cally practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

TRIBUTE TO HOWARD HEIMBACH

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. SCHNEEBELI. Mr. Speaker, on July 27, our distinguished colleague, the Honorable JAMES G. FULTON, called the attention of the House of Representatives to the death of Howard Heimbach, of Pittsburgh. His thoughtful remarks are most meaningful to me, for Howard Heimbach was a close friend.

I first became associated with him as a fellow Pennsylvanian and classmate at Dartmouth College. My respect for him stemmed both from college and our later business association.

Ever since I have been a Member of Congress, he was most helpful in his advice regarding business reaction to proposed legislation, showing unusual awareness and insight. Indeed, he was a forceful and effective influence on both the State and National scenes, as exhibited through the chamber of commerce.

All of us who have had the privilege of knowing him shall miss his engaging and relaxed approach to his important assignments and many worthwhile voluntary activities.

It was with a great deal of sadness that I learned of his recent death. I join with our distinguished colleague and Howard Heimbach's many other friends in expressing my sincerest sympathy to his family.

IMPORTANT LEGISLATION PASSED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1970

Mr. PICKLE. Mr. Speaker, because of a longstanding commitment in my home State, I was unable to be in the House Chamber today for several votes. I want, therefore, to register here my strong support for these measures and note that I saw that my vote was paired as in favor of all the bills that were considered today.

The first is H.R. 17795, the Emergency Community Facilities Act of 1970. This bill authorizes an additional $1 billion for grants for water and sewage facilities. In a time of growing population and pollution problems, I feel that this measure is one of high priority, and not an issue which can be shuttled aside or funded on a haphazard or token basis. This is particularly crucial in rural areas and small cities, many of which are currently in desperate need of help in dealing with a mounting shortage of water and sewage facilities.

From my committee have come H.R. 17982, extension of financing for Corporation for Public Broadcasting; and H.R. 11913, Communicable Disease Control Amendment of 1970. Though in widely different fields, these two measures are both vital. The first hopefully will encourage the administration to propose a plan of permanent financing for the Corporation for Public Broadcasting. The second will fill a gap in our public health services by strengthening communicable disease programs. Committee testimony showed that there was a dangerous absence of programs operating in this field and that this lack presented a serious public health hazard.

In addition, I was proud to be able to support the several conservation bills from the Interior Committee. With the deep concern for our environment now pervading our thoughts, it was good to see this action taken.

SENATE—*Friday, September 11, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend Jimmy O. Phifer, pastor, Wesley United Methodist Church, Sikeston, Mo., offered the following prayer:

O God, our Father, help us, we pray, to love our country and to give to it our very best that America might become a blessing to the world.

We thank You, O Lord, for these Senators who provide leadership for America at such an important time in its history. We pray Your blessings on them. Give them strength and courage, we pray, to discharge their responsibilities.

Today we pray for our President, and also for him who will preside over the Senate.

We pray today, our Father, for the blessing of peace. It is our prayer that peace will come soon to all the world.

O God, our Father, bless Your church. Make her strong. Remove her weaknesses. Give to us duty and honor when You forgive us. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 10, 1970, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 1178 and 1180.

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

AMENDMENT OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

The bill (H.R. 16539) to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council, was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1161), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council.

EXPLANATION OF THE BILL

Public Law 85–568, which was enacted on July 29, 1958, established the National Aeronautics and Space Administration and, in addition, established the National Aeronautics and Space Council. Public Law 87–26, passed April 25, 1961, amended section 201 of the Space Act of 1958 to provide that the National Aeronautics and Space Council (hereinafter called the Council) should be composed of:

(1) The Vice President, who shall be Chairman of the Council;

(2) The Secretary of State;

(3) The Secretary of Defense;

(4) The Administrator of the National Aeronautics and Space Administration; and

(5) The Chairman of the Atomic Energy Commission.

The Department of Transportation was created by Public Law 89–670 on October 15, 1966, and almost immediately the question arose as to whether or not the Secretary of Transportation should be a member of the Council. The desirability of such a move was explored in hearings on "Aeronautical Research and Development Policy" held by the

committee on January 25, 26, and February 27, 1967. Since the DOT did not officially begin business until April 1, 1967, it is understandable that witnesses to these hearings were divided and somewhat uncertain on this point. The general feeling seemed to be that this might be a desirable but not necessary move, in view of the fact that DOT could be invited to participate in Council deliberations whenever its interests were involved (as, in fact, it was on subsequent occasions). This issue was discussed, but no specific recommendations in this regard were made in the report filed by the committee (S. Rept. 957, "Aeronautical Research and Development Policy," Jan. 31, 1968).

The committee did make the following recommendations in that report:

2. An in-depth study should be made to analyze the relationship between benefits that accrue to the Nation from aviation and the level of aeronautical R. & D. effort. The study should try to determine—or at least develop criteria for such a determination—what level of R. & D. should be maintained in order to achieve the desired results. This study should be an in-house effort of NASA and the Department of Transportation or accomplished under contract by the private sector. The study might also include a detailed analysis of the divergence of military and civilian aeronautical requirements in order to assess better the diminishing benefits to civilian needs from military R. & D. The committee recommends that NASA and the Department of Transportation jointly sponsor such a study.

3. As soon as the results of the study are available, the National Aeronautics and Space Council, with the Department of Transportation and the Bureau of the Budget as participants, should determine the level of Federal Government involvement, and the relative effort of participating agencies.

It is clear, therefore, that the committee was anxious for the DOT to become involved in the highest levels of interaction with other interested agencies in the area of aeronautical R. & D.

While the study suggested in recommendation No. 2 above is now well underway and the Council has taken a sharp interest in the problems of aeronautics, the time for the execution of recommendation No. 3 has not yet arrived. It is now anticipated that results of the joint study may be available for such consideration by the Council in time for its recommendations to have an impact on the fiscal year 1973 budget. In view of the importance of these decisions on the future of aeronautical R. & D. and inasmuch as the Department of Transportation has principal responsibility for civil aviation, the committee believes that it would be appropriate to make the Secretary of Transportation a statutory member of the Council.

COMMITTEE RECOMMENDATIONS

The committee favorably reported the bill with no amendments and recommends its enactment.

COST AND BUDGET DATA

There is no cost associated with the bill.

VOLUNTARY ADMISSION OF PATIENTS TO DISTRICT INSTITUTION—FOREST HAVEN

The Senate proceeded to consider the bill (H.R. 4182) to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons, which had been reported from the Committee on the District of Columbia with amendments, on page 2, at the beginning of line 2, strike out "mentally" and insert "substantially"; in line 9, after the word "term", strike out "mentally" and insert "substantially"; on page 3, at the beginning of line 6, strike out "mentally" and insert "substantially"; in line 16, after the word "sections", strike out "mentally" and insert "substantially"; on page 4, line 1, after the word "admit", insert "a person"; in line 2, after the word "Haven", strike out "as a patient any adult who has been a resident of the District of Columbia for one year next preceding the date of application or any child under the age of twenty-one whose parents or legal guardian has been a resident of the District of Columbia for one year next preceding the date of application. A person may be admitted to Forest Haven"; in line 10, after the word "be", strike out "mentally" and insert "substantially"; on page 5, line 4, after the word "the", where it appears the first time, strike out "mentally retarded"; at the top of page 6, strike out:

"(e) The Director, with the approval of the Commissioners of the District of Columbia, shall prescribe such rules and regulations as he may deem necessary to carry out the provisions of this section."

And, in lieu thereof, insert:

"(e) The District of Columbia Council is authorized to issue regulations to carry out the purposes of this section.

"(f) The authority contained in this section shall extend to January 1, 1975, unless repealed prior to that date."

At the beginning of line 19, strike out "mentally" and insert "substantially"; on page 7, line 24, after the word "inserting", strike out "mental" and insert "substantial"; on page 8, line 7, after the word "inserting", strike out "mentally" and insert "substantially"; in line 16, after the word "inserting", strike out "mentally" and insert "substantially"; on page 9, at the beginning of line 2, strike out "Mentally" and insert "Substantially"; in line 3, after the word "title", strike out "21e" and insert "21"; and at the beginning of line 6, strike out "Mentally" and insert "Substantially".

The amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1163), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of this bill is to accomplish the following:

1. To authorize voluntary admission of substantially retarded persons to the District Training School, whose name is changed to Forest Haven.

2. To require that a prerequisite to such voluntary admissions be a financial arrangement with the District of Columbia on behalf of such persons when they or their relatives are financially able to pay for all or a part of the expenses involved.

3. Delete certain archaic terminology in the present law and substitute modern terminology in its place.

BACKGROUND

The District Training School (Forest Haven) is an institution at Laurel, Maryland, operated by the District of Columbia Department of Public Welfare for certain mentally retarded citizens of the District, where such persons are cared for and given suitable education and training.

Under present law, admission to the District Training School (Forest Haven) can be accomplished only by court order, the issuance of which must be preceded by a petition to the court and a hearing. It is the opinion of this committee that families should be spared the emotional ordeal involved in bringing their mentally retarded relatives before the court, and that the time of the court could more profitably be used for other purposes. In this connection, we are informed that these petitions are nearly always uncontested.

H.R. 4182 would provide, in addition to this present system of admission to the District Training School (Forest Haven) by court order, for voluntary admission in cases where the District of Columbia Director of Public Health determines that the applicant is eligible for admission, and where the patient expresses no objection to being admitted.

A patient voluntarily admitted would have the privilege of petitioning for his own release, and would be discharged 5 days after filing his petition with the Superintendent of the Training School, unless during this period the Director of Public Welfare petitions the court to detain the patient for court hearing. In this event, the patient would be retained until the court has disposed of the case.

The bill provides further that where the term "District Training School" occurs in the present law, the more commonly used title "Forest Haven" shall be substituted. Similarly, the more humane term, "substantially retarded," would replace "feebleminded," and the word "patient" would be inserted in lieu of "inmate." This committee feels that these changes in terminology would serve to a degree to spare the feelings of the families of these retarded persons and thus lighten the burden upon them.

The various amendments to H.R. 4182 change the word "mentally" to "substantially" and reflect the similar change made in the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358 (Sec. 150). The use of the term "substantially retarded" instead of simply "mentally retarded" was chosen in order not to reflect harshly upon the many independent and productive citizens in society who are to a lesser degree or at least educably mentally retarded.

Following passage of the bill by the House on April 24, 1969, this committee held a public hearing on July 31, 1969. The District of Columbia Government reported at that time that it no longer favored passage of H.R. 4182 but planned to submit more comprehensive legislation which was drafted by the Committee on Laws pertaining to Mental Disorders of the Judicial Conference of the District of Columbia Circuit.

Since that time, however, the District Government has advised the Committee that additional study will be needed before new legislation can be recommended to the Congress. In view of that development, it has recommended enactment of H.R. 4182 as an

interim measure to meet the need for improved admission procedures at Forest Haven.

Mr. BYRD of West Virginia. Mr. President, that concludes the call of the unobjected-to items on the legislative calendar at this time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the Chair now recognizes the distinguished Senator from Ohio (Mr. YOUNG) for not to exceed 20 minutes.

IS IT FOR THIS THAT AMERICANS ARE DYING?

Mr. YOUNG of Ohio. Mr. President, recently in a Saigon cabaret three South Vietnamese officers, Lt. Col. Nbuyen Viet Can, Capt. Do Ngoc Nuoi, and Capt. Pham Van Bach assaulted Sgt. Calvin T. Yates of Paintsville, Ky. Sergeant Yates defended himself vigorously, but the odds were too great. He called for help. Two U.S. military policemen responded. Immediately the three South Vietnamese army officers shot them down. Our MP's were killed before they had time to draw their revolvers. Sergeant Yates was badly bruised, but fortunately, though the Vietnamese officers fired at close range or point blank, he was not wounded.

Later he and others testified against the three defendants before a Saigon military tribunal. The tribunal composed of South Vietnamese army officers found the two captains guilty of murder and their lieutenant colonel guilty of manslaughter. The South Vietnamese military judges then gave all three suspended sentences. Their fellow officers and relatives jamming the courtroom applauded wildly when the suspended sentences were announced.

Is it for this that Americans are fighting and dying?

MURDER ON KENT STATE UNIVERSITY CAMPUS

Mr. YOUNG of Ohio. Mr. President, the Congress of the United States should make an appropriation of a very substantial sum of money to compensate those students—boys and girls—who on the campus of their university were victims of rifle fire shortly after high noon on Monday, May 4, and also the families of the two boys and two girls who were shot and killed by Ohio National Guardsmen on that day. There has been some talk of soliciting contributions and then giving that money to some of the victims and to the families of the boys and girls who were killed to compensate them to some extent for the medical expenses incurred.

I propose, Mr. President, that we in the Congress appropriate $5 million and that a board of five members including not less than two physicians and surgeons be authorized to determine the compensation that should be paid by the Federal Government to those boys and girls who were shot by National Guardsmen and injured, many of them permanently injured, and to determine adequate compensation for the families of the two girls and two boys who were killed by guardsmen's bullets. Then I will make the same proposal next January that the general assembly of Ohio consider the facts and determine what compensation the State of Ohio should pay.

It is astonishing to me that no public official in Ohio nor any member of the President's Commission on Campus Unrest has spoken out that the Congress of the United States has a moral and, no doubt, a legal obligation to compensate these young men and young women, nearly all of whom are minors, for the injuries they received and the pain they suffered due to being shot by National Guardsmen's rifle fire. Many of them suffered a disability that will continue as long as they live. Their fathers have been compelled to incur financial obligations for medical and hospital attention and treatment. As for the two boys and two girls who were killed by the National Guard, their fathers and mothers who sustained such great loss and sorrow and, in addition, paid out financially for funeral expenses, must be compensated as far as it is possible to accomplish this. In Ohio we lawyers have been taught that for every wrong there is a remedy.

Very definitely, due to the relationship of the National Guard in every State of the Union to the Federal Government and the fact that article I, section 8 of the Constitution of the United States provides:

> The Congress shall have the power to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.
>
> The Congress shall have the power . . . to provide for the organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, the Authority of training the Militia according to the discipline prescribed by Congress.

An appropriation should be made and I am suggesting an appropriation of $5 million to provide compensation from the Federal Government. Also, I assert that the General Assembly of Ohio, which will convene next January, has an obligation to appropriate an additional and a very substantial sum of money for this same purpose.

It is crystal clear now that there was no riot whatever on the campus of Kent State University at any time on the morning of May 4 or around the noon hour up to the time of the shooting. Some 100 FBI agents following a most intensive investigation over a period of 2 weeks have reported their conclusions. In addition, seven investigative reporters of the Knight newspaper chain, including the Detroit Free Press, the Akron Beacon-Journal, and the Miami Herald, completed an intensive 2-week investigation at Kent State. Their report also proves that the students who were killed or wounded were innocent of any attacks or assaults on any National Guardsmen or of any rioting on the campus of their own university on this day when the university was functioning. Classes were being held and as a matter of fact, President Robert I. White of the university had not asked for National Guardsmen and did not want them on the campus.

Not one National Guardsman required first-aid treatment at any time on May 4 due to any act of any student. One fainted. One had an apparent heart attack and fell down, and a third in a frantic frenzy shouted:

> I shot two teenagers! I shot two teenagers!

Of the four students who were killed, Jeff Miller's body lay a distance of between 85 to 90 yards from the first line of guardsmen. Allison Krause fell some 110 yards distant. Sandy Scheuer, who was shot and killed, was 130 yards away from the frontline of guardsmen. She was on the university commons walking to her speech therapy class. Her schoolbooks lay on the ground beside her.

Joseph Lewis who was wounded made an obscene gesture toward the Ohio National Guardsmen. He was the closest of all the students to the frontline of the guardsmen. He had thrown no rocks. He had resorted to no violence whatever. He made an obscene gesture and a guardsman named Shaffer shot him.

John R. Cleary was more than 100 feet away standing by a metal sculpture near Taylor Hall. He was not facing the guardsmen. He was apparently standing laterally to the Guard as a guardsman's bullet entered his left upper chest and the main fragments exited from the right upper chest. The bullet that struck him was apparently a dumdum bullet or one cut by the guardsman to be more lethal.

Donald MacKenzie was seriously wounded at a distance of approximately 250 yards away from the Guard. He was running in the opposite direction from the Guard. The projectile entered the left rear of his neck.

