I think at last the House of Representatives is waking up to the fact that we all have a responsibility. I believe that vote is close, in terms of anything that has been done before, to indicating that that body is aroused about this problem.

So I hope that for once we will look at the problem, not in terms of whom we represent or who our constituents are—because I think on that basis probably no one should support the proposal of the Senator from Minnesota—but I think it is important to all of us that, in taking at least this modest step which represents only the bottom rung of the ladder, we awaken to our responsibilities and support the amendment of the Senator from Minnesota.

Mr. MONDALE. I thank the Senator from Pennsylvania. I would like to say at this point how much I appreciate the efforts and the conscientious involvement of the Senator from Pennsylvania in the work of the Subcommittee on Migratory Labor, because this is a thankless sort of work, often misunderstood, but it is really the only forum in the country before which these poor and disadvantaged people can come to be heard, and it is only because of efforts such as those of the Senator from Pennsylvania, that I think there remains some hope that we might yet make a change in their living and working conditions.

I see in the Chamber the distinguished Senator from Ohio (Mr. SAXBE), who has worked so hard as the ranking minority member of this subcommittee, who sat through almost all the hearings and is as familiar as anyone with the nature of this problem.

I am glad to yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, once again I would like to associate myself with the remarks of the Senator from Minnesota, who has chaired this subcommittee and heard, day after day, of the exploitation of migratory labor.

More than the issue of migratory labor is involved, however. I cannot help feeling that the House would accept a token if this matter went back to them. I do not want to see this provision destroyed. As the Senator from Louisiana and the Senator from Delaware have pointed out, we do not want to lose these gains that have been fought out over the years for the great number of workers who are covered in this bill on which we are now in conference. But I believe it is not unreasonable to think that we can have a beginning of coverage for some of the agricultural workers as well.

These are not small organizations we are dealing with; they are big corporations. As the Senator from Minnesota has pointed out, the Coca-Cola Corp. and others of almost that magnitude are the employers that would be brought under this program, and the relatively small number of agricultural workers certainly are entitled to be included.

One of the areas that I was particularly hopeful about, if we could go ahead with this matter, was that of the crew. If there is one group that is exploited, it is the crew, under the crew leader, of which the estimates run that there are as many as 100,000 crew leaders, perhaps 10,000 of whom would be significant; but here we are trying to cover only 1,000 crew leaders.

How does the crew system work? The crew leader pulls up on a street corner, let us say in Florida, or perhaps in New Jersey, depending on the crop, or in Michigan or Ohio, and picks up people off the streets. He takes them out where he has a contract with an operator, and they proceed to work, either on a piecework basis, by the pound, by the bushel, or by the box, and then the farm owner or operator pays the crew leader and he, in turn, is the one who has the privity with the worker that he takes out in the mornings. They like to pay them off every night, because it relieves them of responsibility. Yet the individual crew member could work 365 days a year, and have absolutely no coverage and no benefits.

He is exploited in other ways also. He is charged for the ride out in the bus; he is charged for his lunch; he is charged, perhaps, for a bottle of wine. They are exploited from the time they leave until the time they return.

I think it is not unreasonable to believe that the House would recognize this. I believe they want to cover these people. The President, in his message, asked that we cover the farm workers of any operator who has hired more than four workers for more than 20 weeks. We do not even ask that; we say eight workers for 26 weeks.

If we could do this, it would be a beginning toward covering an area that has long needed attention. I think it would solve some of the miseries. We hear a lot about the migration to the cities. We deplore the fact that, as people crowd into our inner cities, there is no work, there is only demeaning welfare, the problems of housing, and all of that. How much better it would be if they could have some type of unemployment compensation. I am not talking about just migrants, I am talking about residents as well. How much better it would be if they had some type of unemployment compensation which would hold them in the rural areas, where they could survive and search for other employment without being forced by economic circumstance into the city, where they create the tremendous, very hostile problems involved in trying to survive in an environment to which they have never become adapted.

So I think that we should reject this report, go back to the House of Representatives, and ask that they reconsider their position. I certainly commend the Senator from Minnesota for his work pertaining to migrants, and also the Senators who sat on the conference committee and salvaged so much that was of value. I regret that they were not able to sell this agricultural provision, but I believe on a second try they could.

Mr. MONDALE. I thank the Senator from Ohio for his very useful observations, and, of course, for being the most loyal and hard working member on the most frustrating efforts of the Subcommittee on Migratory Labor.

He makes two points that I think are important. In the first place, that the farmworker has been denied for all of these years coverage under most of the modern social and economic legislation that Congress has enacted into law.

For example, in 1970, a State employment security agency will pay a worker who has become unemployed the 50 billionth dollar in unemployment insurance benefits paid since the system was established in 1936. But no farmworker will have received a penny of that $50 billion.

In 1970 alone, employees will receive more than $2 billion in unemployment insurance benefits; but no farm worker will receive a penny of that coverage.

There are some 58 million workers covered by unemployment insurance today, and this conference report will add an additional 4 million, but not a single migrant or seasonal farm worker will yet be covered under this legislation.

We hear the argument that one of the reasons is that we do not know how to cover migratory farm workers, and that more research is needed. But I would remind the Senate, as did the Senator from Ohio, that the President of the United States, Mr. Nixon himself, urged that Congress adopt a more liberal bill, by 50 percent, than the one we are talking about now. The administration urged coverage of farms that had only four or more workers in 20 weeks, and they did not recommend more research.

In a recent letter from Mr. Arnold Weber, Assistant Secretary of Labor, dated May 6, 1970, regarding recently contracted research on coverage of all employees, he said:

> The Department of Labor viewed this research project as providing information that would be primarily relevant to extending farm coverage beyond that which President Nixon had proposed to the Congress in July 1969. The issue of large farm coverage was still before the Congress when this project was approved. The Department felt that there was sufficient data available from earlier studies and experience to demonstrate the feasibility of coverage of large farms, and Secretary of Labor Shultz so advised the Senate Committee on Finance in his testimony on February 5, 1970.

In other words, the Secretary of Labor certifies, in this letter, that in his judg-

ment—and his is the Department which must handle this legislation—that they are fully convinced that it is feasible, proper, and wise to proceed with this minimal unemployment compensation coverage proposal.

Mr. President, I ask unanimous consent to have the letter from Mr. Weber printed at this point in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
Washington, D.C., May 6, 1970.

Hon. WALTER F. MONDALE,
Chairman, Subcommittee on Migratory Labor, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Mr. Boren Chertkov, Counsel for the Subcommittee on Migratory Labor, asked that we provide you with information on a research project which the Department of Labor has funded, and the relationship of that project to the proposed unemployment insurance coverage of farm workers which was contained in the Senate version of H.R. 14705 and which was supported by the Administration.

The title of the research project is "The Impact of Extending Unemployment Insurance to Agricultural Workers in the Northeastern States." The study is being conducted cooperatively by agricultural econmists from Agricultural Experiment Stations in 13 Northeastern States. The total cost of the project is $1,725,000, of which the Agricultural Experiment Stations will contribute $736,000 and the U.S. Department of Labor $989,000.

The project proposal was formally submitted to the Department of Labor on January 13, 1970, by the NE–58 Technical Committee of the Association of Northeast Agricultural Experiment Station Directors. The project was approved by the Department on February 11, 1970.

A sample of farm employers in the 13 States are being surveyed by mail to obtain data on their farm employment and payroll, their farm operations and other data related to the employment practices on their farms. A sample of workers on these farms will be personally interviewed to obtain data on household characteristics, a detailed one year employment history, and other information pertaining to labor force behavior and participation in unemployment compensation programs.

The Department of Labor viewed this research project as providing information that would be primarily relevant to extending farm coverage beyond that which President Nixon had proposed to the Congress in July 1969. The issue of large farm coverage was still before the Congress when this project was approved. The Department felt that there was sufficient data available from earlier studies and experience to demonstrate the feasibility of coverage of large farms, and Secretary of Labor Shultz so advised the Senate Committee on Finance in his testimony on February 5, 1970.

Farms in the Northeast are generally smaller, and few of them would have been affected by the large farm coverage proposals. Thus, the Department felt that the Northeast is a ideal area to study the feasibility of covering middle and smaller size farms and interstate farm workers. We also felt that the information that was developed would help us in preparing for the administration of benefit payments to farm workers, especially interstate workers, if coverage of large farm employers were enacted. (The coverage provisions of H.R. 14705 do not become effective until January 1, 1972.)

I appreciate your interest in this study. We will be happy to furnish you with more detailed information.

Sincerely,

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

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

Mr. MONDALE. I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. I want to indicate that I will support the Senator from Minnesota in hoping that the conference report will be rejected.

I should like to review very briefly with the Senator from Minnesota some of the rough statistics, which are only statistics and do not tell the real human dimension of the farm migrant worker problem we have in this Nation.

As I understand, there are approximately 1 million migrant workers in the United States at the present time, and this provision to cover migrant workers in unemployment compensation, which was put in by a rollcall vote in the Senate, would include by rough estimate only about 20 percent of the migrant workers and only about 2 percent of the employers. So it is my understanding that the provision which was adopted by the Senate was really a very modest beginning on what already has manifested itself as being an extraordinarily serious problem in this country.

Mr. MONDALE. The Senator is correct.

Part of the tragedy of the migratory farmworker is that we are not even sure exactly how many there are. Our committee held hearings in which the statistics that are now officially released by the Department of Agriculture on the migratory farmworker were shown to be far from adequate. They admit that they do not have basic data, that they make only spot checks and random samples to accumulate information, and then they extrapolate data from that. They admitted that their own statistics could have wide swings of 20 or 30 percent either way, and even then they are not satisfied. The figures that the Senator from Massachusetts used are the best we have, but we could be off a good deal.

The basic point is that this legislation involves only the large corporate farms, such as Coca-Cola, which was discussed at our recent hearings; and, only a modest proportion of the migrant labor force, perhaps 220,000 or 230,000 at the very most.

Mr. KENNEDY. Furthermore, as I unstand it, the fact remains that these migrant workers are not covered at the present time by the minimum wage laws, the child labor laws, the welfare and food distribution programs, the unemployment compensation laws, or workmen's compensation. The thrust of the amendment we added earlier in the Senate would be to begin to include them in this unemployment compensation program, as they should be included, when they have fulfilled the necessary requirements which are as stated by the Senator from Minnesota.

All that the Senate really did at the time it included this was a very modest start, but it was a recognition that migrant workers in the United States live in desperate kinds of conditions and that they should be protected from many of the ravages which they suffer in too many parts of our country.

I think it is extremely revealing that in many of the States, particularly in California, those who have the most direct contact with the entire migrant worker problem, whether they be Democrats or Republicans, are in complete support of inclusion under unemployment compensation. As the Senator from Minnesota knows, from his work as the able chairman of the Subcommittee on Migratory Labor, there have been strong disagreements about how the migrant worker should be treated. But on this question of unemployment compensation I have been deeply impressed by the uniform support that the proposal to include the migrant worker has received. And support has come particularly from those States which have the greatest contact with migrant workers, which know it best and understand it, and which have the greatest sense of appreciation for the human tragedies of individuals who are affected by the extremely difficult and uncertain working conditions which would be partially remedied by the proposed legislation.

Mr. MONDALE. The Senator is correct.

I do not happen to know where many of these officials stand on the question of rejecting the conference report; but on the merits of the issue of extending unemployment compensation in the form we see it here, it is supported by Governor Reagan, Senators MURPHY, JAVITS, SAXBE, and SCHWEIKER, former Secretary of Labor Shultz, the President of the United States, and by Senator KENNEDY, Senator WILLIAMS of New Jersey, and Senator MONDALE. That should include just about everybody, since so many other of my colleagues have expressed sympathy with the hearings and investigations of the Migratory Labor Subcommittee.

There is absolutely no good reason why farmworkers, the most hard-working Americans and the least paid, should continue to be outside the whole framework of social and economic legislation. We have partially extended minimum wage coverage for those on large farms, but it is widely violated, and is still 30¢ below the industrial minimum. We have social security coverage, but because many times farmworkers are paid in cash without receipt, or paid through unscrupulous crew leaders, and so forth, we figure that thousands and thousands of migrants are not being adequately covered under social security because it is not enforced. We have crew leader registration laws that similarly are being either widely ignored or not enforced.

Only 17 States have any workmen's compensation laws which extend to the farmworker, and most all of those provide voluntary coverage only. A few States have extended unemployment insurance, but on a voluntary basis.

Even when it comes to child labor laws, there is special legislation for children in the fields, for it applies only during school hours, so that youngsters of any age can work before and after school, and on weekends and in the summer.

The information we have is that farm work is perhaps as hazardous, if not more hazardous, than any other work. Pesticides, mechanical equipment, truck and tractor accidents, all contribute to the dangerous aspects of farmwork. Yet, there is no occupational hazard legislation at all.

So, time and time again, one thing we can be sure of is that the migrant worker is going to be left out, and he is going to continue to be the most desperately off, pathetic, and disadvantaged person in American life. I think that in decent society this misery and exploitation has to stop somewhere.

We have had unemployment insurance for 36 years, and more than $50 billion has been paid out. 80 percent of the work force in this country is now covered, and we want to include about 220,000 farmworkers after all that period, and we are told that we do not know enough about it. I think we know enough to know that we are in the midst of a great national scandal, of a failure of the Nation's conscience, and I think we have a chance to do something about it today.

Mr. KENNEDY. There is very little to add to what the Senator has said so eloquently this afternoon.

I think it might be appropriate to recognize that the average annual income for the migrant worker, as I understand, is $891. They have a life expectancy of some 49 years, which is almost 20 years less than the national average. Their infant mortality rate is about double the national average. The average education completed is less than the seventh grade. Seventy-five percent of their housing is substandard.

These are the rough statistics, as best we can ascertain. The true situation may even be far worse.

I think these statistics support completely the splendid comment of the Senator from Minnesota in talking about the desperate conditions in which these people live. I want to applaud the effort that is being made by the Senator from Minnesota in this endeavor. I support him completely, and I am extremely hopeful that the Senate will follow his recommendation.

Mr. MONDALE. I thank the Senator from Massachusetts.

In light of what has been the continuing and profound interest by the Senator from Massachusetts in this whole problem of disadvantaged, poverty-stricken Americans, he knows full well that no people in America are more disadvantaged than the migrant and seasonal farmworker, and I am proud to have his support in this effort.

I yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. I want to make one point that I believe cannot be emphasized too much in this debate.

I was astounded, after sitting through a number of hearings, to find out that by some quirk of fate, we are actually treating our American citizens who play the role of migratory farm laborers at a lower level of benefits, considerations, and all the other health, welfare, and other considerations which are lacking, worse than a foreign national which we bring into this country to do exactly the same job.

Mr. President, I cannot emphasize this too much, because we are doing this for a specific reason. When a foreign national is to come into this country, the people that are going to use his labor have to sign an agreement with the State and Labor Departments to provide him with certain minimum services and fringe benefits like health conditions, sanitation conditions, living conditions, and minimum pay—and they must pay according to a certain minimum standard, if he is a foreign national. But, if he is an American citizen, and does exactly the same kind of work, he is not covered by that. In fact, we have had witnesses testify before the committee that those who came in from other countries to do similar work to migratory laborers were better treated, had better sanitation, better health, better living and transportation conditions than the American citizen did.

That is a pretty sad state of affairs, in my opinion. When we talk about second-class Americans, the forgotten Americans, and those slogans which may sound trite to us because they are used so often, I do not believe that any other group in that category would be able to show that a foreign national coming into this country to do the same job gets a better deal or gets any more benefits or consideration than the American citizen.

I would just like to make that point.