James Dennis Russell was wounded while standing in an area 90 degrees removed from the locations of the other students who were shot. He was at a distance of 125 yards from the Guard.

Alan Canfora, according to the FBI, was in the parking lot when he was shot, a distance of 100 yards or more from the Guard.

Thomas Grace was shot in the back of his left ankle and the bullet penetrated downward and fragments from the projectile exited from the top of his foot. According to investigative reports and the FBI, Grace was at a distance of more than 20 yards from the National Guardsmen, perhaps as far as 100 yards. That is immaterial as it is evident he was not facing the Guard. In fact, of all those killed and wounded only Joseph Lewis and Jeff Miller were shot from the front.

Regarding seven of the boys and girls, the shots entered from the side and four had their backs turned to the guardsmen. The bullets entered their bodies from the rear.

William Schroeder, who was killed, was shot while apparently in a prone position facing away from the Guard.

Douglas Wrentmore was at least 110 yards from the Guard when he was shot. The bullet entered the left side of his right knee, caused a compound fracture

of the right tibia and exited on the right side of the knee.

Of all the Kent State University students killed and wounded not one was involved or even associated remotely with any disorder at any time in Kent on the preceding Friday night or with the burning of the ROTC building on the preceding Saturday night.

The conclusion of FBI and other investigators was that they were merely spectators on the campus of their own university in the middle of the day, Monday, May 4, at the time the university was functioning even though rough National Guardsmen had arrogantly taken over.

Robert Stamps was very seriously wounded and is no doubt permanently injured. He was hit by a National Guardsman's rifle bullet at a distance of 609 feet from the frontline of the National Guardsmen. Furthermore, the bullet struck him in the buttock about 3 inches below his belt, penetrated his body, missing his spinal column by about an inch and exited from the front part of the body.

Dean Kahler was shot down at a considerable distance from the National Guardsmen. He is hospitalized and is paralyzed from his waist down.

Mr. President, National Guard officers and men responsible for the killing and wounding of these students violated the law of the State of Ohio. They should be charged with second degree murder and also with a second count of shooting with intent to kill. This, in violation of the law of our State. I have no confidence whatever that the State authorities will prosecute such charges, this due to the political influence of Governor Rhodes and his attorney general. Next January there will be another Governor and attorney general of my State, I am glad to report.

Very definitely, later this year a Federal grand jury of the northern district of Ohio—and the shootings and killings occurred within this district—should be convened to investigate these killings and shootings. It is evident there is probable cause that the constitutional rights of Sandra Scheuer and others who were shot were violated. This in accord with U.S. Criminal Code 18, section 242, and is a violation of that code.

Maj. Gen. Winston P. Wilson, stationed in the Pentagon as commanding officer of the National Guard of the United States, has been proven guilty of making utterly false allegations. This fellow seeks to be beneficiary of a bill passed in the House of Representatives sponsored by the chairman of the Armed Services Committee of the other body. This bill, which I am glad to report is being held in the Senate Armed Services Committee, proposes to make the National Guard general, who is the commanding officer of the National Guard, a lieutenant general. General Wilson has been bucking to be promoted to lieutenant general. I report to him that officials of the Department of Defense have expressed opposition to the enactment of this bill.

In fact, it is stated on pages 4 and 5 of the committee report of the other body that "the Department of Defense recommends against enactment of H.R. 15143." In other words, top officials at the Pentagon have expressed their opposition to this bill.

Mr. President, I am not at all concerned that General Wilson be granted an additional star. What I am gravely concerned about is that he is permitted to continue in his present position at the Pentagon.

On May 7, 3 days after the tragedy on the campus of Kent State University, General Wilson had the unmitigated gall and astonishing effrontery to make outlandishly false allegations on this subject. He pontificated that the students who were fired upon, 14 of whom were killed or wounded, were lawbreakers in violation of the "Governor's ban, in violation of the Riot Act and the lawful order to disperse." He made the lying statement that a sniper fired at the guardsmen. He falsely asserted the Guard fired in self-defense.

This fellow expressed no sympathy whatever toward the families of two girl and two boy students who were killed nor for the 10 who were wounded. Then this arrogant general told the Senators of the Armed Services Committee that he had an unconfirmed report that a nonmilitary spent shell casing was picked up on the campus. Then he made the outstanding lying statement:

> I have an unconfirmed report that four shots were fired by a person in the dissident group.

The FBI agents who investigated and officers and members of the Ohio State Highway Patrol who were present on the campus all reported that no such incident occurred. Furthermore, he alleged that snipers were shooting at the guardsmen from the roof of a university building. He stated again that there was an unconfirmed report a "witness had seen a girl dashing out of the dormitory who fired a weapon at the guardsmen as they turned away." He was indulging in the big lie technique of Adolf Hitler that by making false statements repeatedly, in the end some credence is bound to be given them.

Following the time General Wilson made these outlandish and fantastic speculative, unconfirmed, and false statements, a newspaper in a small city in Ohio quoted the general. The next thing I knew I received a telephone call from a radio station in Toledo that what I had been saying in the Senate regarding the Kent State tragedy had been altogether different than the facts given out by General Wilson following his investigation.

This general, and no other person, told of an unconfirmed rumor that a witness had seen a girl dashing out of a dormitory and firing a weapon at the guardsmen as they turned away and they turned back and returned the fire. Statements given me by college students and a graduate Kent State College counselor and others are positive that no such incident occurred. One hundred FBI agents following their intensive investigation in their report refuted every allegation Wilson made. They were equally positive that the guardsmen were the only ones who fired guns early that fatal Monday afternoon.

I have said enough about this General Wilson and his testimony. Mr. President, I do say now that officials of our Government should dismiss him from the high position he holds in the Defense Department.

He has my contempt. I deem his testimony before the Armed Services Committee, of which I am a member, as being lying and arrogant testimony. He has been proved to be unfit to be commander of the National Guard of the United States.

I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin (Mr. NELSON) is to be recognized at this time.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a quorum call, without prejudice to the Senator from Wisconsin under the previous order.

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

Under the previous order, at this time the Chair recognizes the Senator from Wisconsin for not to exceed 20 minutes.

WAYNE STATE UNIVERSITY STUDENTS BEAT 1980 FEDERAL STANDARDS IN 1971 FORD WITH POLLUTION CONTROL DEVICES

Mr. NELSON. Mr. President, while the mighty auto industry has been loudly protesting its inability to meet proposed engine pollution standards, four Wayne State University students equipped a 1971 Ford with pollution control devices and beat the 1980 Federal standards.

It is nothing short of hilarious that the largest concentration of engineers and experts in the world cannot match the wits and creativity of a group of college students.

For 20 years the auto industry has been running a gigantic con game telling the public their autos were safe and the engines were clean. Finally Congress passed auto safety legislation over the strenuous objections of the industry. Now is the time to set engine pollution standards. Obviously, the industry is going to continue to filibuster, dissemble and delay the installation of pollution control devices. Industry engineers and corporate executives are swarming all over Washington telling the Congress they cannot meet Federal standards.

The fact is they can meet these standards and Congress should not let them get away with further delay.

Mr. President, I will read the letter I have sent this morning to members of the Committee on Public Works:

WASHINGTON, D.C.,
September 11, 1970.

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

DEAR SENATOR: You are no doubt aware of the 1970 Clean Air Car Race from Cambridge, Massachusetts to Pasadena, California during the last days of August. This is the second such event in which several hundred students from universities throughout the U.S. and Canada have made a great contribution of time and money to assist in resolving the major air pollution problem of today—contaminant emissions which result from the large population of autos powered by internal combustion engines and fueled by gasoline.

The 1970 Collegiate Clean Air Car Race was just concluded. The dramatic test results of that race have not yet been made public, but the auto industry knows the results and are deeply embarrassed by them.

Based upon a formula which took into account both performance characteristics as well as emissions control, the overall winner of the 1970 Clean Air Car Race was the entry from Wayne State University in Detroit, Michigan. What the giants of the automobile industry are claiming cannot be done, was demonstrated to the American public by a team of night students at Wayne State who are employed as technicians by Ford Motor Co. during the day. Without the financial or technical resources available to the auto industry, these students equipped a 1971 Ford Capri powered by a 302 cubic inch V8 engine with four platinum catalytic mufflers, an exhaust gas recirculation system, electric fuel pump, insulated fuel lines, and a temperature sensing carburetor and raced across the United States.

When the Wayne State University entry reached California it was tested for pollution control. The results after this 3,600 mile race showed that the student-modified internal combustion engine using non-leaded gasoline surpassed not only the proposed 1975 Federal Standards, but were far below the proposed 1980 Federal Standards which your subcommittee has recommended be advanced for 1975.

Emission from the student-modified Ford Capri at the end of the race were .19 grams per mile of hydrocarbons, 1.48 grams per mile of carbon monoxide, and .29 grams per mile of oxide of nitrogen. The proposed 1980 Federal Standards, advanced to 1975 in the legislation before the committee, would set a limit of .25 grams per mile of hydrocarbons, 4.7 grams per mile of carbon monoxide, and .45 grams per mile of oxides of nitrogen. The significance of these dramatic results perhaps can best be understood when compared with the emissions of the uncontrolled internal combustion engine of a few years ago which spewed 73.0 grams per mile of carbon monoxide, 11.2 grams per mile of hydrocarbons, and 4.0 grams per mile of oxides of nitrogen into the air.

The results of this student-initiated clean car race appear to me to be particularly significant to members of the Senate Public Works Committee and others who have an immediate interest in eliminating automobile emissions as the major source of air pollution and the largest single contributor to damages arising from contaminated air. This subject is currently the subject of heated debate and I am sure that you are well aware of the statements of the automobile industry which questions the possibility of controlling automobile air pollution in the next five years.

The 1970 Clean Air Car Race was a student-organized 3,600-mile transcontinental test of cars developed to meet both safety and performance requirements while reducing air pollution emissions to a minimum. Vehicles were to be entered and driven only by students, who were to do their own roadside repairs. Vehicles applying for entry included those powered by steam, electric batteries, liquefied natural gas, compressed natural gas, liquid petroleum gas, electric-hybrid combinations, diesel, propane, alcohol, liquid hydrogen-oxygen mixtures, and special gasolines.

To qualify to enter the race, the vehicles were required to have the potential for meeting the Federal air pollution emission standards which are proposed by the National Air Pollution Control Administration for 1975 cars. In actual competition, the cars were to be judged on such points as student participation in developing the vehicle with its control equipment, degree of innovation, car performance, thermal efficiency, maintenance of speed, practicality, cost, safety, mass production capability, and degree of contribution to resolving the air pollution problem.

Check points were established from Boston to Los Angeles which represented the mileage to be covered safely and reasonably for each day of a six-day driving period. Emissions tests were performed by qualified government or contract laboratories at Cambridge, Massachusetts, Ypsilanti, Michigan, and Los Angeles so that possible deterioration in performance could be evaluated.

Thirty-five cars finished the race. Nine of these vehicles did in fact meet the proposed 1975 U.S. emission standards. What is perhaps more significant is that two of these nine cars met the proposed U.S. emission standards for 1980, a goal which the auto manufacturers have contended to this committee that they cannot meet in 1975!

Of the nine which met or bettered the proposed 1975 emission standards six were powered by standard internal combustion engines using compressed (CNG), or liquefied natural gas (LNG), or liquefied petroleum gas (LPG).

The remaining three also utilized the standard internal combustion engine, but were fueled by alcohol. LNG combined with hydrogen, and, in the case of the one adjudged the overall winner, unleaded gasoline.

The latter car, the winner of the race, met the proposed U.S 1980 emission standards for all contaminants and deserves particular consideration for it utilized an internal combustion engine and unleaded gasoline.

It is a 1971 Ford Capri powered by a 302 cubic inch V8 engine supplied by Ford. It was entered and driven by four night students of Wayne State University at Detroit—Alden Raquepau, John S. Karol, Bryan Geraghty, and Mike Riley. The last two young men are employed as technicians in branches of the Ford Motor Co. They equipped the car with two platinum catalytic mufflers for control of hydrocarbons and carbon monoxide and two additional for control of oxides of nitrogen. They also equipped the vehicle with an exhaust gas recirculation system, electric fuel pump, insulated fuel lines, and a temperature sensing carburetor. As previously noted, the vehicle was operated exclusively on non-leaded gasoline.

The test results obtained at Cambridge and Los Angeles on the declared winner as compared to the proposed Federal emission standards for 1975 and 1980 are as follows:

Pollutant	Cambridge test (hot start)	Ypsilanti test (cold start)	Los Angeles test (Hot start)	Los Angeles test (Cold start)	Proposed Federal standards [1] 1975	Proposed Federal standards [1] 1980
Carbon monoxide	1 percent	[2]	1 percent	1.48 gr./mi	11.0 gr./mi	4.7 gr./mi.
Hydrocarbons	10 p.p.m	[2]	16 p.p.m	0.19 gr./mi	.5 gr./mi	.25 gr./mi.
Oxides of nitrogen	100 p.p.m	[2]	118 p.p.m	.29 gr./mi	.9 gr./mi	.45 gr./mi.

[1] Proposed Federal standards based on cold start.
[2] The Ypsilanti tests were ignored because of excusable fault.

The above results demonstrate the fact that a 1971 Ford internal combustion engine can meet the proposed 1980 standards today. They also show that deterioration in vehicle emissions performance between Cambridge and Los Angeles was negligible. This evidence supports those provisions of the legislation proposed by your Subcommittee on Air and Water Pollution which would require compliance with the proposed 1980 Federal emissions standards by 1975.

One can also conclude that the accomplishment of the Wayne State University students with a minimum of experience with a major manufacturer should be well within the expertise of all segments of the entire automobile industry.

However, I do not wish to arrive at this conclusion on the basis of one vehicle with one type of control operated by one team of students.

As I mentioned earlier, another entrant met the proposed 1980 standards. It was one of the six entrants in the race powered by internal combustion engines fueled by compressed or liquefied natural gas or liquefied petroleum gas.

The 1970 American Motors Hornet entered by students of the California Institute of Technology was operated entirely on compressed natural gas and was equipped with one catalytic muffler as against the four installed on the Capri. Its test data is as follows:

Pollutant	Cambridge test (hot start)	Ypsilanti test (cold start) (gr./mi.)	Los Angeles test (hot start)	Proposed Federal Standards (gr./mil.) 1975	Proposed Federal Standards (gr./mil.) 1980
Carbon monoxide	[1] 1	1.0	[1] 1	11.0	4.7
Hydrocarbons	[2] 11	[3] .21	[2] 26	.5	.25
Oxides of nitrogen	[2] 128	.47	[2] 100	.9	.45

[1] In percent.
[2] Parts per million.
[3] With 0.50 correction for nonreactive hydrocarbons which is allowed by State of California procedures and pending in Federal procedures. Hydrocarbon emission from vehicles using natural gas are largely methane which does not react in the atmosphere.

This vehicle, along with the other five operating on CNG, LNG, or LPG was placed in the same category as those with an internal combustion engine using gasoline because they shared the same basic power plant. Therefore, these vehicles did not place well in the final judging because of the official ruling on the accessibility of fuel. While natural gas is available in one form or another to the majority of stationary fuel users throughout the country, it is not yet possible for a motorist to drive into service stations and have his fuel cylinders filled with this fuel and the individual vehicle owner does not have low-cost compression equipment for home use.

However, present day vehicles powered by

internal combustion engines fueled with natural gas or LPG have a great potential for fleet operations in major urban areas. Fleet operators capable of providing their own gas refueling facilities can take advantage of this low-cost clean fuel and its attendant low-cost operation and maintenance factors. Both the General Services Administration and the Post Office Department are presently evaluating the desirability of utilizing this fuel in their large fleets.

Before concluding my discussion of individual entrants in the race, I would like to inject a note of local pride. Students of the University of Wisconsin qualified to enter two of the 43 vehicles which started the race. They were both powered by standard internal combustion engines, one fueled with LNG and the other with unleaded gasoline. They both performed very well. The vehicle powered by LNG met the 1980 standards for all contaminants except oxides of nitrogen.

In summation, it is apparent that the fuels used are as important to air pollution control as the power plants used in motor vehicles at the present time. The Clean Air Car Race demonstrates that an internal combustion engine can meet the proposed 1980 emission standards—with unleaded gasoline and maximum catalytic control, or with natural gas.