Mr. MONDALE. I thank the Senator from Pennsylvania very much. One of the most remarkable revelations in our most recent hearings, which underlines the point just made by the Senator from Pennsylvania, was that after the Coca-Cola Co. had acquired a subsidiary named Minute Maid and some years had passed after that acquisition, the president of Coca-Cola sent some of his key personnel to find out how the workers at the subsidiary were living, and how they were being paid.

When reports came back describing minimal living and working conditions, they admitted, and admitted before our committee the other day, that their own workers were treated deplorably, that the working conditions and the pay levels were an utter disgrace. This was the president of the Coca-Cola Co., one of the Nation's largest companies, saying that about his own employees and saying that it was such a disgrace that they had begun a crash program to, in effect, bring those people into the mainstream of American life. I commended this company for their efforts, and their courageous admission that problems exist which must be corrected, and we all look forward to the speedy implementation of their plan for improvements.

But, the imagination boggles at the living and working conditions and standards under which so many of these people have to live, and we have yet to admit to many similar conditions that we must, with a sincere commitment and dedication, eliminate.

Mr. SCHWEIKER. Mr. President, will the Senator from Minnesota yield for a question?

Mr. MONDALE. I yield.

Mr. SCHWEIKER. I should like to ask the Senator from Minnesota if he knows of any other labor group in this country, or workers in any other kind of job, where one can point to a comparison with a foreign national coming to this country, who would get a better deal than the American citizen doing the same job. Does the Senator know of any other situation comparable to that of our migratory workers?

Mr. MONDALE. I know of none at all.

Mr. SCHWEIKER. I think that is a disgrace.

Mr. MONDALE. Maybe the difference is that the foreign national has someone powerful enough to speak up for him; namely, his own government.

But, who speaks for the migratory farmer in this country? Whom does he elect? Who represents him? How does he get the money to send a lobbyist up here?

Where is his economic power, his political clout, or his influence?

The answer is that he is utterly without any power, any influence, or any friends that in any way will form a sufficient majority to even insure such a small pittance as inclusion for a few of their numbers, under our Nation's unemployment compensation system.

That is why we have the sad situation today in which we have a society which has developed so many broad social and worker benefit programs which have left the migratory worker out. He is treated not even as an American citizen. Perhaps all farmworkers might be better advised to move to the British West Indies and then be represented by that government before taking a job in this country. I might qualify that, however, by noting that not even the work contracts covering workers from the British West Indies are adequately enforced, after resulting in situations of near peonage.

Mr. MURPHY. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. MURPHY. As my good colleague from Minnesota knows, California has, I guess, probably more migratory workers, or has as many, certainly, as any other State in the Union.

There is no question in my mind as to the propriety of the concept of the Senator's proposal. There are problems. Studies are presently being made. There are difficulties in administration. I know all of this. I have discussed it at length with my good friend Governor Reagan, and he agrees completely with the concept. He points out that studies are being made as to the proper way in which this can be handled and effectively administered.

I feel that, as has been pointed out here, this is a problem which has been much neglected. It will create difficulties, I know, and in some areas will create hardships. But, I believe the time has come when the first step should be taken to solve this problem.

As the Senator from Pennsylvania has pointed out, it is unthinkable that a foreign national could come into this country and receive better treatment than our own American citizens doing the same job the foreign national contemplates. Therefore, I shall support the Senator's proposal and hope that if it accomplishes nothing else, it will bring pressure to bear, so that those who have the responsibility will, at long last, face up to the problems and face up to the conditions.

As my distinguished colleague has heard me say so many times, once we have the commitment made in this country, there is nothing that is not possible. Therefore, in the hope that this will signify the commitment, I shall support the Senator's amendment.

Mr. MONDALE. I thank the Senator from California.

Mr. President, I have been privileged to be a cosponsor with the Senator from California in the amendment which was adopted in the Senate last April to the unemployment insurance bill, but which was lost in conference. I think we stated our case there pretty well.

Now, Mr. President, I should like to conclude by quoting a few paragraphs from the New York Times article about the life of the migrants:

The young Chicano—or Mexican-American—migrant will move with his parents through the citrus groves of Florida or California, stoop over the beans and tomatoes in Texas, hoe sugarbeets in western Kansas, crawl through the potato fields of Idaho or Maine and pick cherries in Michigan, moving with the season and the harvest.

He will sleep, crowded with his family in shells of migrant housing without heat, refrigeration or sanitary facilities. He will splash barefoot through garbage-strewn mud infested with internal parasites and drink polluted water provided in old oil drums.

By the age of 12 he will have the face of an adult and his shoulders will form in a permanent stoop. He will acquire the rough dry skin and the pipestem arms and legs that indicate a lack of vitamins and proteins. He will be surrounded by children infected with diseases of the intestines, blood, mouth, eyes and ears and thus condemned to poor learning records at school—when they are able to attend school at all.

Dr. Raymond M. Wheeler, a Southern physician who had served on a team studying health conditions of the migrants, told the Senators: "The children we saw have no future in our society. Malnutrition since birth has already impaired them physically, mentally and emotionally."

I conclude with his question:

What has to be done to convince the Congress of the United States that the time has come to put aside its greed, its prejudice, its concern for personal power and prestige?

I know of no group that has been overlooked longer and at a greater cost in human tragedy than the migrant farmworkers of our country.

I hope that today we will agree to include the modest, minimum proposal to extend unemployment insurance compensation to the large corporate farms of this country.

Mr. President, I ask unanimous consent that three recent articles and editorials, which are only a few of many that have recently appeared around the Nation imploring Congress to act, be printed at this point in the RECORD.

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

[From the New York Times, July 24, 1970]

PEONAGE IN THE FIELDS

Once again the nation's attention has been drawn to the appalling conditions that exist among the nation's most exploited and miserable workers, migratory farm laborers. This time it is a group of physicians who visited these peons in Florida, Texas and Michigan and who have been recounting the horrors they saw to the Senate Subcommittee on Migratory Labor. As medical men, they have been focusing on the sicknesses that plague the workers as a result of their abysmal poverty, poor housing and lack of medical care.

Unfortunately, there is nothing new in this depressing testimony. Since the Industrial Commission reports of 1901, several generations of governmental and private investigators have told and retold this scandalous story of human misery. Yet little has changed over these seventy years, and—if past precedent is any guide—the national conscience will soon relax again.

But precedent need not be followed. The nationwide sympathy that helped win contracts for unionized grape pickers in California showed that gains can be made in today's more sensitive political atmosphere.

The primary need is for Government action to organize the seasonal farm labor market so that it is confined to a limited number of persons who can be assured decent earnings and acceptable conditions of life and work. That is a long-range goal. In the short run, Congress and the state legislatures have the obligation to give farm workers all the protections now taken for granted by other types of labor; generally applicable minimum wages, unemployment insurance, workmen's compensation, etc. For too long this nation has tolerated inexcusable discrimination against its most needy workers. That toleration must end, and soon.

[From the Washington Post, Aug. 2, 1970]

ONE VICTORY AND THE NEED FOR MORE

The struggle has been going on for so long that many supporters of Cesar Chavez, his farm workers and the national grape boycott may feel a little let down now that a settlement in Delano has been reached. But for the workers themselves, those beaten down over the years by poverty wages, by life in shanties and jalopies, and with no way to freedom, the settlement is both a personal and an economic victory.

On the latter score, the United Farm Workers Organizing Committee now has a contract that calls for $1.80 an hour this year, $1.95 in 1971 and $2.05 in 1972, plus other wage benefits. This, of course, is no sudden transfer to life on easy street, but at least the farm workers of Mr. Chavez are no longer at the mercy of the growers; for many of the latter, mercy was a foreign word.

During his weary battle, filled with fasts and marches which were always non-violent, Mr. Chavez was able to attract a wide national coalition. These included the socialites in Southampton and their famous fund-raiser that produced more fun than funds, Robert Kennedy who called Chavez "one of the heroic figures of our time," George Meany, Black Panthers and ordinary consumers for whom passing up the grape counter at the local market was a solid act of union with the oppressed workers. Touched at their cash register nerve, the growers finally yielded.