While steam powered vehicles did not finish the race and electric powered vehicles had difficulty meeting the speed requirements between check points, they cannot be ignored as having real potential over the long term. Both electricity and steam have been ignored for too long a period of time as a method for motor vehicle propulsion for the gap to be closed in a few short years.

The Clean Air Car Race of 1970 must be considered as an important contribution to the continuing effort to provide environmental quality for this nation. The initiative and efforts of several hundred students from campuses throughout the country have made a dramatic demonstration that automobile air pollution can be controlled and is a practical goal for 1975. This is certainly a constructive and responsible contribution of our youth that has been made for all our citizens.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD the announcement of the Clean Air Car Race winners, a comparison of emission standards, and a description of the entrant vehicles for the Clean Air Car Race.

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

CLEAN AIR CAR RACE WINNERS

SELECTION BY RACE COMMITTEE

Class and entry numbers

I: ICE, Gaseous; Worcester Polytechnic Institute, 18. ICE, Liquid; Standford, 41.

II: Brayton (Turbine) M.I.T., 90.

III: Electrics, Cornell, 65.

IV: Hybrids, Worcester Polytechnic Institute, 71 and University of Toronto, 75 (Tie).

Overall winner selected by the Judge: Entry No. 36, Wayne State University, Ford Capri, 302 cubic inches, V8 with 4 platinum catalyst mufflers, fuel injection, exhaust recirculator and unleaded gasoline.

JUDGES FOR CLEAN AIR CAR RACE

John Brogan, Director, Motor Vehicle R&D, National Air Pollution Control Administration.

Harry Barr, President, Society of Automotive Engineers and Vice President, Engineering, General Motors.

Dave Ragone, Dean, School of Engineering, Dartmouth.

William Gouse, Office of Science and Technology.

John Maga, Executive Officer, State of California Air Resources Board.

COMPARISON OF EMISSION STANDARDS

[In grams per mile]

	Hydrocarbons	Carbon monoxide	Oxides of nitrogen
Uncontrolled internal combustion engine	11.2	73.0	4.0
1970 Federal Standards	2.2	23.0	(1)
Actual achieved control	(4.6)	(47.0)	(2)
Projected Federal Standards for 1975 under Senate Clean Air Act (proposed for 1980 by NAPCA)	.25	4.7	.4
Alternate powerplants and fuels:			
Steam car [3]	.2	1.0	.4
Gas turbine [4]	.32	3.5	1.9
Natural gas fueled ICE [5]	.21	1.0	.47
Organic Rankine-cycle reciprocating [6]	.05	.35	.38
Modified ICE with non-leaded gas [7]	.19	1.48	.29

[1] None.

[2] The control of hydrocarbons and carbon monoxide for 1970 Federal standards has increased the emissions of oxides of nitrogen over the level of the uncontrolled internal combusion engine (4 grams per mile).

[3] Based upon the Williams Bros. steamcar tested by Mobil Oil Corp. in December 1966.

[4] Based upon Chrysler Corp. experimental gas turbine car.

[5] Based upon Cal Tech compressed natural gas ICE in 1970 Clean Air Race.

[6] Based upon projections from smaller scale burner tests of Thermo Electron Corp. engine.

[7] Based upon 1971 modified Ford Capri overall winner in 1970 Clean Air Car Race entered by Wayne State University.

ENTRANT VEHICLE DESCRIPTIONS

The following descriptive data were taken from the preliminary technical descriptions of CACR entrants. In some cases, items such as 'Transmission' are omitted, indicating that they were not mentioned in the report. In general, this means that the stock item was retained in the modified vehicle. Some vehicles are not list debecause technical data was not finalized by press time.

Entrant No. 1

From: California Institute of Technology.
Vehicle: 1970 American Motors Hornet.
Fuel: CNG.
Fuel system: dual fuel capability.
Emission controls: catalytic muffler.

Entrant No. 2

From: California Institute of Technology.
Vehicle: 1970 Ford Ranchero.
Engine: 351 cu. in.
Transmission: 4-speed manual.
Fuel: CNG.
Fuel system: dual fuel capability.
Emission controls: catalytic reactor.

Entrant No. 4

From: Worcester Polytechnic Institute.
Vehicle: 1970 Chevelle 4-door hardtop sedan.
Engine: 350 cu. in. V8, 300 hp., 10.25:1 compression ratio.
Transmission: 3-speed automatic, 2.56 rear end ratio.
Fuel: LNG.
Fuel system: Impco model 425 carburetor.
Emission controls: (1) Englehard model PTX–4D235 exhaust purifiers; (2) reduced spark plug gap; (3) timing 0° BTDC with no vacuum advance; (4) capacitive discharge ignition system.

Entrant No. 5

From: Northeastern University.
Vehicle: 1970 Ford Fairlane 4-door sedan.
Engine: 250 cu. in. 6 cylinder, 9.1:1 compression, 155 hp. at 4400 rpm.; Impco CA 125 air valve type carburetor.
Transmission: 3-speed automatic.
Fuel: LNG.
Emission controls: intrinsic.

Entrant No. 10

From: San Jose State College.
Vehicle: 1970 Toyoto Corona.
Engine: 1200 cc.
Fuel: LPG.
Fuel system: standard conversion and heat exchanger on input air.
Emission controls: (1) thermal reactor with air injection; (2) catalytic reactor; (3) cooling of input air.

Entrant No. 11

From: Stanford University.
Vehicle: 1971 Capri.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: (1) water injection; (2) exhaust gas recirculation; (3) thermal reactor; (4) catalytic reactor.

Entrant No. 12

From: University of California at Berkeley.
Vehicle: 1970 Plymouth Belvedere, 4-door sedan.
Engine: 318 cu. in.
Transmission: standard.
Fuel: LPG.
Fuel system: Impco propane carburetor model 225.
Emission control: (1) exhaust recirculation; (2) catalytic exhaust reactors for unburned HC and CO control; (3) heat risers to intake manifold have been blocked; (4) heat control valve in passenger-side exhaust has been removed; (5) capacitive discharge ignition system; (6) reground valves lapped into place in the cylinder head; (7) air for carburetion is collected by a scoop below the front bumper.

Entrant No. 15

From: University of South Florida.
Vehicle: 1970 Chevrolet El Camino.
Engine: 454 cu. in.
Transmission: 4-speed manual.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: intrinsic.

Entrant No. 16

From: University of Evansville.
Vehicle: 1969 Oldsmobile Cutlass 4-door.
Engine: 350 cu. in.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: intrinsic.

Entrant No. 17

From: Tufts University.
Vehicle: 4-door Chevelle Malibu.
Engine: 250 cu. in. 6 cylinder.
Transmission: standard.
Fuel: LPG.
Fuel system: standard conversion and static mixing tube between carburetor and intake manifold.
Emission controls: (1) air injection and catalytic reactor; (2) CuO plated exhaust static; (3) exhaust recirculation.

Entrant No. 18

From: Worcester Polytechnic Institute—"Propane Gasser" team.
Vehicle: 1970 Chevy II Nova 4-door sedan.
Engine: 350 cu. in.
Transmission: automatic 3-speed.
Fuel: LPG.
Fuel system: standard conversion.
Emission control: (1) 2 catalytic reactors; (2) lowered compression ratio.

Entrant No. 19

From: Buffalo State College.
Vehicle: 1961 Austin Healy Sprite.
Engine: rebuilt standard 948 cc. 4 cylinder engine; 8.3:1 compression; maximum output 50 hp.
Transmission: 4-speed manual; modified 3.70:1 gear train ratio.
Fuel: LPG.
Fuel system: Beam propane conversion unit with dual carburetor.

Emission control: (1) new cylinder with longer stellite valves; (2) lengthened pistons.

Entrant No. 21

From: South Methodist University.
Vehicle: 1970 Ford Mustang.
Engine: 302 cu. in. V8.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: (1) 2 catalytic reactors air injection; (2) exhaust recirculation.

Entrant No. 22

From: University of Wisconsin.
Vehicle: 1970 Opel GT.
Engine: 1900 cc.
Fuel: LPG.
Fuel system: Standard conversion.
Emission controls: (1) exhaust gas recirculation; (2) catalytic reactor and air injection.

Entrant No. 23

From: St. Clair College.
Vehicle: 1970 Dodge Coronet.
Engine: 315 cu. in.
Transmission: 3-speed automatic.
Fuel: LPG.
Fuel system: standard conversion.
Emission controls: 2 catalytic mufflers.

Entrant No. 30

From: University of California at Berkeley.
Vehicle: 1970 Plymouth Belvedere 4-door sedan.
Engine: 318 cu. in. V8.
Transmission: 3-speed automatic.
Fuel: unleaded gasoline.
Fuel system: standard.
Emission controls: (1) 2 thermal reactors with synchronous air injection; (2) 1 catalytic reactor; (3) exhaust recirculation.

Entrant No. 31

From: Louisiana State University.
Vehicle: 1970 Pontiac LeMans.
Fuel: leaded gas.
Emission controls: (1) lean fuel mixture; (2) retarded spark; (3) exhaust recirculation; (4) thermal reactor.

Entrant No. 32

From: Worcester Polytechnic Institute (Saab).
Vehicle: Saab 99E 2-door sedan.
Engine: 1.7 liter (modified to 1.851).
Transmission: mannual 4 speed.
Fuel: unleaded gasoline.
Fuel system: Bosch fuel injection.
Emission controls: (1) lowered compression ratio; (2) increased valve overlap; (3) spark retardation; (4) richer mixture; (5) thermal reactor with air injection.

Entrant No. 33

From: Worcester Polytechnic Institute—'Dark Horse' team.
Vehicle: 1970 Ford Mustang.
Engine: 302 cu. in. V8.
Transmission: 3-speed automatic.
Fuel: leaded gasoline.
Fuel system: fuel injection.
Emission controls: (1) decreased compression ratio; (2) retarded spark; (3) catalytic reactor; (4) particulate trap; (5) evaporative emission control.

Entrant No. 34

From: University of Michigan.
Engine: standard.
Transmission: standard.
Fuel: unleaded gasoline.
Fuel system: fuel injection.
Emission controls: (1) water injection; (2) 2 catalytic reactors and air injection.

Entrant No. 35

From: University of Michigan.
Engine: 350 cu. in. V8.
Transmission: Automatic.
Fuel: unleaded gasoline.
Fuel system: standard.
Emission controls: (1) 2 catalytic reactors for NO_x; (2) 2 catalytic reactors for CO and HC downstream of NO_x; (3) air injection in exhaust stream between NO_x reactors and HC/CO reactors.

Entrant No. 36

From: Wayne State University.
Vehicle: 1971 Ford Capri.
Engine: 302 cu. in. V8.
Transmission: automatic.
Fuel: unleaded gas.
Fuel system: electric fuel pump; insulated lines; temperature-sensing carburetor.
Emission controls: (1) exhaust gas recirculation; (2) catalytic reactors for NO_x; (3) air injection and 2 catalytic reactors for HC and CO.

Entrant No. 37

From: University of Wisconsin.
Vehicle: 1970 Lotus Europa.
Engine: Renault R–16.
Transmission:
Fuel: unleaded gas.
Fuel system: standard.
Emission controls: (1) spark retard; (2) exhaust gas recirculation; (3) catalytic reactor and air injection; (4) W.U. thermal reactor; (5) evaporative loss control.

Entrant No. 41

From: Stanford University.
Vehicle: American Motors Gremlin.
Fuel: methyl alcohol.
Emission controls: (1) exhaust gas recirculation; (2) water injection; (3) catalytic reactor.

Entrant No. 42

From: University of California at Los Angeles.
Vehicle: 1965 Mustang.
Engine: 4 cylinder 138 cu. in. diesel.
Transmission: 4-speed manual.
Fuel system: standard and model TO–4 Airesearch turbocharger.
Emission controls: intrinsic.

Entrant No. 51

From: University of Arizona.
Vehicle description: 1970 Plymouth Valiant Duster, 3500 lbs.
Engine: 318 cu. in. V8.
Transmission: 3-speed manual.
Fuel: liquid methane (90%) anw compressed H_2 (10%).
Fuel system: fuels mixed before being introduced into carburetor.
Emission controls: fuel cutoff on deceleration.

Entrant No. 52

From: Putnam City West High School.
Vehicle: 1970 Opel.
Engine: 1,875 cc. (115 cu. in.)
Transmission: 4-speed manual.
Fuel: LPG/CNG (dual).
Fuel system: standard conversion.
Emission controls: (1) catalytic reactor and air injection; (2) exhaust recirculation.

Entrant No. 61

From: Georgia Institute of Technology.
Vehicle: 1970 VW fastback sedan.
Engine: 25 hp. DC series field electric motor.
Transmission: fixed 2:1 drive ratio; control circuitry—variable pulse width constant voltage (144V) output from dual SCR switching network.
Power storage: 24 6V Prestolite batteries.
Charging: 25 kW 220V 3-phase 60 Hz input is rectified to 80 amps DC; trimming rheostats to compensate for battery impedance changes during charging; a reverse voltage pulse of 300 V for 25 ms. is applied every 5 sec. to repress gas accumulation and excess heating during recharging.

Entrant No. 65

From: Cornell University.
Vehicle: five-passenger four-door sedan with metal and fiberglass body.
Engine: 34 kW-hr. battery pack consisting of 24 6V lead-cobalt batteries with a 240 amp-hr. capacity at 4 hrs.
Transmission: dual chopper SCR circuit which controls the across-motor voltage by pulse width and repetition rate modulation of the battery voltage; a four pole DC series motor, rated at 20 hp. with an additional shunt winding for regenerative braking.

Entrant No. 70

From: Massachusetts Institute of Technology.
Vehicle: 2-door Corvair.
Engine: hybrid electric—dual piston ICE.
Transmission: 14 lead-acid batteries with total rating of 90 amp-hrs. at 163 V; power controller between batteries and motor; shunt wound DC electric traction motor; 4-speed manual transmission and axle assembly.
Fuel: gasoline.
Fuel system: standard.
Emission control: (1) lean fuel-air mixture; (2) catalytic reactor for HC and CO; (3) reduced compression ratio; (4) water injection.

Entrant No. 71

From: Worcester Polytechnic Institute.
Vehicle: 1970 Gremlin.
Engine: Jeep Corp. Dauntless V6 ICE.
Transmission: 20 Exide type 3EC–19 6V lead-acid batteries rated at 200 amp-hours (20 hrs.); G.E. type BY401 25 hp., 5150 rpm series wound traction motor, controlled by G.E. model 300 modifitd SCR controller; G.E. triclad brushless AC generator model SJ–286, which provides 25 kVA 3-phase power, rectified by 3 G.E. type A–90DB Schron Rectifiers.
Fuel: unleaded gas.
Fuel system: standard.
Emission control (1) air pumps supplying oxygen to the exhaust manifold; (2) 2 Englehart exhaust gas purifiers for unburned HC and CO reduction; (3) exhaust gas recirculation (5–10%); (4) constant air-fuel ratio by running engine at constant load.

Entrant No. 74

From: University of New Hampshire.
Engine: Hybrid.
Propane ICE: 4 cylinder, 4 cycle Bearcat–55 outboard motor engine, equipped with catalytic reactor.
Generator: 20 kW 120 VDC G.E. air force generator.
Battery buffer: 10 12V lead acid units.
Control circuitry: switches to form various series-parallel motor combinations, plus standard SCR chopper circuitry.
Motors: 2 20 kW motors, one for front wheels, one for rear wheels.
Vehicle: Saab sedan.

Entrant No. 75

From: University of Toronto.
Vehicle: 1970 Chevelle.
Engine: 302 cu. in. converted to LPG with catalytic mufflers. Engine can run generator and/or wheels. Electric motor connected to drive shaft.
Can run in 4 modes:
(1) pure electric; (2) ICE; (3) hybrid-electric; (4) ICE directly linked to drive shaft and electric motor directly linked to drive shaft. ICE runs at constant load; motor and generator act to keep that load constant.

Entrant No. 80

From: University of California at San Diego.
Vehicle: 1970 Javelin.
Engine: water storage tanks (formerly gas tanks); priming pump in series with an engine-driven feed water pump (a Vickers hydraulic oil pump) which leads to the boiler via 3/8 in. copper tubing; recirculating type boiler; steam generator controller is a pressure-actuated switch in header pipe which turns flame on and off; water level controller has also been incorporated; expander is converted Harley-Davidson 74 cu. in. motor cycle engine.

Transmission: 1962 Chevrolet 3-speed, 2.87:1 rear end ratio.

Electrical system: 24 V system consisting of 2–12 V lead-acid batteries and 3–24 V 35 amp alternators; wiring system controls the automatic control circuit, manual override circuit, the solenoids, the ignition, and the blowers.

Fuel: LPG.

Fuel system: 35 gallon tank containing a pressure regulating valve in series with a vaporizing coil through which the flame passes; vaporized propane enters a small combustion can where air mixing is effected; a propane nozzle shoots the mixture into a high voltage spark which runs at all times when the fuel system is activated.

Emission control: intrinsic.

Entrant No. 83

From: Worcester Polytechnic Institute.

Vehicle: 1970 Chevelle 4-door hardtop.

Engine: monotube steam generator; rotary steam distribution valve; 6 cyclinder uniflow expander.

Fuel: kerosene.

Fuel system: standard external combustion.

Transmission: fixed ratio.

Emission controls: intrinsic.

Entrant No. 90

From: Massachusetts Institute of Technology—Bennet team.

Vehicle: 1970 Chevrolet C/10 half-ton pickup truck.

Engine: Airsearch GTP–70–52 gas turbine, M–12004A electric motor.

Transmission: electric.

Fuel: kerosene or JP–4.

Emission controls: intrinsic.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Senate will proceed to the transaction of routine morning business, with a 3-minute limitation on speeches.

Is there morning business to be transacted?

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

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

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

REPORT OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—MESSAGE FROM THE PRESIDENT

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

To the Congress of the United States:

The report of the American Revolution Bicentennial Commission, which I am transmitting to the Congress today, presents cogent suggestions for commemoration of the 200th anniversary of the birth of our nation.

I strongly endorse the Commission's primary recommendations that:

—The commemoration be national in scope, seeking to involve every State, city and community;

—The Bicentennial be a focal point for a review and reaffirmation of the principles on which the nation was founded and for a new understanding of our heritage;

—This be the occasion for looking ahead, for defining and dedicating ourselves to our common purposes, and for speeding the accomplishment of specific local projects responsive to our changing national priorities.

The goal which the Commission has established is most appropriate for our nation at this time: "to forge a new national commitment, a new spirit for '76, a spirit which vitalizes the ideals for which the Revolution was fought; a spirit which will unite the nation in purpose and dedication to the advancement of human welfare as it moves into its third century."

I concur with the Commission's concept of a Bicentennial Era with its focal point in 1976.

The Commission is now moving from the planning to the development stage of the Bicentennial Era. To assist it in its task, I have these comments on some specific areas:

ON MAKING THE CELEBRATION NATIONAL IN SCOPE

1. I invite the Bicentennial Commissions now formed or forming in each of the fifty States, along with Puerto Rico, the District of Columbia, and the Territories, to share in a special effort to ensure active and nationwide participation in the celebration of America's 200th birthday. In the year preceding July 4, 1976, I invite each of those areas to accept the responsibility for a single week in which national focus would be on that area's local traditions and commemorative activities, in a way that would permit the nation and the world to observe both our historic development and our local activities to meet the challenges of the third American century.

2. The Commission urges a "multi-city exposition" and quite properly concludes "there should be no commercially-oriented world's fair in the traditional sense anywhere in the nation during the Bicentennial Era." I agree. There can be no single Bicentennial city. Nor is any traditional type of world's fair in one city adequate to the challenge of a national celebration.

However, since American civilization has drawn on the genius and traditions of nations throughout the world, and has contributed as well to their development, we should actively encourage international participation in our celebration. To do this in an orderly and well-planned way, we should select a principal site on which that international participation can focus. Philadelphia, site of the signing of the Declaration of Independence, and the creation of our Constitution, would be the natural place for this activity.

Accordingly, I am now instructing the Secretary of State to proceed officially with appropriate registration procedures with the Bureau of International Expositions for an international exposition in Philadelphia in 1976. Such an exposition, however, is to be primarily cultural, inspirational and non-commercial in character, with the emphasis on quality rather than size.

Pursuant to the provisions of Public Law 91–269, I am directing the Secretary of Commerce to review the financial and other support to be secured for the Philadelphia exposition from both government and private sources and, together with David J. Mahoney, Chairman of the Commission, and George P. Shultz, Director of the Office of Management and Budget, to report to me the result of this review.

If suitable financing arrangements can be worked out, Philadelphia can be an exciting focal point for international participation in a way that will carry forward the regard of our Founding Fathers for "the opinion of mankind" without in any way restricting the scope of the celebration to a single city. In fact I hope that foreign visitors and visiting groups, including artists and performers, will travel to every corner of the nation and participate in as many Bicentennial events as possible.

3. It would be appropriate for the nation's capital to play an important role in helping to set the tone for the national celebration. I have already made known my support for such long-range projects as a new rapid transit system, the Federal City Bicentennial Development Corporation, and an acceleration of urban renewal plans. I am directing Chairman Mahoney to begin a series of meetings with Mayor Washington, the National Capital Planning Commission, Chairman Mark Evans of the National Capital Historic Region Bicentennial Committee, Counsellor to the President Daniel P. Moynihan and Director Shultz to define specific plans and costs for my review and to recommend ways to achieve community participation in the planning and development process.

4. The Commission report asks the City of Boston "to develop a program to explore and examine the revolutionary roots of America through its great historical resources" and endorses the completion of Miami's permanent Trade and Cultural Center (Interama) "as a part of the Bicentennial observance." These plans, as well as others from cities in other sections of the country, are to be strongly encouraged.

5. The Commission pointed out that improved travel facilities would "contribute greatly to a successful Bicentennial celebration," and expressed particular interest in special urban corridor projects in the Northeast which would not only expedite the flow of visitors from one historical site to another, but would also provide permanent benefits for a significant percentage of the American population. I am instructing Secretary Volpe and Director Shultz to analyze these projects, including costs and timing, and to submit their recommendations to me.

ON FINANCE AND ORGANIZATION

1. I will refrain from making commitments to any particular project recommended by the Commission until timing and cost data are submitted and studied. As policy choices and costs become evident, Chairman Mahoney will resubmit some of these recommendations to the Commission and will inform me of the Commission's preferences.

2. The Commission will have important operational responsibilities: the Bicentennial Calendar, publications, films, the setting of standards and the coordination and monitoring of many projects closely tied to the national celebration. It may be advisable to enlarge the Commission and constitute it as the "Board of Directors" of a corporate structure equipped to deal with operating functions. I am asking Chairman Mahoney to meet with Director Shultz and to recommend to me a plan for future Commission organization and funding.

ON THE OVERALL THEME

A "Festival of Fredom" does not, in my opinion, grasp the unique character of the American experience. True, this event will be festive, colorful, and affirmative; yet it must also be thoughtful, profound, and searching.

There is a phrase in the Declaration of Independence that is based on English political philosopher John Locke's concept of "life, liberty and property" being the inalienable rights of man. Thomas Jefferson's dream for the new nation transcended the material; he saw property rights not as an end in itself, but as one means to human happiness.

For that reason, he substituted the phrase "the pursuit of happiness," and that ideal has constantly reasserted itself—most recently as a renewed concern for "the quality of life."

That thread is woven through the fabric of American life over two centuries. It keeps us from getting smug about our success; it reminds us of the need for the spiritual as we attain more of our material needs; it keeps us moving, growing, changing for the better.

Improving the quality of life is, in a sense, a more compelling concept in this era of advanced technology than it was in the time of Jefferson. I believe that this is the area in which we will find the fundamental theme for our anniversary observance of the continuing revolution that is the United States of America.

RICHARD NIXON.

THE WHITE HOUSE, *September 11, 1970.*

A CALL FOR COOPERATION—MESSAGE FROM THE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, there is at the desk a message from the President of the United States on "A Call for Cooperation." I ask unanimous consent that the message be ordered to lie on the table and be printed.

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

The message from the President is as follows:

To the Congress of the United States:

A CALL FOR COOPERATION

In the course of the past year and one-half I have sent more than 50 messages to the Congress proposing legislation to deal with certain problems, or to achieve certain national objectives. On two occasions I have sought to provide a comprehensive summation of these messages, thereby presenting an administration philosophy.

In the first of these, my message of October 13, 1969, I asserted that if ours is not to be an age of revolution it must be an age of reform, and declared that this would be the watchword of the Administration: REFORM. I listed then a series of such measures already proposed:

Reform of the Draft
Reform of the Welfare System
Reform of the Tax Code
Revenue-Sharing Reform
Postal Reform
Manpower Reform
Social Security Reform
Reform of the Grant-In-Aid System
Electoral Reform
D.C. Government Reform
OEO Reform

I spoke then of further issues for which the Administration proposed new initiatives: with respect to hunger and malnutrition; population; crime; narcotics and pornography; manpower facilities and unemployment insurance; public transportation and air facilities.

In my State of the Union Message of January 22, 1970, I returned to this theme, proposing that as we enter the seventies, we should enter also a great age of reform of the institutions of American government.

The first principle of reform is that Government programs and institutions should be effective. They should deliver what they promise. Too many promises of the 1960s have not been kept. The nation is now paying a price for this.

This principle is a cornerstone of the New Federalism. We seek to develop a new sense of partnership between the Federal government and State and local governments, to assign responsibility and authority for public functions to the level best qualified to carry them out. In the name of the "urban crisis," for example, the 1960s saw the Federal government increasingly caught in issues of municipal housekeeping that are most appropriately the business of a city council. But simultaneously the great fiscal power of the Federal government was never brought to play—through revenue sharing—to provide local governments with sufficient resources to enable them to solve their own problems in their own ways.

The second principle of reform is that America must find a way to direct its own growth. We have entered a decade in which our gross national product will increase by $500 billion, an amount greater than the entire growth of the American economy from 1790 to 1950. Out of this vast increase in wealth we can create a life of unprecedented achievement for ourselves, and for the Nation. Or we can choke on it. "Toward Balanced Growth: Quantity with Quality," the theme of the report of the National Goals Research Staff, could well be the theme of the 1970s.

In foreign affairs I have held out the hope that if our new policies succeed America may have the best chance since World War II to enjoy a generation of uninterrupted peace. More then is the reason to consider forthwith how we are to use the abundance of peace.

The great question of the seventies, as I pointed out in my State of the Union Message, is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land and to our water? I promised a national growth policy, to bring balance and order to the great changes in population, industry, and patterns of education and training that would affect the quality of life in the three decades ahead.

In February I sent to the Congress the most comprehensive proposals in the area of environmental protection and enhancement ever set forth by any administration. Since then I have proposed the creation of the Environmental Protection Agency to establish a focal point for setting general environment pollutions standards affecting all media and forms of pollution.

I have now virtually completed the domestic legislative proposals I will make to the present Congress. I would like then to take one further opportunity to sum up. I would like to acknowledge the important achievements already behind us, and also to stress the very considerable amount of work which is still before the Congress and which must be done if we are to meet our responsibility to this new decade, much less to begin to fulfill its promise.

In my message of last October I stated that if a working partnership between men of differing philosophies and different parties is to continue, then candor on both sides is required.

Candor requires first that we acknowledge the exceptional circumstances which were thrust upon us by a relatively rare event in American history. For the first time in 120 years an incoming President of one party has faced a Congress dominated by another.

Given the system of "checks and balances" built into our government, it would be reasonable to predict that in such a situation the institutions of the Presidency and the Congress would thwart one another, and that stalemate would ensue. The American Constitution was devised in large measure to limit the exercise of power. We should not be surprised if on occasion it makes such exercise difficult.

Yet this need not be. It is not less a quality of our Constitution that by providing a voice to wide ranging and diverse interests it makes it possible from time to time to face up to issues of national importance, and to make genuinely national decisions about them. Some decisions can be reached only if both parties are willing to share responsibility; some programs can be enacted only if both parties share the credit.

This, then, is a time to face such issues. As President, I have sought to do so. I have proposed to Congress legislation dealing with issues about which there has been an unmistakable national judgment that something needs to be done. Revenue sharing, for example, was pledged by both parties in their 1968 platforms. We need it; the public supports it. Yet, until now, no President has felt it possible to propose revenue sharing, no Congress has made any move toward enacting it. Draft reform, welfare reform, crime control, environmental protection, are other issues that need urgent actions. I have felt it possible to approach these matters as national issues about which we could make national decisions in which both parties would participate, for which both would honorably accept responsibility and justly claim recognition.

Whatever will be the judgment of history, the record of this moment is that Congress has not responded. There are exceptions, of which all involved can and should be proud. But the larger fact is that Congress, in a mood of nostalgia and partisanship, has too much devoted its energies to tinkering with programs of the past while ignoring the realities of the present and the opportunities of the future.

Time now slips away. The Congress is coming to a close. Its work is not done. The issues I have asked to be considered have not been considered. And yet matters press. We cannot wait for politics. We must seek a record of achievement all can share.

As we build this record, we must not lose sight of the overriding need for fiscal responsibility. Year after year during the 1960s the Federal government incurred a deficit. In the early years of the decade there was a justification for this. The economy was operating at less than full employment capacity. In the later years there was no justification whatever: persistent deficits could lead only to a disorderly and punishing inflation. This was predictable; it was predicted; it came to pass.

It need not happen again, and it must not. This is why I have been forced to veto appropriation bills sent me by the Congress in amounts well above those requested. I understand full well the feeling for worthy purposes that inspires such action. But there is a higher national interest. Economics has taught us to think in terms of the entire economic system. To affect one part is to affect all parts. The Federal government must act in accordance with that knowledge and reality. Just as the President sends a unified Budget to the Congress, the Congress surely should devise some manner of unified response. I have suggested that Congress establish an overall spending ceiling, and adjust the various appropriation bills to accord with that ceiling. There may be other and better ways of attaining this goal. But we can no longer avoid the necessity of finding some means whereby the present fragmented and competitive legislative process that mandates and promotes Federal spending can be brought under control so that the impact of the total Federal budget is to sustain and encourage economic growth, rather than to disrupt it. This is the course of fiscal responsibility.

If restraint is one condition of fiscal responsibility, timeliness is surely another. In recent years Congress has more and more tended to put off the enactment of appropriations bills until months after the beginning of the fiscal year. It is now September. The fiscal year began July 1st. Yet only four out of fourteen appropriations bills have been enacted. This practice begins to threaten the very basis of orderly and effective government.

Fiscal restraint in no sense precludes a reordering of national priorities. To the contrary, it is only when such restraint is exercised that a purposeful direction of events can occur. In fiscal 1971, for example, for the first time in two decades, the expenditures of the Federal government on Human Resources are greater than the expenditure on Defense and Defense-related activities. We have reversed the trend of the 1960's. Our priorities *have* changed. But this change can be effective only in the context of disciplined and responsible fiscal policy. The matter may be put more strongly. Anyone who seriously wishes to see a reordering of priorities for the nation either must insist on doing so in a responsible and disciplined manner, or must be judged not to be serious.

REFORMING THE INSTITUTIONS OF THE PAST

Of the major items of reform which I have proposed to the Congress, and which I described in my message of October 13, 1969, some have been acted upon.

The Tax Reform Act of 1969, which had some troublesome features nevertheless did incorporate most of the measures reforming the Tax Code which I had proposed.

The Administration asked for and obtained the extension of the *Economic Opportunity Act* to permit the OEO to carry out its new role.

One of the most important measures of reform passed by this Congress so far is the *Postal Reorganization Act* establishing the United States Postal Service. It is a landmark bill demonstrating not only ability to respond to a complex and persisting problem with bold and creative measures, but demonstrating as well the power of bipartisan effort when it is exercised with determination and will. This Act will need to be improved upon as the new system is established, but we have a sound structure.

Last year the Congress passed legislation I recommended to permit a change from the oldest-first to a youngest-first order of call in Selective Service, to reduce the period of prime vulnerability to one year, and to select individuals through a lottery system.

Thus we have made a beginning. But our work is nowhere near ended. The other major reforms I listed last October still have not been enacted. Since that time I have proposed a wide range of measures of equal importance. In far the greater proportion there, too, await action by Congress.