As Mr. Chavez knows better than anyone, grape growers are only one group of employers. Only last week, the disclosures of the filth and poverty endured by farm workers in the orange groves of Florida showed how desperately a Cesar Chavez is needed there. In the larger political picture, it is an indictment of Congress that a Chavez is needed at all. As the Catholic Bishops Committee has been urging all along in their dispute, farm workers should be protected by the National Labor Relations Act, minimum wage laws and unemployment insurance programs. But no one is out front doing the legislative work for the poverty-crushed field hands.

In the absence of political aid, the same coalition which helped Cesar Chavez in the grape struggle will doubtless be ready to help in the melon, lettuce, carrot or any other boycott that is called for in the effort to bring justice to those who work the field.

[From the New York Times, July 26, 1970]

MIGRANT WORKERS: A LIFE OF BRUTAL HARDSHIP

(By William Robbins)

WASHINGTON.—For a child born with brown skin in one of the southern tier of states, of farm-migrant parents who speak a different language from most Americans, the future is already charted.

The young Chicano—or Mexican-American—migrant will move with his parents through the citrus groves of Florida or California, stoop over the beans and tomatoes in Texas, hoe sugarbeets in western Kansas, crawl through the potato fields of Idaho or Maine and pick cherries in Michigan, moving with the season and the harvests.

He will sleep, crowded with his family in shells of migrant housing without heat, refrigeration or sanitary facilities. He will splash barefoot through garbage-strewn mud infested with internal parasites and drink polluted water provided in old oil drums.

By the age of 12 he will have the face of an adult and his shoulders will form in a permanent stoop. He will acquire the rough dry skin and the pipestem arms and legs that indicate a lack of vitamins and proteins. He will be surrounded by children infected with diseases of the intestines, blood, mouth, eyes and ears and thus condemned to poor learning records at school—when they are able to attend school at all.

That was the picture of the Chicano's life painted at a Senate subcommittee hearing last week. Dr. Raymond M. Wheeler, a Southern physician who had served on a team studying health conditions of the migrants, told the Senators: "The children we saw have no future in our society. Malnutrition since birth has already impaired them physically, mentally and emotionally."

NO REVELATION

For the Subcommittee on Migratory Labor headed by Walter F. Mondale, Democrat of Minnesota, this was no revelation. The subcommittee has been holding hearings into these problems for a decade. But Dr. Wheeler awakened an audience dotted with the brown faces of a few Mexican-American labor leaders by pointing the finger back at Congress.

"What has to be done to convince the Congress of the United States that the time has come to put aside its greed, its preju-

dice, its concern for personal power and prestige?" he asked.

The case he made was easily documented. Congress, influenced by the senior members from the farm bloc, has specifically excluded migrants and other farm workers from workmen's compensation, while the migrants' accident rate is 300 per cent of the national average. Though the migrants averaged only 78 days of work for pay of $891 last year, they are specifically excluded from coverage by the unemployment compensation law.

Ironically, as if to underscore Dr. Wheeler's charge, the House of Representatives in passing a bill Thursday broadening unemployment benefits, refused once again to include farm workers.

The minimum wage law has been applied by Congress only to the largest farms and the minimum for farm workers has been set at 30 cents an hour below that for other workers. Employers of migrants who pay by piecework avoid even this minimum.

Migrants and other farm workers also are excluded from coverage by the National Labor Relations Act, which protects the rights of other workers to organize in an effort to improve their lot. And the child labor law does not prevent migrant families from taking their children into the fields to help. When no one is able to work, the family rarely qualifies for welfare aid.

The physicians' testimony was based on study of conditions among migrants in counties in Florida, Texas and Michigan. Dr. Gordon Harper, who visited camps in Michigan, concluded his testimony with an impassioned indictment: "If the only way to insure simple dignity, self-respect and health for our brothers is to wait until they can buy their way into a place in our national sun, that is a terribly sad commentary on the moral economy of our country."

The migrant laborers' life expectancy is 49. Their infant and maternal mortality is 125 per cent of the national average. Their death rates from influenza and pneumonia are 200 per cent—and from tuberculosis 250 per cent—of the national rate. Their wages are too low to cover medical care, while the $15-million that Congress voted for the Migrant Health Act last year is being largely absorbed in the local machinery of the Public Health Service.

The reasons that little has been done for the migrant farmer are not hard to see. The 257,000 migrants are not anybody's electorate. At election time, they are rarely in a place where they can vote. And even in areas where they are most numerous they are a despised minority.

The Senators on the subcommittee accepted the justice of Dr. Wheeler's charge against Congress. "I would like to come away from this hearing with the hope that something is going to happen," Senator Mondale said. "The truth is we have heard all this before."

Mr. HOLLAND. Mr. President, several proposals have been advanced here which are not in accord with the facts as I know them. I do not mean that they have been deliberately misstated. But I do want the record to show the true facts as I know them.

First, I have heard the statement made repeatedly that the Senate bill would simply extend unemployment compensation coverage to the large corporate farms. That may be true in some States. That is not true at all in my State. There are literally hundreds of farmers in my State who are not large corporate farmers, but who do employ the eight workers for the period of 26 weeks or more and who would be covered by the Senate bill. They are no more corporate farmers than are the Senators who are so ardently speaking for the rejection of the conference report.

My two closest neighbors in my hometown of Bartow, Fla., happen to be in that classification. Each of them has more than eight employees who are regular employees on their farms. They are not corporate farmers. They are not even very large farmers by any description that could be given.

I do not think there would have been much trouble with reference to the approval of the Senate committee bill which applied to farmers from that size up, and a great many of them were not corporate farmers.

The trouble in connection with this matter comes from the amendment pressed by the Senator from Minnesota and others which would have included migratory workers within the coverage of this unemployment compensation matter.

Let us state the situation clearly. This means that if I as a farmer were to have an orange grove big enough or an orange grove and a vegetable farm big enough to have eight employees for half a year and needed 50 or 75 or 100 harvesting employees for a period of weeks or months or for varying periods to harvest the crop, but none of them for the long period mentioned by the bill, and if I found it impossible to retain the same harvest hands day after day, but to the contrary had to go to wherever I could to get them—and that happens to be one of the facts of life insofar as the harvesting of our highly perishable crops in Florida is concerned—no telling how many employees we would have had that were migrants. No telling how short a time or how long a time they would have worked. No telling how long a time they would have been in my State working. They might have been there a few weeks. They might have been there a couple of months.

They would then go up into Georgia and South Carolina for the peach crop. They would then go on up in the country, many of them landing in New York or Vermont for the apple harvest or over in Michigan for the cherry picking or in other parts of the country. They move about in such a way as to make the time that they spend in any one place rather small and the keeping of the books and records becomes a rather difficult thing and the combining of these work records an almost impossible thing because of the fact that those migrants worked in so many States and in so many crops and in so many places.

The vice of the bill that passed the Senate on this matter was entirely occasioned by the amendment offered by the Senator from Minnesota, and others, which brought within the purview of the provision of the Senate committee bill the migrant worker. They present a completely different problem from the problem of the eight workers who work for half a year on one farm; they work on literally hundreds of farms and groves.

Maybe the problem in my State is not like that in many other places. However, as the Senator knows, most of our crops are perishable crops. Most of our crops do require the harvesting costs to be much larger than any other kind of cultivation, pruning, fertilization, or other work done in the rest of the year or, for that matter, all of the year.

We have this problem and it makes the bill in the final form in which it passed the Senate objectionable to our people.

My friend the Senator from Minnesota has frequentlly mentioned Coca-Cola. May I say that Coca-Cola is not typical at all of the average farmers in my State who would be covered by the bill as it finally passed the Senate.

Hundreds and hundreds of good people who support our State and are there a year or more and who do have eight or more permanent workers have this harvest problem. They have to hire migratory workers who, unfortunately, are not regular employees. They will work for one man and will then work for another man. They will work in one community this week and move to another community next week, particularly in the vegetable industry. Usually they will work from day to day for different farmers. If anyone were present, for example, in the town of Belle Glade, in the heart of the vegetable area of Florida, they would find trucks recruiting workers each morning. The workers would pick one truck today, another truck the next day, a third truck the third day, and so on.