REFORM OF THE DRAFT

As long as the draft is necessary to meet our military manpower needs, it must be made to operate as equitably and consistently as possible.

This year, by Executive Order, future occupational, agricultural, and paternity deferments were eliminated. At the same time, I requested the Congress to restore the discretionary authority of the President on undergraduate student deferments so that these deferments could also be eliminated in the future. I also proposed that legislation be enacted to improve the random selection system by permitting the establishment of a direct national call of inductees. The Congress has not acted on these proposals. But the only long range solution is to end our need to draft by attaining an all-volunteer armed force. On April 23, 1970, I proposed military pay legislation to the Congress as an important step toward achieving an objective of reducing draft calls to zero. Unfortunately, this legislation has not been enacted.

In the meantime—and for all time—America owes an obligation to the men who have fought in Vietnam, and not less to those who backed them in the Armed Forces elsewhere. The *Vietnam Veterans Assistance Act* which I have proposed to the Congress would provide important new GI Bill benefits relating to post-secondary school training, the provision of Small Business Administration loans to veterans from minority groups, and the provision of guaranteed loans for the purchase of mobile homes. This legislation has not been enacted; it should be.

REFORM OF THE WELFARE SYSTEM

The *Family Assistance Act* has been properly described as the most important piece of domestic legislation to go before the Congress in thirty-five years. It is one of the dozen or half-dozen most important pieces of domestic legislation in American history. The Act provides a basic national income supplement for all needy families with children. It abolishes the bankrupt welfare system of the past, which has so greatly contributed to our present crisis, and creates an altogether new system based upon work incentives (including support for child care services), job training and provision, and directed primarily to creating self-sufficient independent families. Where persons are genuinely dependent, as are the aged and disabled, or female headed families with young children, the bill provides national standards of benefits which will enormously improve the condition of the poor in many parts of the Nation.

In April of this year the *Family Assistance Act* passed the House of Representatives by a resounding and gratifying vote. Hearings are now taking place in the Senate. It would be tragic beyond words if this historic opportunity were to be allowed to slip away from us. I am confident that this will not happen, but to prevent it the Senate will, of course, have to move with some dispatch.

The Family Assistance Plan is the keystone of an income strategy for the elimination of poverty in the United

States. In 1969 the first move in this strategy was accomplished when Congress adopted the Administration's proposal to abolish income taxes for the poor. Reform of the Manpower Program and Unemployment Insurance are equally essential, and the latter has now also been enacted. But the strategy will be incomplete until the Family Assistance Plan is enacted as well.

On May 6, 1969, before the Family Assistance Plan was proposed, I sent to Congress a message on hunger and malnutrition, in which I declared that the moment is at hand to put an end to hunger in America itself for all time. Since then, major reforms have been carried through toward this goal. But legislation is required. The *Food Stamp Act Amendments*, which I recommended to the Congress, established the path-breaking principles that very poor families would receive free stamps, that for other families cash requirements would be limited to 30 percent of family income, that uniform minimum national eligibility standards would be established, and a range of similarly important reforms. This legislation still has not been enacted.

Family welfare is necessarily related to family size and the availability of health services. On July 18, 1969, I sent the first Message to Congress ever on the subject of population. At the time I proposed that we should establish as a national goal the provision of adequate family planning services within the next five years to all those who want but cannot afford them, adding that in no circumstances will the activities associated with our pursuit of this goal be allowed to infringe upon the religious convictions or personal wishes and freedom of any individual, nor will they be allowed to impair the absolute right of all individuals to have such matters of conscience respected by public authorities. Part of this program has gone forward, but in order to reach our goal of being able to serve the estimated five million women who are in need of subsidized, publicly assisted family planning services, family planning legislation should be enacted by the Congress this year.

On the broader question of the future course of population growth and its implications for our society, I am pleased to observe that the *Commission on Population Growth and the American Future* which I proposed in my Message has been approved by the Congress and is now in operation.

In February of this year this Administration sent to the Congress the *Health Services Improvement Act* dedicated to the creation of integrated, effective, consumer-oriented health care systems by the consolidation of four existing and overlapping programs in this field. The Act would "decategorize" certain aspects of these programs, provide "joint funding", authorize the transfer of funds among these programs and encourage experimentation in the delivery of health services. The Congress has not yet taken final action on this legislation.

REVENUE-SHARING REFORM

As I stated in October, for the first time in the history of this government, we have recommended a national policy of permanent sharing of the Federal income tax revenues with the States and lesser political units of the country. My proposal, the *Revenue Sharing Act of 1969*, would begin with $1 billion in its first full fiscal year, and rise to approximately $5 billion by FY 1976: It would be difficult to identify another proposal that has received such widespread endorsement. It is elemental economics, elemental good sense, elemental good government. Both parties endorsed Revenue Sharing in their 1968 platforms, and it has widespread public support. Yet neither the House nor the Senate has held hearings on this Administration's bill.

MANPOWER REFORM

Earlier in this message I stated that the first principle of reform is that government programs should be effective. With this object in view I have proposed a *Manpower Training Act* which would consolidate the major manpower training programs carried on by the Department of Labor into one funding authority, abolish categorical programs, provide that the administration of the programs be progressively decentralized to the States and metropolitan areas, and further provide an automatic increase of 10 percent in manpower funds when the national unemployment rate equals or exceeds 4.5 percent for three consecutive months.

Here is the New Federalism in action. Consolidate in the interests of flexibility. Decentralize where operations are best managed locally. Assert national standards of performance, and provide automatic adjustments to changes in the national economy. In the history of American Federalism there has been no comparable transfer of functions: a process that for more than a third of a century has taken responsibilities away from State and local governments and lodged them in Washington would now for the first time be reversed, not to re-establish an old arrangement, but to create a new one. Hearings have been held in both the House and Senate, but as yet neither body has responded to the essentials of this historic legislation.

One of the most important measures to pass either session of the Congress thus far is the recently enacted *Employment Security Amendments of 1970*, which I recommended July 8, 1969. This precedent-shattering legislation will not only cover 4.75 million additional jobs—in small businesses, nonprofit organizations, State hospitals, and State institutions of higher education among others—it will also provide an extension of the benefit period up to 13 weeks which is automatically triggered when the insured unemployment rate for the nation reaches 4.5 percent for three consecutive months, and would remain in operation until that rate drops below 4.5 percent for a corresponding three months. These provisions become effective January 1, 1972.

This is the most extensive reform of the unemployment insurance program ever enacted. Something of moment has occurred. This important income maintenance program has been made flexible, responsive, equilibrating. This is what modern government should be doing in a dozen such areas.

SOCIAL SECURITY REFORM

In the *Social Security Amendments* currently before the Congress, I requested an automatic cost-of-living adjustment in Social Security benefits to compensate elderly Americans, as I stated in October, for the losses they are suffering because of an inflation they could do nothing either to prevent or to avoid. This is an act of fairness which I proposed in my 1968 campaign for the Presidency and which the Congress should no longer deny to our senior citizens. In addition, I proposed several benefit liberalizations and reforms which would make social security a more equitable and effective instrument of income security for the aged. This measure has passed the House and awaits action in the Senate.

REFORM OF THE GRANT-IN-AID SYSTEM

The Congress consented to my reorganization plan which provided for the establisment of the new *Office of Management and Budget* and the *Domestic Council*. I am confident that these new entities will be major factors in improving the management of domestic affairs in the years ahead. However, there are other aspects of management reform which require legislation which has not been acted upon.

In the fourth month of the Administration I proposed to reform the increasingly chaotic and unmanageable grant-in-aid system of the national government by providing the President with power, subject to Congressional veto, to consolidate related assistance programs.

This is no small matter. It is one of the reforms that is absolutely necessary if our present governmental system is to be made to work. Again we face a familiar situation. We have made some improvements through action by the Executive Branch, but legislation is necessary. Hearings have been held on the *Grant Consolidation Act* in both the House and the Senate, but neither body has acted.

We have recently proposed dramatic changes in the manner in which Social Services are delivered to their intended beneficiaries. As an amendment to the Family Assistance Act, we proposed greater flexibility in the use of services money and related HEW programs—including permissive authority for State and local governments to transfer up to 20 percent from one appropriation to another under certain conditions. Moreover, we would launch a new Government Assistance Program to help Mayors and Governors strengthen their policy direction and management of important HEW services. The Senate Finance Committee was gratifyingly prompt in holding hearings on this important amendment, and I hope the Congress will enact it this year.

The *Federal Economy Act* is a related measure. Programs need to be consolidated; from time to time they need to be eliminated. This is an elemental principle of the decent management of public affairs. In February, 1970, I proposed program changes that would save $2.1 billion in Fiscal Year 1971—money urgently needed for other programs. More than half of those changes that require Congressional approval have not been put into effect. Further, the Congress is blocking over $170 million of the savings I proposed to achieve by executive action. In all, Congress is not acting on over $700 million in savings, or one-third of my proposals. In those areas where I have been left free to act I am accomplishing 100 percent of the savings planned.

ELECTORAL REFORM

No one subject more profoundly involves the issue of popular sovereignty than the method of electing the President. For almost two centuries the system of the Electoral College has somehow worked, albeit just barely at times, and at other times even doubtfully. Every four years the American democracy places a large, unacceptable, and unnecessary wager that it will work one more time, that somehow an institution that never in any event functioned the way the framers of the Constitution anticipated, will somehow confer the Presidency on that candidate who obtains the largest number of votes. The Electoral College need not do so. Indeed on occasion it has not done so. But far more importantly—whatever the popular vote—it need not confer the Presidency on any candidate, if none has a majority of the electoral vote.

Our ability to change this system in time for the 1972 elections is a touchstone of the impulse to reform in America today. It will be the measure of our ability to avert calamity by anticipating it.

As I stated in my October 1969 message, I originally favored other methods of reforming the electoral college system, but the passage by the House of a direct popular election plan indicated that this thoroughly acceptable reform could be achieved, and I accordingly supported it. Unfortunately, the Senate has not completed action. Time is running out. But it is still possible to pass the measure and to amend the Constitution in time for the 1972 elections.

D.C. GOVERNMENT REFORM

Last October I called to the attention of Congress one of the truly unacceptable facts of American life, and asked for the enactment of legislation I had proposed which would bring about the orderly transfer of political power to the people of the District of Columbia. I called for a Constitutional amendment giving the District at least one representative in the House and such additional representatives as Congress may approve, and providing for the possibility of two U.S. Senators. (We need to keep continually in mind that the population of the District is greater than that of at least 10 States.) I asked for an interim arrangement providing the District with a non-voting Congressional representative, and the creation of a Commission on Government for the District of Columbia to propose a permanent governmental arrangement. I have been heartened by progress toward the non-voting representative, but I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the nation's capital. I would remind the Congress that the founding fathers did nothing of the sort. Home rule was taken from the District only after more than seventy years of self-government, and this was done on grounds that were either factually shaky or morally doubtful. Surely we cannot allow this inadmissible situation to persist as the American Bicentennial dawns.

FOREIGN TRADE

In a message to the Congress of November 18, 1969, I proposed the *Trade Act of 1969* which would significantly strengthen the trade agreements program of the United States, recognizing that ultimately it is rising world trade and production that must form the base for the prosperity of developing nations. At the same time, the bill would establish a viable program of tariff adjustments for industries and adjustment assistance for firms and workers affected by imports. It would also promote the reduction or elimination of non-tariff barriers to trade, by eliminating the American Selling Price System. While this legislation awaits enactment, I again express my concern about the growing tone of protectionism in the arguments being made in the Congress.

The *Merchant Marine Act Amendments* provide for a long-range merchant marine building program of 300 ships in the next ten years, with a lessening of dependence on operating-differential subsidy for liner carriers, and the buildup of the bulk commercial carrier fleet for the foreign commerce of the United States. This is a trade expansion measure of fundamental importance. The bill has passed the House of Representatives, but has not as yet passed the Senate.

CRIME

In my October, 1969 Message I declared that there is no greater need in this free society than the restoration of the individual American's freedom from violence in his home and on the streets of his city or town. These words were carefully chosen. The issue of crime is easily misunderstood, and on occasion deliberately so. The issue of crime is freedom. When individual citizens are the direct victims of violence, or the indirect victims when they are forced to restrict their own movements out of fear of violence, fundamental liberties are abridged. A government that fails to protect those liberties is not worthy of the name. At the time of my statement the issue had been the source of more legislative requests from the Administration than any other single subject. Today, not far from a year later, only two bills have passed. One was the *District of Columbia Court Reform and Criminal Procedure Act*—a measure of major importance. It provides for the expansion and strengthening of the entire system of law enforcement and criminal justice in the nation's capital. As I said in October, the Act provides more judges, new enforcement tools, reorganization of the archaic court system, a new public defender's office, and reform in the procedures for dealing with juvenile offenders.

The second was an amendment to the *Federal Youth Corrections Act* to provide more effective and improved methods for dealing with young people in the Federal criminal justice system.

Among the most important crime proposals that have been before the Congress for more than a year, and which have not been enacted, are these:

—*The Controlled Dangerous Substances Act.* This Act would substantially revise existing drug laws by providing new means for controlling dangerous drugs by establishing a new, comprehensive and realistic penalty structure designed to provide courts with guidance and flexibility in handling offenders, and by providing more effective enforcement tools for diminishing the availability of dangerous drugs.

—*Organized Crime Control Act.* This is an omnibus bill embodying recommendations of the President's Crime Commission, the National Commission on Reform of Federal Criminal Laws, and other groups. The ten titles codify and strengthen existing Federal laws relating to the prosecution of organized crime. Again, this is an issue easily misunderstood. The most important issues involved in organized crime are not those which are most commonly discussed. It has been estimated that as much as $50 billion a year passed through the hands of organized crime in illegal gambling alone. What is involved here is not the act of gambling by the individual citizen, but the corruption of government that invariably accompanies it. Similarly, the social consequences of the drug traffic controlled by organized crime spread far beyond the personal tragedy of the addict. They weaken the fabric of society itself.

This proposal would make large-scale gambling a federal offense and would make it a felony for large-scale gamblers and law enforcement officers or public officials to obstruct enforcement of State and local laws against gambling through bribery of government officials. And it would replace numerous disparate witness-immunity laws scattered throughout the United States Code with a single uniform provision. It is a long overdue reform. This bill provides, among other things, for increased sentences, up to 30 years, for dangerous adult special offenders—the recidivist, the professional offender, and the organized crime leader.

—*Wagering Tax Amendments.* This proposal would prohibit the use against the taxpayer of information obtained through his compliance with the wagering tax, while at the same time increasing the coverage and amount of the taxes, and authorizing a grant of immunity to essential witnesses.

—*The Bail Reform Act Amendments.* This proposal would authorize a judge to detain, after a hearing, a person charged with certain categories of Federal crimes who was found to pose a danger to another person or the community if released.

—*Protection of Minors from Obscenity Act and the Prohibition of Transportation of Salacious Advertising Act.* These two bills would prohibit the use of the mails for the distribution of matter harmful to minors or advertisements explicitly designed and intended to appeal to a prurient interest in sex.

—*Criminal Justice Act Amendments.* This proposal would institute fundamental and urgently needed reforms in the provision of legal defenders for poor persons. Crime involves the issue of freedom, and that includes freedom from unjust arrest and conviction. Vigorous and competent legal defense is fundamental to this freedom, and it results in justice for not only the accused but also the accuser.

These crime control measures have been before the Congress for more than a year. There are further measures of equal and as great urgency also before the Congress.

—*The Omnibus Crime Control and Safe Streets Amendments.* The Law Enforcement Assistance Administration was established in 1968 in the Department of Justice to assist, through a grant program, State and local governments in strengthening and improving law enforcement. These amendments now pending in Congress would authorize appropriations for this important program for fiscal year 1971 and beyond and would amend the basic authority to permit better utilization of the available funds.

—*Explosives Regulation Proposals and Amendments.* We have proposed legislation to regulate the business of importing, manufacturing or dealing in explosives through a system of licenses and permits as well as prohibiting the purchase of explosives by mail-order. In addition, we have proposed amendments to the U.S. Criminal Code which would provide urgently needed powers to control the epidemic of terrorist bombings and nihilist destruction which has suddenly become a feature of American life. Here again the object of crime control is not simply to deter people from breaking the law and to punish persons who have broken the law, but more importantly to maintain and protect the freedom of citizens to live their lives without fear and without injury. The stability of democratic society is what really is at stake.

EDUCATION REFORM

If the impulse to reform may be muted with respect to some areas of American life, there would seem to be near universal agreement that reform is overdue and urgent at every level in the field of education. There is a difference, however, between reform and retribution. If education has failed—*where* it has failed—the remedy is not to destroy it, but to restructure it. Moreover, failure as perceived by one group may be success in the eyes of another. Opinions about education must be informed by knowledge about the subject. From this it follows that the first thing to understand about education is that our understanding of the process is weak indeed. At most, it can be described as just beginning. This is a lesson we learned in the 1960s at no little cost.

During that decade, Congress was extraordinarily generous in its support of education, particularly in its enthusiasm for trying to compensate through education for the environmental disadvantages of our least fortunate children. Support for education comprised the fastest-growing segment of the Federal budget by the mid-point of that ten-year period. This support—regarded as long overdue by most Americans, and begrudged by almost no one—generated an extraordinary flurry of activity in American education at all levels.

Much of this activity was based on the familiar premise that if only the resources available for education were increased, the amount that youngsters learn would increase, too. Somehow, it seemed reasonable to assume that the amount of dollars invested in education was all that really mattered. For we thought we knew what education was all about.

It is, therefore, perfectly understandable that we, as a nation, have been reluctant to accept the findings of massive research and bold scholarly analysis which suggest that perhaps our cherished assumptions may simply not be true. Or, if true, they are far more complex and difficult to understand than we thought. It is entirely understandable that we have all been reluctant to acknowledge how little return our investment has brought, how disappointing the educational results of our ambitious programs have been. But the simple and alarming fact has gradually become apparent, that we did not really understand the educational process well enough to have a purposeful effect on its outcome, which is, of course, what children learn.

There is no shame associated with this conclusion, and no blame to be assigned. But it is time to realize that every time we invest a billion dollars in a compensatory program, we raise the hopes of millions of our most disadvantaged citizens; which hopes are more than likely destined to be dashed, for the programs and strategies on which they rest are themselves based on faulty assumptions and inadequate knowledge. This is bad government. It is bad politics. It is bad education.

This Administration did not take the easy way out of this sad paradox. The easy response would have been to ignore the research findings or to stop spending money across the board on education. In fact, the total sums budgeted by this Administration for education have risen steadily—to nearly $12 billion this year—and will continue to do so. For many of these programs have auxiliary benefits that should not be denied our young people. Far from cutting back—or pretending that programs "work" when in fact they do not—this Administration has chosen the tougher route of *reform and research.* For we are confident that the day will come when in fact every young American can learn as much and go as far as his abilities will permit. But that day will be slow in coming if we fail now to abandon outmoded precepts and to move beyond simplicities. (While at the same time giving full honor and credit to those who re-awakened the nation to its educational shortcomings.)

Accordingly, this Administration has taken a number of executive actions aimed at the reform and renewal of American education, consistent with the principle of the New Federalism that elementary and secondary education are properly the province of States and localities. The *Office of Child Development* has been created within HEW as the focal agency for our Early Learning Program and other activities aimed at enhancing The First Five Years of Life. The *President's Commission on School Finance* is now at work examining the pressing and complex problems associated with the financial support of public and non-public schools. The *Right to Read* has been established as a prime educational goal and a *National Reading Council* has been appointed to monitor the nation's progress toward it. We initiated a rigorous—and continuing—review of the Title I program.

But the reforms in Federal education programs that are most needed must represent the combined efforts of the Congress and the Administration. In two major Messages to Congress last March, I made a series of proposals for reform and renewal, first in elementary and secondary education, then in higher education. These were augmented by our proposed *Emergency School Aid Act,* and by the thorough-going reform of the Impacted Aid Program transmitted as part of the *Federal Economy Act.*

In these proposals I asked that the Congress establish a *National Institute of Education,* within the Department of Health, Education, and Welfare, in order to bring to education the intensity and quality of research and experimentation that we have grown accustomed to in biomedical research under the National Institutes of Health. Staffed by scholars and experts from many fields, and free of many of the constraints on established agencies, the National Institute would offer reasonable hope that in time we might convert our present ignorance about the processes of education into hard knowledge about learning and how to effect it. Its purpose is to assist schools in solving the pressing problems which beset them. Congress has not held hearings on this important and far-reaching proposal.

I asked that the Congress reform the mammoth—and, in its present form, inexcusable—program popularly known as Aid to Federally-impacted Areas. As I observed in March, this program neither assists States to determine their own education expenditures nor re-directs funds to the individual districts in greatest need. Four Presidents, representing both parties, have asked Congress to take up the long overdue but politically unpopular task of eliminating its most egre-

gious flaws. Although hearings have been held on this long-needed reform, no Committee action has been taken in either house.

I asked the Congress to enact a special two-year *Emergency School Aid Program* to expedite and encourage the process of desegregation in the United States, and to enhance the possibility that our youngsters can benefit from interracial educational experiences. Surely there has been no domestic public issue in twenty years to engage the attention and concern of more citizens than the relationship of the races within our nation's schools. To the extent that this relationship can be eased and assisted through the use of Federal funds, I have asked Congress to join with the Administration in doing so. I hope that Congress will complete action on this legislation at an early date.

My request that Congress speedily appropriate $150 million under existing authority so that we might begin this challenging task before schools open this September was regrettably cut in half to $75 million.

In higher education, the Administration submitted one of the most comprehensive pieces of education legislation in history, the *Higher Education Opportunity Act.* Its key elements bear repeating.

By substantially revising the present structure of student financial aid, it would be possible, for the first time, to assure every lower-income student entering college a combination of Federal grants and subsidized loans sufficient to give him the same ability to pay as a student from a family earning $10,000.

At the same time, I proposed to make Federally-guaranteed loans available to *every* college and graduate student in the United States, regardless of income. *The National Student Loan Association*—a "secondary market" for student loan paper—would make this possible, and the loans that we propose to guarantee would be sufficient in amount, and flexible enough in length of repayment, that any student prepared to invest in his own future could finance his own education. By making loans available to all, and by concentrating subsidies on those who need them most, the United States would finally be able to tell its young people that no qualified student who wants to go to college need be barred by lack of money.

In looking at the complex ties between institutions of higher education and the Federal government, this Administration concluded that for three decades now the Federal government has been hiring universities to do work it wanted done. The time has come for the Federal government to help academic communities to pursue excellence and reform in fields of their own choosing as well, and by means of their own choosing. Accordingly, I asked Congress to create a *National Foundation for Higher Education,* to be funded initially at $200 million a year, and to be guided in its policies by a Board representative of the general public as well as the higher education community itself. In creating this Foundation, it would also be possible to consolidate a series of narrow categorical programs that have long distorted the needs and wishes of our colleges and universities.

It would be naive to ignore the all-too-apparent fact that higher education may not be as popular in the United States as formerly. There has been a serious loss of faith in our universities, not least within the institutions themselves. The specter of "student unrest"—and the alleged political consequences of appearing to reward disruptive students and faculty—has tended to paralyze efforts in this field. But it is too easy to do nothing to let our dismay over the behavior of individual persons and institutions prevent us from sustaining and reforming our long-range investment in education. This is the time to move beyond politics, to move even beyond our individual sentiments, and to take the bold steps that alone can assure the continuation of excellence and the opening of opportunity in American higher education. I therefore urge the Congress to look again at the *Higher Education Opportunity Act* that I submitted, to understand the Administration's complete openness to responsible amendments, and to join with me in moving together on behalf of our young people.

URBAN AFFAIRS

In my October 1969 message I also asked the Congress to enact an *Urban Mass Transportation Assistance Act.* This measure will provide the nation's deteriorating public transportation system an unprecedented measure of public support. In the six year period that ended in June of this year, the Federal government provided only $800 million to aid the public transit industry. The Urban Mass Transportation Assistance Act would provide for a program that is four times greater over the next five years, and altogether totals $10 billion over the next twelve years. Both the Senate and the House have been actively concerned with this legislation, and a reasonably similar bill has passed the Senate. But I am still waiting for a sound bill for signature.

Beyond this, the Administration has sent to the Congress a wide range of legislation dealing with transportation—including highway authorization and user charges, railroad safety, and emergency transportation assistance.

The *Housing and Urban Development Act of 1970* is a measure of comparable importance. The object of the bill is to reform the primary Federal housing programs in such a way as to markedly increase their effectiveness in stimulating the production of housing for families of low, moderate, and middle income. The improvements take the form of simplifying, consolidating, and making consistent the numerous programs now on the books. There are now more than 50 narrowly conceived programs in the Federal Housing Administration which would be reduced to eight basic programs with sufficient flexibility to meet widely varying needs. The various subsidized housing programs would be combined into three basic programs, each providing the same level of subsidy to families in similar circumstances. This measure is urgently needed if Federal housing programs are to be made effective and equitable. Unfortunately, although hearings have been held in both the House and the Senate, neither body has acted.

The Congress did enact the vitally-needed *Emergency Home Finance Act,* and the Department of HUD launched its creative "Operation Breakthrough" applying new technology to housing. But basic reform is necessary to help move these forward steps toward the goal.

CONSUMER PROTECTION

In a Message to the Congress at the end of October last year I proposed a comprehensive program of consumer protection, involving eighteen recommendations for the advancement of consumer interests. Five bills were subsequently introduced, embodying eleven of these recommendations requiring legislative action. The *Consumer Representation Act* provides for the establishment of an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Division in the Department of Justice. The *Consumer Protection Act* would broaden the powers of the Federal Trade Commission in the field of consumer protection, and would create for the first time on a national basis a cause of action in Federal courts in cases of unfair and deceptive practices without regard to the amount in controversy. The *Consumer Product Testing Act* would promote the development of adequate and reliable methods of testing characteristics of consumer products. The *Drug Identification Act* and the *Consumer Warranty Act* would provide important new standards in their respective areas.

Almost a year has passed. Not one of these bills, except for a modified warranty bill passed by the Senate, has been acted on by either body of the Congress.

EMPLOYEE WELFARE AND PUBLIC INTEREST PROTECTION

In a Message to Congress on August 6, 1969, on the subject of *Occupational Safety and Health* I proposed the establishment of a comprehensive Federal occupational safety and health program. It does not exaggerate to declare that such a program ought to have become Federal law three generations ago. This was not done, and three generations of American workers have paid for it. I proposed legislation to create a Presidentially-appointed independent *Occupational Safety and Health Board* to promulgate standards on a national basis, and to provide broad powers of enforcement by the Secretary of Labor. Unaccountably, this urgent legislation has not been enacted.

On March 13, 1970 I proposed the *Employee Benefits Protection Act* which would broaden and strengthen the provisions of the Welfare and Pension Plan Disclosure Act. This proposal has received wide endorsement from labor and management groups which would be affected by it, but Congress to date has not acted.

In August, 1969, the Administration's proposed *Equal Employment Opportunity Enforcement Act* was introduced in the Senate and the House. Unfortunately, in the thirteen months that have passed,

neither House has acted to provide these powers necessary to improve the effectiveness of the Equal Employment Opportunity Commission.

On February 27 of this year I proposed to Congress the *Emergency Public Interest Protection Act* which would add important new procedures to the emergency disputes provisions of the Taft-Hartley Act. In addition, I proposed the establishment of a *National Special Industries Commission* to conduct a wide ranging study of labor relations in industries which are particularly vulnerable to national emergency disputes. Again, Congress has not acted.

CREATING THE CONDITIONS OF THE FUTURE

The first task of government in the post-industrial age, as I have stated, is that of reforming the institutions of the past. The second task is that of creating the conditions of the future. The fundamental fact is that of choice. We can choose to debase the physical environment in which we live, and with it the human society that depends on that environment, or we can choose to come to terms with nature, to make amends for the past, and build the basis for a balanced and responsible future.

The most neglected and the most rapidly deteriorating aspect of our national life is the environment in which we live. In my State of the Union Message last January, I promised to arrest that decline and begin to revive our habitat. In the eight months that have followed, the Administration has proposed a program that fulfills that promise, the most comprehensive and costly program in this field in America's history. During the same period, the Administration has taken a series of executive actions aimed at the same goals. But the Congress has not yet seen fit to take final action on any of our legislative proposals. If it was not evident before, it must surely now be apparent to anyone who lived through the grim smog and pollution that gripped the Eastern Seaboard in late July, that prompt and vigorous action is necessary if our lives and those of our children are not to be blighted by *preventable and curable* environmental deterioration.

As my first official act of the decade, on January first I signed into law the *National Environmental Policy Act* establishing the *Council on Environmental Quality*. The Council is charged with analyzing important environmental conditions and trends, making a thorough review of all Federal programs which affect the environment, and recommending policies for protecting and improving the quality of the environment.

On July 9 I sent to the Congress a reorganization plan which would establish an *Environmental Protection Agency*, consolidating the major environmental pollution standard setting responsibilities of the Federal government together with certain related research, enforcement and abatement programs. At the same time I proposed formation of the *National Oceanic and Atmospheric Administration* within the Department of Commerce to consolidate Federal programs for monitoring and understanding the environment. Among other things, this would provide better coordination and direction of our oceanic programs.

Responsibility for anti-pollution programs is now fragmented among several Departments and agencies, thus weakening our overall Federal effort. Air pollution, water pollution and solid wastes are different forms of a single problem, and it becomes increasingly evident that broad systems approaches are going to be needed to bring our pollution problems under control. The reorganization would give unified direction to our war on pollution and provide a stronger organizational base for our stepped-up effort.

On February 10 of this year, I sent to the Congress a special message on the environment. This presented a 37-point action program, with special emphasis on strengthening our fight against water and air pollution.

In the field of water pollution, my major legislative recommendations included:

—Authorization of $4 billion to cover the Federal share of a $10 billion program to provide expanded municipal waste treatment facilities.

—Establishment of an *Environmental Financing Authority* to help finance the local share of treatment plant costs.

—Reform of the rigid formula by which funds are allocated under the treatment grant programs.

—Greatly strengthened enforcement authority, including provisions for court-imposed fines of up to $10,000 a day for violations.

The Senate has held hearings on the water pollution proposals, but has taken no floor action. The House has not even held hearings.

Among my major legislative recommendations for the control of air pollution were:

—More stringent procedures for reducing pollution from motor vehicles.

—Establishment of national air quality standards.

—Establishment of national emissions standards for pollutants from stationary sources.

—A major strengthening of enforcement procedures, including extension of Federal air pollution control authority to both inter- and intra-state situations and provisions for fines of up to $10,000 a day for violators.

While the House passed these proposals in June, the legislation has not yet been reported to the Senate for floor action.

In addition, the message spelled out 14 separate measures I was taking by administrative action or Executive Order. These included such wide-ranging initiatives as launching an extensive Federal research and development program in unconventionally-powered, low-pollution vehicles, requiring the development of comprehensive river basin plans for water pollution control, re-directing research on solid waste management to place greater emphasis on re-cycling and re-use, and the establishment of a *Property Review Board* to recommend specific Federal properties which should be converted to other high priority uses including conversion to parklands, or sold.

I again urge the Congress to act soon and favorably on the legislative proposals contained in that message. They are vital to our growing effort to protect and improve our environment.

On February 4, I issued an Executive Order directing a prompt clean-up of air and water pollution caused by Federal facilities. The task is well underway. As I said then, the Federal Government should set an example for the rest of the country. We are doing so.

On April 15, I sent a message to the Congress requesting legislation that would, if enacted, bring to an end the dumping of dredged spoils into the Great Lakes as soon as disposal sites are available. Neither the House nor the Senate has even held hearings on this bill.

On May 20, I submitted to the Congress two treaties and amendments to another treaty dealing with the prevention of oil spills. At that time, I also submitted a comprehensive *Ports and Waterways Safety Act* to aid further in attacking the causes of oil pollution. Although Senate hearings have been initiated on one of the treaties, Congressional action on these important measures remains uncompleted.

On May 23, I announced that the United States would propose a new treaty placing the natural resources of the deep seabed beyond the 200 meter depth under international regulation.

On June 1st, a revised National Contingency Plan for dealing with oil spills was announced at my direction by the Chairman of the Council on Environmental Quality.