Of course, they take considerable time to go fishing in the Florida canals, which is fine. I want them to have some of the privileges of Florida life just as it is. They are better conditioned.

We know that this migatory worker problem is a serious one. We have been trying to solve it for a very long time. I have heard the Senator from New Jersey (Mr. WILLIAMS), who I think has been the most dedicated worker for the migrant worker in the Senate, say on several occasions he found better conditions in Florida in dealing with this situation than he found anywhere else. I heard him say, for instance, that the day-care schools for children of migrants were established first in Palm Beach County, in my State, and had become a regular fixture in many of the vegetable-producing areas of the State.

I heard him say they had hospitalization provided in the vegetable area of Florida, which was the best he found anywhere in any of the States that have this migrant problem to deal with.

I heard him say that so far as education of migrant workers was concerned the best situation he found anywhere was in the area around Homestead, Fla., where there is so much production of vegetables and other perishable crops.

I heard so much about the good things that have been done in Florida. I have heard so much about the high wage scale that prevails there, and it has to because it has to compete with the hotel business, which is in operation at the same time of the year, and to compete with highly paid industries such as the space industry and defense industries which

make up such a large part of our industrial life, and the phosphate industry which is so highly organized and has such highly paid workers. So the rate of pay has to be high. Therefore, I am amazed that my friends want to pick out the exceptional things and nontypical things which are picked out by those who produce documentary films of the things typical of the farming situation in my State.

On behalf of my State I wish to say that the two documentary films that have been mentioned relating to Florida, the Murrow film, and the other of 2 or 3 weeks ago by NBC, do not show the typical situation in Florida, and as stated by the Senator from New Jersey (Mr. WILLIAMS), do not paint the typical situation. I regret they do not do so.

I heard my friend, the Senator from Pennsylvania, say something awhile ago which was not directed at Florida but that might have been, in that he said laborers coming in from outside our Nation are paid more than those from inside our Nation who do exactly the same work. I do not know what my friend was referring to, but I can refer to two situations which I happen to know a little about, where the facts are as follows:

We are allowed by the Department of Labor and the Department of Agriculture to bring into Florida about 9,000 cane cutters each year. The only reason we are allowed to do that is because cane cutters cannot be found in the United States who are willing to do that work. What is that work? It is work on one's knees in the muck, cutting the stalks of cane by hand with machetes. It is very, very hard work; it is very disagreeable work. Secretary of Labor Wirtz told us several years ago it would be possible to find domestic workers. He went over to the State so ably represented by the chairman of the Committee on Finance (Mr. LONG), and found 70 of them and brought them back to Florida to cut cane.

When they looked at what had to be done in Florida, where we grow our cane in the muck, they said, "This is not what we call cutting cane. We call cutting cane going along after the machine on harder soil in Louisiana"—which is harder soil than muck—"and we can't attempt this work." The majority of them never went into the fields at all. They went back to Louisiana or somewhere, all at the expense of the growers and they refused to go into the fields. Some of them did go into the fields but in 10 days they had all left except one and he was in the hospital because he cut himself with a machete. He was in the hospital for a good many weeks at the expense of the grower.

It was only then that Mr. Wirtz said:

I admit we cannot find workers in America to cut cane in the Florida cane fields.

What are the facts? In the first place, one cannot find American workers to do it so it cannot be said that those who are brought in are paid more than American workers to do the same work. There are no American workers to do that work. In the second place, the minimum pay is fixed by the Secretary of Agriculture and it is $1.65 per hour so far as our State is concerned. It was that amount last year and it will probably be more next year; but that is a minimum wage.

The work is piecework. The average pay, I am told, in all sectors of the sugar industry is about $2 an hour for these something like 9,000 workers who come in. From where do they come? They come from Jamaica, Barbados, Trinidad, and some of the smaller islands in the Caribbean. So there is no problem concerning what they receive compared with similar American workers because there are no similar American workers who will do that work.

The second group that I know about are the Basque sheepherders. I inquired about the number of those people brought in to herd sheep. I have inquired several times. The last time I inquired there were 1,700 of them. They are in the arid areas of the West. The Secretary of Agriculture allows them to be brought in for a period of years. They are required to be paid rather good pay. My recollection is they receive $200 per month and full living costs. The reason they are brought in is, again, Americans cannot be found who are willing to keep the sheep, go through those arid areas, and sleep with the sheep in corrals where sheep have to be kept at night. Americans will not do that work so there can be no comparison between the pay of these Basque sheepherders and the amount paid Americans doing the work because few Americans will do that work.

I am told there are some Latin Americans in the southwestern part of our country who will do that work and they are required to be paid at the same rate. Everyone wants to be fair about this matter.

It is hard for one who has lived all his life in the area and who knows something about the situation there to preserve his temper here when statements are made with reference to conditions which are not typical of what prevails. The statements are made by highly reputable Senators, in good conscience, trying to do the right thing. But I do want to say it is not fair and it is not right to pass the bill in the shape it passed the Senate after the amendment was added whereby a farmer—not a big, corporate farmer but an ordinary farmer—who had to have eight workers to maintain his grove or farm, would be responsible for unemployment insurance for those migrant workers who picked the crops. They all prefer local people but there are not enough of them. We have to bring in a great many workers to do the harvest work.

They are not stable workers. Many of them do not stay on any job for any fixed period of time. By the very nature of their work, they do not stay in our State for any long period of time, because they go up and down the country to harvest the perishable crops.

If there is any reasonable way to include them within the coverage of such an act as this, I do not see what it could possibly be.

I want us to be fair to them. I have insisted, with my growers, year after year, that they improve situations in Florida, and they have done so. I have insisted on better housing. Our legislature passed a housing act which was commended here on the floor by the Senator from New Jersey (Mr. WILLIAMS). My legislature has passed health acts which apply to migrants, which have been approved here on this floor. We are always trying to get a better and more uniform handling of the situation. It is being handled decently and properly and in a Christian way by the great majority of our growers. It is being handled inhumanely and improperly, and I think viciously, by some growers. We are attempting to improve that condition every year, and we are doing so.

Now to try to bring about this kind of result by imposing Federal law on an unemployment insurance provision that covers not only regular workers but those who come for a few days during the harvesting season, and do not even stay in one place permanently during that particular harvesting season, but who travel from place to place within one State, is not a reasonable way to handle this problem. I think there are ways to handle it. I think migrant workers can be given permanent legislation that will better take care of them. But I see no reason at all why it was sound judgment for the Senate to adopt the amendment here that puts migrants, uncontrollable as they are as to their time and as to their work, in the same classification with the permanent workers who do abide on the property and who are entitled to have the protection.

It happened that when I was Governor of our State we passed, and I signed into law, a bill giving workmen's compensation to those permanent workers who worked in the packinghouses, the concentrate plants, and other places where the preparation of the crop moves forward. We have not found any way yet, in our State at least, to deal as fairly as that with the migrant workers, though we have tried to take care of them under decent housing laws, under decent health laws, under decent education laws, and, of course, under pay rates that enable them to make excellent pay if they just want to work and earn it and make it.

Mr. President, I commend the distinguished Senator from Louisiana and the other Senators who are with him on the Finance Committee for the kind of bill they brought out of the committee. I wish it had been the provision of that bill that passed on this subject. I wish the amendment offered here by the Senator from Minnesota, bringing the migrants under the provisions of that bill, had not been adopted. I think there would have been no trouble at all if it had not been added on the floor.

I hope that the conference report will be approved. It has great merit in it. It extends coverage, as the Senator from Louisiana has accurately stated, and as the Senator from Delaware has accurately stated, to a greater number than were covered even under the original Senate committee bill. I congratulate them upon the good work they have done.