On June 11, I sent a message to the Congress requesting the enactment of legislation cancelling twenty Federal oil leases for off-shore drilling which had been granted in 1968 in the Santa Barbara Channel, and creating a Marine but taken no floor action. The House has Sanctuary. The Senate has held hearings not even held hearings, this despite the fact that oil spillages near our beaches and shores may be the single most offensive and reprehensible assault on the environment that we have yet witnessed.

To repeat, the most comprehensive and costly program of environmental control in the history of the nation is now before the Congress. The clock is running. We dare not be too late.

THE CHALLENGES OF CHANGE

In a review such as this, extended as it is, not all of the important measures proposed by my Administration and still pending before the Congress could be discussed. Some others must be mentioned—the legislation to reform the Federal government's relationship to the American Indians, to enhance the role of public broadcasting, to limit the operations of one-bank holding companies. Of crucial importance also are the revenue-producing measures proposed but not acted upon—including the extension of certain excise taxes, the acceleration of collection of gift and estate taxes, the stockpile disposal bills, the proposed *Postal Revenue Act*, and a special tax on the

lead used in gasoline—which are so necessary to the maintenance of a sound fiscal position. Legislation is also needed to establish a realistic and effective farm program.

I have sought here to describe the issues of substance and of process which confront us at this time, setting them in the framework of a general approach to government as we come to the end of one era of social policy and begin the grand adventure of another.

For I believe the nation to have moved into a new era. I believe further that this view is shared by commentators and analysts of widely varying political positions. It is a view increasingly voiced by political leaders. It has become a matter of increasing public perception, and in measure, common acceptance.

The era upon which we are entered is not so easily defined as it is perceived. But it is not on those grounds any less real. To the contrary, the emergence of a post-industrial society is the dominant social reality of the present moment. Our task is to understand, and to respond to these changed circumstances.

The problems of this new era surround the question of choice: what kind of life would we live; what kind of society would we have? Growth becomes less of a goal and more of an issue. What kind of growth? For what purposes? With what consequences?

Our present problems in large degree arise from the failure to anticipate the consequences of our past successes. It is the fundamental thrust of technological change to change society as well. The fundamental task of government in the era now past was to somehow keep abreast of such change, and respond to it. The task of government in the future will be to anticipate change: to prevent it where clearly nothing is to be gained; to prepare for it when on balance the effects are to be desired; and above all to build into the technology an increasing degree of understanding of its impact on human society. With this in mind, the *National Commission on Productivity*, which I recently appointed, will be evaluating the impact of technology and other factors related to achieving higher levels of productivity vital to the healthy growth of our economy.

What is true of technology is equally true of government. It must become more self-aware, self-examining, self-correcting. There are amends to make promises to keep that will engage our energies for years to come. But most of all there is a great adventure to be lived. For a period in the not distant past it might have seemed that American society was faltering. It may have been. But we have steadied now. We are regaining a sense of balance, of direction, and of forward thrust. This has been the achievement of the people. The measure of government—the challenge to government—is to sustain that movement.

This challenge is now before the Congress. It is a challenge not merely to the men who now hold office there but to the institution itself. Congress has not been spared the attacks on the institutions of American democracy which have increasingly characterized this period of our history.

There is but one answer to such charges, and that is to respond with energy and good faith to the legislative issues before it.

It is the responsibility of the President to take the initiative in such matters, and I have done so. A legislative program that will mark this era in history has been presented, and is ready for enactment. More is at stake than the issues with which that legislation deals, transcendent as some of these may be. More is at stake than the reputation of one political party or another for legislative wisdom or political courage. What is at stake is the good repute of American government at a time when the charge that our system cannot work is hurled with fury and anger by men whose greatest fear is that it will.

Matters press, we cannot wait for politics. We must seek a record of achievement all can share. It may be that none of us knows how fateful the outcome will prove.

RICHARD NIXON.

THE WHITE HOUSE, *September 11, 1970.*

EXECUTIVE MESSAGES REFERRED

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

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

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REPORT OF THE DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting, pursuant to law, the annual report of the Agency for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the District of Columbia.

EXECUTIVE REPORT OF A COMMITTEE

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

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Herman Nickerson, Jr., of Maine, to be Administrator of the National Credit Union Administration.

SENATE RESOLUTION 459—SUBMISSION OF A RESOLUTION EXPRESSING THE CONCERN OF THE SENATE FOR THE WELL-BEING OF HIJACKED PASSENGERS AND AIRCREWS

Mr. PERCY submitted the following resolution (S. Res. 459); which was referred to the Committee on Commerce:

S. RES. 459

Whereas the lives of innocent travelers and aircrews are threatened by the hijacking of aircraft; and

Whereas hijackings of aircraft constitute criminal actions against the safety, security and welfare of travelers and aircrews, be it

Resolved, it is the sense of the Senate that (1) the full influence of all governments and all international air line associations should be brought to bear for the release of all passengers and aircrews, regardless of race or creed, of hijacked aircraft now detained involuntarily in Jordan, and (2) such governments and associations should take such actions as may be necessary to prevent any further hijacking of aircraft.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 887

Mr. EAGLETON submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which was ordered to lie on the table and to be printed.

PROVISION FOR THE DEFENSE OF SUITS AGAINST FEDERAL EMPLOYEES—AMENDMENTS

AMENDMENT NO. 888

Mr. McCLELLAN submitted amendments, intended to be proposed by him, to the bill (S. 4112) to improve judicial machinery by amending title 28 of the United States Code, to provide for the defense of suits against Federal employees, and for other purposes, which were referred to the Committee on the Judiciary and ordered to be printed.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—AMENDMENTS

AMENDMENT NO. 889

Mr. MONDALE (for himself and Mr. NELSON) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 890 THROUGH 894

Mr PERCY (for himself and Mr. SMITH of Illinois) submitted five amendments, intended to be proposed by them, jointly, to House bill 18546, supra, which were ordered to lie on the table and to be printed.

Mr. PERCY subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD three statements, prepared by me, relating to certain amendments.

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

The statements, presented by Mr. PERCY, are as follows:

AMENDMENT NO. 890—COTTON ACREAGE REDUCTION ACREAGE AMENDMENT

Now the bill allows 14.5 million acres for cotton allotment. Originally 11.5 million acres were proposed by the House. In 1970 the crop was 11.1 million.

Cost increase: $150 million per year.

Senate version encourages inefficient high cost producers to increase cotton production and require efficient producers to reduce nonsubsidized production from 6 million in 1970 to 1.8 million acres in 1971.

Further Objections: No flexibility for cotton to move toward market but keeps tied to government.

Secretary Hardin: "The Government cannot spend this much money to save an industry and at the same time preclude freedom of action by those who will try to save it without being subsidized."

AMENDMENT NO. 891—EXPLANATION OF POOR FARM AMENDMENT

As is, the Bill gives 30% more subsidy payments to *cotton* farmers with on-farm income of less than $5,000 and off-farm income less than $2,000. Neither wheat nor corn farmers in similar necessitous circumstances are afforded this increase.

This amendment gives poor wheat and feed grain farmers the same 30% payment increase.

Note: While, of the 2½ million recipients nationally, about 10,000 receive more than $20,000 annually, the average payment is $1,450 and *one-third* of all recipients receive less than $500.

Cost: The Agriculture Department estimates the amendment will bring a maximum of $250 additional per farmer. Administration opposes; believes poverty in agriculture should be dealt with through President's Family Assistance Plan.

Feed grain	$630,000
Wheat	375,000
Total cost	1,005,000

AMENDMENT NO. 892—PERCY EXPLANATION OF ALTERNATIVE CROPS ON SET ASIDE ACREAGE AMENDMENT

As is, cotton producers can, with the Secretary's permission, plant cotton on land set aside from cotton production, as well as other commodities.

Both wheat and corn farmers are permitted to graze such land, and may plant on set aside acres relatively little-used, commercially insignificant crops including guar sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, *if and only if* "such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income."

This amendment adds the above-quoted restriction to cotton, making additional set-aside production subject to the same limits as corn and wheat.

In actuality, this would permit *no* cotton set aside land to be planted to cotton, since there is already an immense over supply of cotton.

AMENDMENTS NOS. 890 THROUGH 894

Mr. PERCY (for himself and Mr. SMITH of Illinois) submitted five amendments, intended to be proposed by them, jointly, to House bill 18546, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 895 AND 896

Mr. SMITH of Illinois (for himself and Mr. PERCY) submitted two amendments, intended to be proposed by them, jointly, to House bill 18546, supra, which were ordered to lie on the table and to be printed.

Mr. PERCY subsequently said: Mr. President, on behalf of the Senator from Illinois (Mr. SMITH) I ask unanimous consent to have printed in the RECORD three statements prepared by him on certain amendments.

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

COTTON PROMOTION BONZANA AMENDMENT

Mr. SMITH of Illinois. Cotton interests on the Senate Agriculture Committee added a new section providing $10 million "for the conduct . . . of market development, research or sales promotion. . . ."

Source of Money: The funds are to come *directly* from funds authorized to be made available to cooperators under the cotton program but *not paid* "because of a statutory limitation on the amounts of such funds payable to any producer."

CORN BLIGHT AMENDMENT

Mr. SMITH of Illinois. At the present cotton payments are based on previous three years' yields, but in case of "drought, flood or other natural disaster" actual yields may be adjusted by the Secretary because of abnormal yields.

For corn only "such adjustments as the Secretary determines (are) necessary to provide a fair and equitable yield" is permitted.

With the corn blight threatening from 25% to 50% of Illinois corn crop, this amendment enumerates the same considerations given cotton to provide an equitable yield, and adds specifically "corn blight."

Thus if the blight proves as pernicious as it may, the next years' payments to farmers will not be commensurately reduced.

SKIP ROW PROSCRIPTION AMENDMENT

Mr. SMITH of Illinois. Simply this amendment forbids the Secretary to count land between the rows as "Set aside land." It is the custom and practice for cotton producers to leave largish spaces between rows of cotton for more light and higher production.

Corn and wheat farmers do not, of course use this practice, Hence on land that already would be left idle for purposes of a better crop, the cotton producer gets paid by the government as set aside acreage.

This amendment forbids that practice to be counted.

ADDITIONAL STATEMENTS OF SENATORS

LEGISLATIVE CALENDAR FOR THE REMAINDER OF THE YEAR

Mr. MANSFIELD. Mr. President, on yesterday, during its closed door session, the Senate dismissed the matter of the legislation scheduled for the remainder of the year.

That proposed schedule has been reduced to calendar form and I ask unanimous consent that it be printed in this form in the CONGRESSIONAL RECORD.

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

PROPOSED LEGISLATIVE SCHEDULE

Monday	Tuesday	Wednesday	Thursday	Friday
SEPT. 7	SEPT. 8	SEPT. 9	SEPT. 10	SEPT. 11
Labor day.	10 a.m. Direct elections.	10 a.m. Direct elections. About 5 p.m. Commence consideration of amendments to Public Health Service Act; H.R. 18110, H.R. 17570, S. 3355, S. 3418 and S. 437 a bill to amend annuity provisions of Civil service retirement.	10 a.m. Direct elections. About 5 p.m. Complete consideration of Public Health Service Act amendments; H.R. 18110, H.R. 17570, S. 3355, S. 3418 and S. 437. Commence consideration of S. 3619 Disaster Relief Act.	10 a.m. Direct elections. About 5 p.m. Complete Disaster Relief Act if not completed Thursday.
SEPT. 14	SEPT. 15	SEPT. 16	SEPT. 17	SEPT. 18
10 a.m. Direct elections. About 5 p.m. Commence consideration of H.R. 18546, Farm bill.	10 a.m. Direct elections. About 5 p.m. Complete consideration of H.R. 18546, Farm bill Start H.R. 6778, 1 bank holding.	10 a.m. Direct elections. About 5 p.m. Complete 1 bank holding. Start S. 3867, Employment opportunity and training.	10 a.m. Direct elections. About 5 p.m. Finish S. 3867, employment opportunity and training. Start S. 3678, Federal Deposit Insurance Act amendments.	10 a.m. Complete direct elections. About 5 p.m. Finish S. 3678, Federal Deposit Insurance Act amendments.
SEPT. 21	SEPT. 22	SEPT. 23	SEPT. 24	SEPT. 25
10 a.m. Military construction authorization. Upon completion of military construction turn to consideration of air pollution.	10 a.m. Complete air pollution control. About 5 p.m. Commence Labor-HEW appropriations.	10 a.m. Complete Labor-HEW appropriations. Commence transportation appropriations.	10 a.m. Complete transportation appropriations. Upon completion of transportation appropriation H.R. 15424, Merchant Marine authorization.	10 a.m. Military construction appropriations. About 5 p.m. H.R. 17825 Law Enforcement Assistance Act authoriztion.
SEPT. 28	SEPT. 29	SEPT. 30	OCT. 1	OCT. 2–Oct. 9
10 a.m. Foreign aid appropriations. Upon completion of Foreign aid appropriation S.3201 class action suits.	10 a.m. Equal rights for women. About 5 p.m. S. 2453, Equal employment opportunity amendments.	10 a.m. Equal rights for women. About 5 p.m. S. 2453. Complete EEOC amendments.	10 a.m. Complete equal rights for women. Upon completion S. 4260 Highway Legislation Act Extension of 1970.	10 a.m. Commence family assistance plan—social security benefit increase. About 5 p.m. Evenings do remaining DOD, HUD supplemental appropriations.

THE TESTIMONY OF PROF. PHILIP KURLAND, OF THE UNIVERSITY OF CHICAGO LAW SCHOOL, IN OPPOSITION TO SENATE JOINT RESOLUTION 61, THE EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. ERVIN. Mr. President, one of the most amazing facts in the present debate on the House-passed equal rights for women amendment is that no law professors were called to testify by either the House or the Senate subcommittees considering the matter. It is unbelievable to me that the Congress would seriously consider a proposed amendment to the Constitution which was not discussed at all by those who have spent their lives studying and teaching constitutional law.

In the Senate Judiciary Committee hearings this week, we have attempted to hear several law professors discuss the ramifications of the equal rights for women amendment, if it passes. Yesterday, I placed in the CONGRESSIONAL RECORD the statement of Paul J. Freund, of the Harvard Law School, in opposition to this amendment. Today, I ask you to consider the testimony of another outstanding constitutional law expert—Prof. Philip Kurland of the University of Chicago Law School. Professor Kurland is editor of the Supreme Court Review and is truly one of the most knowledgeable men in the United States in his field.

In his statement, Professor Kurland writes that the equal rights amendment is an "instant and simplistic" solution to a complex problem. He foresees many problems resulting from the amendment, including the possible use of quota figures in Federal agencies as a guide to discriminations against women.

While Professor Kurland feels that "the proper answer to the very real problem of inequality now bedeviling some women in this country would be better answered by specific legislation than by the proposed constitutional amendment," he does state that the amendment which I introduced, Senate Joint Resolution 231, would be preferable to the House-passed version.

The passage of a constitutional amendment is serious business, and I hope that every Senator will be able to thoughtfully consider Professor Kurland's statement.

Mr. President, I ask unanimous consent that Professor Kurland's testimony be printed at this point in the RECORD.

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

STATEMENT OF PHILIP B. KURLAND

I am honored by the Committee's invitation to appear before it today. I am, however, dubious that I can materially contribute to a solution of the problems confronting you. I come with questions not answers.

My bias should be made clear. I am satisfied, though I cannot provide the Committee with documentary evidence, that women in this country suffer from unreasoned discrimination against them in many phases of their lives, not least in the sphere of employment. I am anxious to help diminish such unjustified discrimination. But I am not sure that the proposed constitutional amendment offers a realistic means for bringing about such a result.

My doubts may be based in part on my personal notions about constitutional amendments. I think that they are clearly the best means of bringing about changes in governmental structure. I think they offer an appropriate means for reversal of constitutional construction by the Supreme Court. I think they may be the necessary means for protecting minorities from imposition by majorities and the unenfranchised from imposition by the enfranchised. Women, however, are neither a minority nor unenfranchised. This would suggest to me that the most appropriate means for securing the desired results on their behalf would be by way of appropriate legislation rather than constitutional amendment.

The answer which this Committee is considering, however, is an amendment to the Constitution. H.J. Res. 264 has already passed the House by an appropriate majority. Its provisions also seem to have been endorsed, if not finally, by the necessary majority of the Senate. Such an answer is in keeping with much of the temper of our times that demands instant and simplistic solutions to complex problems, that assumes that the cure for such problems is the utterance of the magic word "equality," and that the proper governmental agency for effecting the cure is the judiciary. All three of these contemporary attitudes are represented in H.J. Res. 264.