But I do not think we should send this bill back to conference with the hope of this wrong thing being done—and it would be wrong to try to add the migrants.

There are other ways to handle the problem. I stand ready to help in reaching those ways. But I am not at all ready to include the migrant workers under this unemployment compensation act. The defeat of the provision is due to the inclusion of that unwise amendment, because I am very sure that the work of the committee would have prevailed but for the inclusion of that unwise amendment.

The committee reported a provision that made the unemployment compensation applicable where there were eight workers or more, for 26 weeks during the year; and I do not think anybody would protest at all against that. That certainly did not apply only to large corporate farms. It applied in our State to dozens or hundreds of independent farmers, orchardists, vegetable producers, and to the eight stable and permanently located and good, serving, and honorable workers, in their fields or in their groves.

I hope the conference report will be adopted. I apologize to the Senator for taking so much time. I am trying to uphold his position, because I think he has a good conference bill and I think the Senate should approve it.

Mr. LONG. Mr. President, I shall be very brief about this matter. Four years ago the Senate went to conference with the House of Representatives on a bill of about this magnitude. It involved approximately 60 million workers, and would have extended benefits for an additional 13 weeks during times of recession. That bill died in Congress because there were certain minimal Federal standards which the Senate was willing to accept, and although many States met those standards, organized labor and the administration were so determined to apply some minimal Federal standards as a starting point that they were willing to have that bill defeated rather than accept what had been done in conference. The House was adamant.

We were quarreling about something that involved about 1 percent of what was in the bill. It was, nevertheless, an issue that defeated a bill that was in the interest of the working people of the country and that should have become law.

We face a similar situation today. We have passed a bill that is of benefit, potentially, to 61 million working men, women, and their families. The bill that was reported back brings into coverage about 4.7 million additional jobs, comprising perhaps 80 percent of all the additional jobs which could be covered.

So we are urged to reject the conference report really because we are not able to extend the benefits of this bill to about 250,000 farm and migratory workers, for whom the Senator from Minnesota has expressed sincere concern.

Mr. President, I admire the Senator for his concern about this number of people. But it should be remembered that there are more than 200 times as many workers who would be favorably affected by the passage of this bill as there are for whom the Senator would speak today. It is for those workers that this bill would provide extended benefits; and there are about 20 times as many additional workers who would be benefited with coverage for the first time, to whom coverage would be denied if this bill should fail.

Mr. President, in my judgment the bill would fail, just as a similar bill failed 4 years ago, if this conference report were not agreed to. That would seem very sad to this Senator, to see this bill fail to benefit 61 million people because we were not able to extend the benefits of the bill to cover about 250,000 more.

Mr. President, I know how determined the members of the House Ways and Means Committee are on this issue. They have prevailed on a rollcall vote by a vote of about 219 to 170, and the leaders of that fight on the House floor were the same conferees we had to negotiate with. They are not going to yield on this issue; if the Senate votes the bill down, I say there is every possibility of a repetition of what happened 4 years ago, and 61 million people whose families would otherwise benefit must suffer because we have been unable to benefit 250,000 more. When we are benefiting 61 million workers, I think it would be extremely unfortunate if, in trying to get everything the Senate has sought to do, we failed to get any of it.

That being the case, I think the Senate would certainly want to agree to this conference report.

I would point out that this is not the only provision we have available to us to help these migrant workers. The House of Representatives has indicated that it is willing to help them, under the public welfare system, by passing the family assistance plan we are presently considering in the Senate Finance Committee.

I know of no Senator more willing than I to help people who are willing to work; and that certainly describes the people the Senator from Minnesota would like to assist. In so far as the Senator is correct in saying that the average income of those families is about $890 a year, that family assistance bill could increase the Federal assistance, in cash alone, for such persons to about $1,600 per family. And no Senator who wants to do so would be prevented from offering an amendment, either in the committee or on the floor, to extend food stamps to those people, thereby perhaps increasing their income four-fold, as compared to the figures quoted by the Senator from Minnesota here today.

Furthermore, Mr. President, there is nothing to prevent a State from passing laws to benefit the people that the Senator from Minnesota wishes to help, and some States have. I would urge others to do the same.

If this conference report is not agreed to, we would be performing a disservice to 61 million workers in this country who would potentially benefit from the bill before us. Therefore I very much hope that the conference report will be agreed to.

Mr. DOLE. Mr. President, in 1935, Congress passed the unemployment compensation program as part of the Social Security Act. The purpose of this legislation was to provide a temporary source of income for millions of individuals who had suddenly found themselves out of work. This system was not devised as a handout, but as a means to enable millions of Americans to withstand economic hardship by providing compensation already rightfully earned.

In July 19, 1969, President Nixon, recognizing unemployment compensation's inherent worth, proposed to Congress a bill which would expand its benefits and strengthen its framework.

In his message, the President stated that the purposes of the proposed legislation were "to extend unemployment insurance to 4,800,000 workers not now covered; to end the shortsighted restrictions that stand in the way of needed retraining efforts; and to add a Federal program automatically extending the duration of benefits in periods of high unemployment." Furthermore, he stated:

> In human terms, the recommended changes will enable a worker to weather the adversity of unemployment and to find a suitable job.

The conference report on H.R. 14705 is the congressional response to the administration's proposals. Several changes have been made in the original proposal.

The conference report increases coverage of State and Federal unemployment compensation by 4,750,000 jobs, the biggest single improvement in coverage since the system began in 1935. Of the 4.75 million new jobs proposed to be covered: 1,130,000 are in small business; 210,000 are traveling and city salesmen, and agent commission drivers engaged in the distribution of certain products; 190,000 are in agricultural processing; 160,000 are held by U.S. citizens working for American employers overseas; 2,121,000 are in nonprofit organizations, excluding church-operated organizations, and schools other than a school of higher education; and 940,000 are in State hospitals and institutions of higher education.

Mr. President, there are some who argue that these provisions go too far and others who argue that they do not go far enough.

More specifically, there are those who urge the defeat of this important conference report because it excludes coverage for 250,000 farm employees. Delay and disagreement over this one provision might well endanger the entire bill as in 1966 when similar legislation died in conference for lack of agreement. Sending this bill back to conference may mean that we will have to wait another 5 years to vote on these innovative features.

An important provision of this bill is the extension of the Federal-State unemployment compensation program. Twice, in 1958 and 1961, Congress enacted laws that extended unemployment compensation on a temporary basis during an existing recession. This method of providing unemployment aid during national recessions helped offset the effects of prolonged unemployment, but it pro-

vided relief only on a piecemeal approach.

To remedy this deficiency, the President requested that the individual States or the Nation as a whole automatically be eligible for additional unemployment compensation after the exhaustion of regular benefits during periods of high economic unemployment. H.R. 14705 calls for two indexes to trigger the benefits. Nationally, there would be an "on" indicator when unemployment equaled or exceeded 4.5 percent for the three most recent calendar months and a national "off" indicator when unemployment remained below 4.5 percent for each of 3 consecutive months. The State indicator would be "on" for any individual State when, for 13 consecutive weeks, the unemployment rate in the State is 20 percent higher than the corresponding period of the 2 preceding calendar years, provided that the current rate equaled or exceeded 4 percent of covered employment. The State extended benefit period would end when either of these conditions were not met.

The amount of extended compensation a State would be required to pay would be 50 percent of the total regular compensation including dependent's allowances, payable to an established limit. This 50 percent is payable on a 50–50 matching basis with the Federal Government.

Had this legislation been in effect over the past 12 years, the national "on" indicator would have been activated for three periods—1958–59, 1960–62, and 1963, covering a total of 41 months, and extended national benefits would have been available.

In my home State of Kansas, during the years 1958, 1960, and 1961, the State "on" indicator would have applied extended State benefits over a period of 12 months.

Extended benefits would now be available in 10 States if the present bill were now in effect, and if those States had passed legislation providing for participation in the extended program.

When President Nixon introduced this legislation, he stated:

> If the economy were too slow and employment were to rise, this program automatically would act to sustain personal income. This would help prevent a downturn from gathering momentum resulting from declines in purchasing power.

The President introduced this legislation during a period of low unemployment and urged its passage. Now, in a period of higher national unemployment and much severe local and regional unemployment, the case for swift approval of this legislation is clear and convincing. Mr. President, I urge approval of the conference report.

Mr. BENNETT. Mr. President, migrant farm work is like no other work in the world. It is a job here today, and maybe a job there tomorrow. Migrant farm workers never really become a part of the labor force; at best, they are seasonal workers everywhere they go. They are not hired by farm operators to do specific jobs; rather, they are assigned to jobs by crew leaders. The migrant farm worker leaves his work because the crew leader tells him the job is over. He does not look for work; his crew leader looks for work. On any job, he does not know who his legal employer is. Under these circumstances it would be difficult, and perhaps impossible, for unemployment insurance administrators to determine when the migrant was unemployed, when he was available and willing to work, and the circumstance of his leaving his last job.

A migrant worker will work in several States, for perhaps dozens of employers. In each case, he may work 1 or 2 days for an employer and be unemployed for 1, 2, or 3 days. Is he going to be able to claim total or partial unemployment for a rainy day or a rainy week? And if he does, how do you determine when he is available for work and the circumstance under which he left his last job? It seems clear that whatever the worker said, it would be more practical for an employer to show that he was unemployed through his own fault, or that he is not available for work and should not be paid unemployment benefits. This would be in the employer's interest because of the effect benefit payments could have on his experience-rated taxes.

There is always a serious question as to the identity of the employer of a migrant worker. In some cases, the crew leader is really the employer; in others, the farm operator is. But in all cases, there is a reasonable question as to who the employer is. Under social security, this is determined by references to a single Federal law, but under unemployment insurance this would be determined under the laws of the various States. In one State, the employer might be the crew leader—but in an identical situation in the next State, it might be the farm operator. Thus, the legitimate question of who would pay the unemployment taxes, which the committee provision would have avoided, was raised when the floor amendment was adopted. If you are unable to identify the employer under State law, or if there is litigation, the migrant worker would have no effective coverage, regardless of a Federal law saying that he is covered.

You can be sure of one thing about this kind of situation: the crew leader is going to insist that the farm operator is the employer, and the farm operator is going to insist that the crew leader is the employer, because neither one of them is going to want to pay the tax. I might add that the poor migrant worker is not likely to know which one of them was his employer because the question really turns on local law. In either event, the House conferees pointed out that the Senate-passed farm coverage amendment would start off by breeding needless litigation. And the House conferees were not willing to become party to barratry by legislation.

There were also questions as to how the seasonal employment provisions of State laws would apply to migrant workers. In some States, workers engaged in seasonal industries cannot qualify for unemployment benefits outside their regular working season. In other States, there are no such restrictions. Thus, for the migrant worker who works in several States—States with and without seasonal restrictions—it might be necessary to combine his earnings in all States in order to determine the benefits payable for a specific week. For the next week, however, only those earnings in one or two States might be used. Thus, unemployment insurance benefits might have to be revised from week to week because the season in one State might end while the season in another State would start.

We were also faced with the question of how the migrant farmworker would know who his employers had been when it came time for him to claim benefits.

When the migrant worker is employed by the farm operator, rather than a crew leader, he may work for a different employer on each day of the week; and in order to claim benefits, he will have to tell the employment office where he files a claim and who he has worked for throughout the entire year. This would be a tremendous task for an educated man who can read, write and keep records; but for the uneducated semiliterate—and sometimes non-English speaking migrant worker—it would be an impossible task. Moreover, the farm operator would know the near impossibility of a worker ever identifying him and would tend to avoid paying unemployment taxes. Thus, the coverage of migrant workers who are employed by farm operators would probably be a meaningless gesture until such time as administrative techniques are developed for dealing with this problem.

Moreover, when a migratory worker hires himself out directly to a farm operator there is a question of whether he is truly an employee, or an independent contractor. If he is the former, the unemployment tax could apply. If he is the latter, it would not apply; and I must say that when a farmer engages a migrant worker with instructions "to pick all the beans in the field" there is a serious doubt that he is truly an employee.

Then, too, when the migrant family works, there is a question as to who is the employee.

In a lot of cases, it is not a migrant worker alone who does the farmwork. It is the migrant's family: his wife, his older children, and even his 5-, 6-, and 7-year-old children in some cases. The individual family members, however, may not be paid as individuals on the basis of the amount of work done, but the head of the family may be paid for everything done by the family. Under the unemployment compensation laws, the family earnings are not his earnings, and whatever is reported for him might have to be investigated to see how much was earned by him, by his wife, and each of the children. Of course, if each member of the family does enough work to qualify for unemployment compensation, each might be able to qualify for unemployment benefits. However, it would be nearly impossible to determine who earned how much and from whom.

The information presented to the Senate by those who oppose the conference report did not come to grips with these

problems, but carefully avoided them. The Senate conferees, however, could not ignore these considerations and even had they been so disposed, the House conferees made certain that the issues were fresh and sharp in the minds of the Senate conferees.

I would have preferred to have salvaged some part of the farmworker coverage amendment, but the House would not yield even one little bit on this issue. We were faced with a take-it-or-leave-it situation in which we could have no bill or a bill without farmworker coverage. This is still the situation. The remaining features of the bill are worthwhile; and I believe that we should take the bill for the good that is in it, rather than let the whole thing go down the drain because it has not everything we would like. What is in the bill is good, and I suggest that we approve the conference report and try again for farmworker coverage after the special study of this issue—called for by the conference agreement—has been completed and analyzed. Perhaps then we can answer the questions which today remain unanswerable.

Mr. CRANSTON. Mr. President, I support the effort of the distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished Senator from Ohio (Mr. SAXBE) to reject the conference report on H.R. 14705, the Employment Security Amendments of 1970.

I do so, not because I am opposed to the unemployment insurance system. I believe that, except for the exclusion of farmworkers, this legislation is desirable.

I support this move to reject this conference report because I do support the concept of unemployment insurance, and because I believe the time is long past when Congress can continue to exclude farm labor from the protections and benefits that have been accorded to nearly all of the labor force in the Nation. I believe that farmworkers should have the benefits of unemployment insurance, particularly because their work is seasonal.

During the summer and fall in California, unemployment among farmworkers is reasonably low. In the winter months, however, it is extremely difficult to find any kind of farmwork. Unemployment insurance is clearly the best remedy for the cyclical nature of agricultural employment. In the absence of a reasonable unemployment insurance system, farmworkers are forced into a welfare system which is too often paternalistic and demeaning.

There is no reason why the people who pick our crops, who harvest our food, should be treated as wards of the State or as second-class citizens.

A vote to reject the conference report will put the Nation on notice that the Senate will not tolerate the exclusion of these workers from the conditions enjoyed by other Americans.

Mr. YARBOROUGH. Mr. President, today we have before us a bill of great importance to all American working people. H.R. 14705 embodies the most significant amendments to the Unemployment Compensation Act since its enactment in 1935. Since this program was first put into action during the heart of the depression, it has furnished a measure of stability to those Americans who have found themselves without work.

Unfortunately, the Unemployment Compensation Act, like so many other Federal and State laws, excludes from its coverage farm workers. Probably no other single group of Americans need the protection of the Government more than farm workers, however, through the years, these citizens have been systematically denied the benefits of most Federal labor legislation.

Realizing that the time had come for Congress to face its responsibilities to American farm workers, the Senate included in its version of H.R. 14705 a provision which would extend the coverage of the Unemployment Compensation Act to farm workers who are employed on farms employing eight or more employees in each of 26 different weeks during the year. This provision was not aimed at the small family farmer but rather at the large farmers and growers who hire farm workers, on a regular basis. The Senate recognized that the small farmer who hires workers only during a brief harvest period, would have difficulty complying with the requirements of the Unemployment Compensation Act; therefore, the requirement that the farm employs eight or more workers was inserted to exempt small farmers. In the language of the Senate report:

> The provision would thus not affect the typical family farm or a farm employing more than eight workers for only a brief harvesting season.

This provision is, however, meant to apply to those large farming operations which employ thousands of migrant workers each year, and have, in many cases, failed to provide these workers with decent housing and fair wages.

The Subcommittee on Migratory Labor of the Senate Labor and Public Welfare Committee recently conducted extensive hearings on the plight of migrant workers in America. The evidence produced at those hearings clearly demonstrated that the life of the migrant farmworker is not improving but rather is getting worse. I have visited the homes and working areas of farmworkers in Texas and from my experience with these unfortunate people, I am convinced that the only way to improve the working conditions and lives of farmworkers is for Congress to bring these people under the protection of Federal laws.

The provision contained in the Senate version of H.R. 14705 concerning farmworkers represents a positive step forward in this area. I am deeply disturbed by the conference committee's failure to include it in the final version of H.R. 14705. Because I firmly believe that it is imperative that Congress expand its coverage of the Unemployment Compensation Act to include farmworkers, I shall vote against accepting the conference report and urge all of my colleagues to do likewise.

SUPPORT FOR UNEMPLOYMENT COMPENSATION COVERAGE FOR FARMWORKERS

Mr. GOODELL. Mr. President, with one overriding flaw, the conference report on H.R. 14705 is quite good. That unemployment compensation bill would extend the coverage of the unemployment compensation program to additional jobs, improve the financing of the program, and provide the States with a procedure for obtaining judicial review of adverse determinations by the Secretary of Labor.

The conference bill would, in particular, establish a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment. In this period of recession, I am especially anxious to see that provision enacted.

Nevertheless, I will vote against acceptance of the conference report and for recommital to conference with instructions, because the conference bill fails to cover farmworkers. The Senate Finance Committee amended the bill so as to extend coverage to employees of large farms, those farms which employ at least eight employees during each of 26 different weeks during the year. That provision, which was passed by the Senate, would have covered only 2 percent of all farm employers—approximately 22,000—and 20 percent of all farm employees—approximately 250,000.

Relatively few agribusinesses would be covered under this provision, and only the quite large ones. The original administration proposal, in fact, called for coverage of farm employers who have four or more employees in each of 20 different weeks during the year. It is unfortunate that the conferees did not emerge with that provision.

The Senate also passed an amendment offered on the floor by Senator MONDALE to extend coverage to farm crew leaders and their employees-migrant workers. This amendment, together with the Finance Committee's amendment, was dropped in conference.

Given the almost universal coverage of all other members of the labor force by the unemployment compensation system, I believe that it is inequitable to exclude agricultural workers, from coverage, and that there is no justification for the conference bill's discrimination against them.

Accordingly, I will support recommital of the bill to conference with instructions that the two farmworker provisions—the Finance Committee's and Senator MONDALE'S—are to be insisted upon by the Senate conferees. In recognition of the need for recession benefits, I trust that the conferees will move swiftly and that we will soon see an improved conference bill enacted with provision of extended benefits during periods of high unemployment.

The PRESIDING OFFICER (Mr. CRANSTON). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll. The legislative clerk called the roll.

Mr. LONG (after having voted in the affirmative). On this vote I have a pair with the Senator from Oklahoma (Mr. HARRIS). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. PELL (after having voted in the affirmative). On this vote I have a pair with the Senator from Connecticut (Mr.

RIBICOFF). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from West Virginia (Mr. RANDOLPH), would each vote "yea."

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. HRUSKA) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The Senator from Maryland (Mr. MATHIAS) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 50, nays 19, as follows:

[No. 254 Leg.]

YEAS—50

Allen	Dominick	McIntyre
Allott	Eagleton	Miller
Anderson	Eastland	Moss
Bellmon	Ellender	Packwood
Bennett	Fannin	Pearson
Bible	Goldwater	Percy
Boggs	Griffin	Prouty
Brooke	Gurney	Proxmire
Burdick	Hansen	Scott
Byrd, Va.	Hatfield	Smith, Ill.
Byrd, W. Va.	Holland	Sparkman
Church	Inouye	Spong
Cook	Jackson	Stennis
Cooper	Jordan, N.C.	Stevens
Cotton	Jordan, Idaho	Thurmond
Curtis	Magnuson	Williams, Del.
Dole	McClellan	

NAYS—19

Case	Kennedy	Saxbe
Cranston	Mansfield	Schweiker
Fong	McGee	Williams, N.J.
Goodell	Mondale	Yarborough
Gravel	Murphy	Young, Ohio
Hughes	Muskie	
Javits	Pastore	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Long, for.
Pell, for.

NOT VOTING—29

Aiken	Hartke	Randolph
Baker	Hollings	Ribicoff
Bayh	Hruska	Russell
Cannon	Mathias	Smith, Maine
Dodd	McCarthy	Symington
Ervin	McGovern	Talmadge
Fulbright	Metcalf	Tower
Gore	Montoya	Tydings
Harris	Mundt	Young, N. Dak.
Hart	Nelson	

So the report was agreed to.

Mr. LONG. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. HOLLAND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader about the future order of business for this week and thereafter; and also to raise the question as to the possible length of this session of Congress.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Republican leader, it is anticipated that the Senate will turn to the consideration of the pending business, the military procurement bill. The pending question of the pending business is the Cooper-Hart amendment relative to the ABM.

Sometime tomorrow, we will take up the conference report on the Youth Conservation Corps; probably also the legislative appropriation conference report. Neither measure, I think, will cause any difficulty. Then we will go back on the unfinished business.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Does the Pastore rule of germaneness apply when the current business is the Cooper-Hart amendment which is, in effect, to repeal the ABM? Could we speak on other parts of the military procurement bill?

Mr. MANSFIELD. Oh, yes. The whole of the bill is germane, not any particular section; so that if an amendment is pending, it does not mean that Senators cannot discuss any other section of the bill.

Mr. GOLDWATER. At any time of day?

Mr. MANSFIELD. That is correct.

Mr. SCOTT. In order to introduce a conference report or other business during that part of the day in which the rule of germaneness applies, it is necessary to secure unanimous consent; is it not?

Mr. MANSFIELD. No; because the conference reports have priority.

Mr. SCOTT. They are privileged, that is right. What about the introduction of business other than the conference reports?

Mr. MANSFIELD. No; because the conference report time is taken out of the 3 hours under the Pastore rule of germaneness. We will have no trouble, I assure the distinguished Senator from Arizona.

Mr. GOLDWATER. I thank the Senator from Montana.

Mr. MANSFIELD. Now, Mr. President, earlier this afternoon, I made the following statement, let me say to the distinguished Republican leader:

Mr. President, last week, I made the prediction that the Congress would have to return after the November election this fall to consider at least the defense appropriations bill.

I was misinformed of the intention of the House leaders with respect to that appropriations bill. I have been assured by Chairman MAHON personally that the defense bill will be completed prior to any recess in October.

I would hope, therefore, that the Senate could proceed to the electoral reform, welfare reform, and the appropriations bills prior to the end of October, and that the Congress will not need to return after the election in November.

I believe, however, that the legislative program for this Congress should be completed in this Congress, and if we can work together it can be all completed in time for a sine die adjournment prior to the November election.

However—I repeat—if our work is not completed, we will be back after the elections to complete the uncompleted business of the Senate.

Mr. SCOTT. The distinguished majority leader makes the point that certain bills will be considered, and that it is important we act upon them this year. That, I take it, is subject to some additional suggestions from both sides of the aisle. I should like to consult with my colleagues as to those measures which they regard as of such consequence and urgency as might be considered in laying out the program. I assume that the distinguished majority leader would accept that as a suggestion.

Mr. MANSFIELD. Always. And, may I say, there is nothing the majority leader and the Democratic majority would not do to give its utmost support to the President's proposals and to do all we can in our own way to get that legislation through.

Mr. SCOTT. I should like to see that done.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, August 5, 1970, at 10 a.m.