I don't think the answer is that easy, much as I wish it were.

The arguments against the amendment, putting aside that of the unenlightened who would endorse the notion that the only proper place for women is as helpmates for men, are four.

First. It is contended that in light of the newly expanded meaning of the Equal Protection Clause of the Fourteenth Amendment, there is no need for further constitutional provision to protect women against invidious discrimination. It is clear that, to the extent the proposed amendment authorizes legislation by Congress and the States, no addition is needed. Section 5 of the Fourteenth Amendment plus the Commerce Clause gives the Congress an almost unlimited reach in commanding equality between the sexes. There are no inhibitions on State legislatures that would prevent them from doing the same, except for the concept of preemption by either federal legislation or the Commerce Clause. The question remains, however, whether the equality talked about by the Court in construing the Fourteenth Amendment is the same equality as is the subject of the proposed amendment. Only if the answer to that question is in the affirmative does the proposed amendment become redundant. The ambiguity of meaning of the proposed amendment does not make clear its equation with current Equal Protection Clause doctrines.

Second. It is argued that the proposed amendment will raise a myriad of legal problems involving such matters as family law and decedent's estates to the status of constitutional issues that will have to be decided by a Supreme Court already unduly burdened with an unbearable load of constitutional business. The answer offered to this argument is that any fundamental change in the social structure of our society to be brought about by constitutional amendment will place such a burden on the federal judiciary. The Court itself has shown no reluctance to add similar social issues to its docket. Insofar as more important matters make claims on the Court's jurisdiction, it remains within the discretion of the Court to decide which cases it will decide. Again, the extent of the burden may well depend upon the clarity of purpose and meaning of the proposed amendment. The more ambiguous it is, the greater the problem of constitutional adjudication will be.

Third. It is said that the proposed amendment will invalidate a host of state laws enacted not for the purpose of discriminating against women but with the objective of favoring them. One can readily see the difficulty of determining whether a law favors or discriminates against women. For example, my classical economist friends would say that laws protecting women against overtime work and night work do not in fact favor them because these laws place women at a competitive disadvantage in the employment market. In any event, the question of the extent to which laws classifying on the basis of sex would be invalidated would again depend on the meaning and purpose of the proposed amendment.

Fourth. It is suggested that the proposed amendment seeks not equality of the two sexes before the law but identity of them. Surely the elimination of differences between men and women cannot be obliterated by constitutional fiat. And the current state of knowledge of the biological sciences is not yet adequate to bring this about as a fact. But once more we are thrown back to the question of the meaning and purpose of the proposed amendment.

It is evident that the language of the proposed amendment is itself too barren to provide sure answers to these objections. It simply provides that: "Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex." With all due respect to Senator Ervin, I cannot agree with his statement on the floor of the Senate that the difficulty inheres in the construction of the word "sex." For me, at least, it derives rather from the use of the word "equality."

It was almost a century ago that Sir James Fitzjames Stephen, in his book, *Liberty, Equality, and Fraternity*, asserted that "equality is a word so wide and vague as to be by itself almost unmeaning." Nothing that has happened in the intervening years has done anything to make it more specific.

It seems to me, therefore, that it is incumbent on Congress, unless it wishes to leave the matter wholly in the hands of the federal judiciary, to attempt to define, to the extent that it can, what it means by the word "equality" as it is used in the proposed amendment. It can do this in two ways. The first and better way would be to write its meaning into the language of the amendment itself. Certainly this is a difficult undertaking. And perhaps the political situation being what it is, Senators and Congressmen may well believe that it is the greater part of wisdom not to risk the costs of delay in the preparation of the amendment. I would remind them, however, that constitutions are not written for the moment. Henry Clay once said on the floor of the Senate, admittedly with some hyperbole, that constitutional provisions are "not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity." Perhaps, then, it is worth the cost of delay to present an amendment the meaning of which is as clear as it is in the power of Congress to make it.

The alternative to careful drafting of the amendment itself is the careful preparation of the legislative history, primarily by way of the report of this Committee to the Senate. This is no certain cure for the defects of ambiguity. The resort by Justices of the Supreme Court to the legislative history behind the Reconstruction Amendments makes clear the dangers of this game. Legis-

lative history will as frequently compound the confusion as resolve it. Nevertheless, if this is the only open road, it must be taken.

The essential question to be answered by this Committee's report then, if nowhere else, is what it understands to be the meaning of "equality" as used in the proposed amendment. Again, this is no easy task. Hints may be found in some data of Mr. Justice Frankfurter in his construction of the Equal Protection Clause of the Fourteenth Amendment. In *Whitney* v. *Tax Commission* (309 U.S. 530, 542 (1940)) he said: "The Equal Protection Clause was not designed to compel uniformity in the face of difference." And during the same Term, he announced in *Tigner* v. *Texas* (310 U.S. 141, 147 (1940)): "The Constitution does not require things which are different in fact or opinion to be treated by the law as though they were the same." It was his belief, as stated in *Dennis* v. *United States* (339 U.S. 162, 184 (1950)) that "there is no greater inequality than the equal treatment of unequals." And it was Mr. Justice Holmes who told us that: "The Constitution is not to be satisfied with a fiction." (*Hyde* v. *United States*, 225 U.S. 347, 390 (1912).) I should think that these statements would provide a clue for the meaning of the word "equality" in the context that it is to be used. Governmental distinction between males and females must be justified in fact before it can pass muster under the proposed amendment. If the distinction is based on reason, then the legislation should be presumptively valid. The mere fact that there are two sexes is not reason in itself for distinguishing between them in legislation. On the other hand, that a distinction is drawn between them in legislation should not be sufficient to invalidate the law.

It may be said that this is already the command of the Equal Protection Clause. And it may well be. But there are cases that suggest this is not true. Nor has such a clear doctrine emerged from the Supreme Court's Equal Protection cases as to make this construction certain.

There are other questions to which the Committee should address itself, questions revealed by recent Supreme Court cases and others on their way to adjudication in that tribunal.

One question is whether the proposed amendment would tolerate in certain circumstances a doctrine of separate but equal facilities. Certainly there are still some, albeit old-fashioned, notions of privacy that might properly evoke the use of such a rule.

A second area of concern should be to what extent does the amendment by its terms condemn only governmental action and when does private action become government action for purposes of the amendment. Still further, to what extent is it contemplated that the authorization for legislation contained in the proposed amendment is to be restricted by a limitation to "state action?"

Finally, the Committee might like to speak to the issue whether the proposed amendment contemplates legislation authorizing "compensatory discrimination" or "benign quotas." This necessarily involves the problem of what constitutes proof of discrimination and the problem of remedies. Should it be enough, for example, to show that the ratio of male employees to female employees at the executive level in the Department of Labor or the Department of Health, Education, and Welfare is not in the same proportion as men to women in the population at large? If proof of discrimination is made, what are appropriate remedies for its elimination?

When the time comes for the Supreme Court to look to the legislative history of the proposed amendment to aid it in providing answers to these questions, the answers should be there for them to find.

Let me turn to the proposed alternative in S.J. Res. 231. It must be apparent that the Senate proposal answers more of the questions that I have raised than does the House amendment. It certainly does not answer all of them. And it creates a problem of its own, to define more precisely the area covered by the general proposition in light of the exceptions thereto.

There is clearly one fact that speaks up loudly for the choice of the Senate proposal. Times have changed in such a way that it may well be possible for the generation of women now coming to maturity, who had all the opportunities for education afforded to their male peers and who had an expectation of opportunities to put that education to the same use as their male peers, to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains a very large part of the female population on whom the imposition of such a constitutional standard would be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keepers of their homes. There are a multitude of women who still find fulfillment in this role. In the eyes of some, this may be unfortunate, but it is true. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Nor can women be regarded as unified in their desire for change. Certainly the desire to open opportunities to some need not be bought at the price of removal of legal protections from others. The Senate proposal would allow for such differences, the House proposal would not.

In summary then, I think that the proper answer to the very real problem of inequality now bedeviling some women in this country would be better answered by specific legislation than by the proposed constitutional amendment. If the route of constitutional amendment is taken, the amendment ought clearly to spell out what it means. If this cannot be accomplished by new drafting, then it should be attempted by explanation in this Committee's report to the Senate. As between the House version and the Senate version of proposed constitutional amendments, there are good reasons for choosing the latter.

AMBASSADOR HUGO MARGAIN—IN APPRECIATION

Mr. MANSFIELD. Mr. President, it is generally agreed that relations between this country and our sister Republic of Mexico have never been better. Communications have improved immeasurably. Longstanding border disputes have disappeared. Trading continues in record volume. The number of tourists from each country keeps growing. The heads of state of our countries are meeting with increasing frequency. Members of the respective Congresses find greater grounds for cooperation with each interparliamentary meeting.

This happy circumstance is no accident, Mr. President. Rather, it has come about as a result of a great deal of hard work and accommodation by officials who are committed to this goal. And one of the men most deeply involved in the negotiations for the past 6 years has been my good friend, Hugo Margain, until last month the Mexican Ambassador to the United States.

Mr. Margain leaves his post to become the new Secretary of the Treasury and Public Credit, a position he will hold under the incoming administration of President-elect Luis Echeverria. He leaves behind scores of well-wishers and friends who remember the brilliance of his performance as ambassador. And he leaves as a monument to his service the absence of any outstanding points of conflict between our countries.

I, for one, am most sorry to see him go. But I know of the importance of his new post, and am confident that he will discharge his new duties with the same competence and enthusiasm which he showed here in Washington. Certainly there is no one more qualified to be the top financial official of the Mexican Government. Mr. Margain formerly headed the Sales Tax and Income Tax Bureaus of the Government and served as both Assistant Secretary and Under Secretary for administration in the Ministry of Industry and Commerce. He has also authored several books on such subjects as tax law and finances. Add to this record his performance as ambassador to Mexico's major trading partner and you have a truly splendid background for his new position.

Mr. President, Mrs. Mansfield and I wish all the best to Hugo and his wife, Margarita, and to their children. We do not say "farewell," but rather "hasta luego," for we are looking forward to renewing our friendship in the near future.

THE PENTAGON

Mr. YOUNG of Ohio. Mr. President, recently, a Presidential blue-ribbon panel having completed a study of the Defense Department recommended that more than 10,000 military and civilian staff members in the Pentagon be dismissed. Most of these staff members receive high salaries and perform no work whatever. The panel termed the Pentagon "an amorphous lump." Its size makes it almost impossible to run. Admiral Rickover told a House subcommittee if the United States does not abolish make-work jobs in the Pentagon, our defense may collapse of its own weight. Admiral Rickover, one of our Nation's most knowledgeable and distinguished citizens, expressed amazement that in light of the mess in the Pentagon our defense posture has not already been surpassed by the Russians. He offered a simple solution for curing the problem. His prescription:

> On a given Monday morning close off the 4th floor of the Pentagon and allow in only enough people to fill the first three. Then, on the following week rope off the 3rd floor and permit only those who fill the first two floors to hold their jobs.

RETIREMENT OF JOHN S. FORSYTHE

Mr. JAVITS. Mr. President, I rise as ranking minority member of the Com-

mittee on Labor and Public Welfare to join my colleagues in voicing tribute to Jack Forsythe, the distinguished general counsel of our committee, who marks his retirement from Federal service today. I am sure I speak for all minority members of the committee in expressing high regard for him as an exemplary public servant and as an individual. We have all benefited from his counsel.

Jack Forsythe retires after 29 years in the service of his Government, including the armed services during World War II, the executive branch, the House of Representatives and since January 1955, as general counsel of the Senate Committee on Labor and Public Welfare.

A graduate of the Duke University Law School, he was a classmate and friend of a fellow student from Whittier, Calif., Richard M. Nixon. He was later to see this classmate again when Jack was general counsel of the House Committee on Education and Labor and Richard Nixon was a Congressman from California—and a member of that committee. At the same time, Jack worked closely with another of the post-World War II generation of young Congressmen, a newly elected Member from Massachusetts named John F. Kennedy with whom he would again work closely in the Senate.

He left the House committee in 1953, was employed as general counsel of the Federal Coal Mine Safety Board of Review until January of 1955 when he became general counsel of the Senate Labor Committee. As general counsel, he participated in the drafting and enactment of all major labor, education, and health legislation enacted by the 83d Congress through the present 91st Congress.

To Jack Forsythe—and to his charming wife, Patricia—go our well wishes for the future. May the years to come be as full as the years of service to the Congress and the Nation.

McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, for 8 years it has been my pleasure to conduct for high school juniors in my State of Wyoming the McGee Senate Internship contest, which brings to the Nation's Capital one boy and one girl for a week planned to enhance an understanding of the mechanisms and the procedures of a democratic society.

The contest is designed to stir up interest among high school students in national and international questions. Three well-known, nonpolitical people from the State served as the panel of judges in the competition. In their judgment, this year brought the highest level of essays that the many years of the contest have produced.

The subject matter of the required essay this year was conservation, quality living, environmental control. For Wyoming to focus on that question is of great relevance. For here is a part of the world that we call God's country in which one would think there were no pollution problems.

I think what it does say to us in the Rocky Mountain West is that the mistakes of the already polluted parts of the United States may have served as a grim warning to those of us from the high altitudes of the Rockies of at least what to watch for and try to avoid in the future and, at the same time, to come to grips with the first outcroppings of environmental pollution even at the local level.

Of course, it would be impossible for everyone to read all the essays submitted, but I think the most outstanding ones are of interest to us all and should receive wider circulation. For this reason, Mr. President, I ask unanimous consent that two of these essays, written by Sherri Lucille Smith, of Sheridan, Wyo., and David Lee Sqonitzer, of Cheyenne, Wyo., which received honorable mention in the McGee Senate Internship contest, be printed in the RECORD.

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

"CONSERVATION: ITS RELEVANCE IN WYOMING"

(By Sherri Lucille Smith, Sheridan, Wyo.)

The old man struggled over the stumps of a once great forest. He noticed the already grayish air was darker than the week before. He really did not know why he came to this particular river every week to fish. He just knew that he had been there every week for as long as he could remember. He could remember the day he caught the largest trout that anyone in town had ever seen. But, that had been a long time ago. He now sat on the bank wondering what he would catch, but somehow the river did not look the way he remembered it 10, or even 5 years ago. Now it was very dirty, moved slower than in years past, and seemed to have some type of sudsy foam on top. In fact, now that he thought about it, he could not even recall the last time he caught a fish. Is this a description of Wyoming? Surely it isn't—at least not yet. All of us know the beauty of our forests, the fresh clear streams, and smog-free blue skies. This problem does face many states in this nation and will also face Wyoming if we fail to plan and carry out conservation of our natural resources. Our state is still beautiful and rich in natural resources. We have only to look around at our sister states to realize what Wyoming's future could hold. We must make stronger rules and regulations to protect our natural resources. Our state has been relatively unspoiled by man's selfishness. However, we must act now to prevent Wyoming from becoming, as her sister states have in years past—a wasteland left in the wake of so called progress.

Right now, while our population figure is low and industry does not have a strong foothold we must make our conservation plans for the future. We dare not wait until the problems are on our very doorstep. Once the erosion of natural resources by man has begun it is impossible to halt it or repair its damage.

Conservation means protecting and using lightly our natural resources, such as: soil, water, air, forests, minerals, and wildlife. Our natural resources are not only limited, but many of them can also be easily damaged or destroyed.

Most of the food that we eat comes from the soil, either directly or indirectly. As President Theodore Roosevelt once said, "When the soil is gone, man must go. And the process does not take long." Another necessity for man and most animals is a constant supply of water. In the past few years we have found that polluted air can actually kill people. Forest conservation is very important to man for lumber and its by-products. It is also important in water and soil conservation. Trees slow down water runoff and check erosion. Forests also provide homes for wildlife and other recreation opportunities. Without minerals we would have very few of the conveniences of modern life. Minerals provide our metals for machines, as well as often providing the power to run them. Wildlife plays an important part in the balance of nature. Wild animals provide fur, food, and recreation.

We must replace the resources we use, whenever possible. A good forester cuts trees only where other trees will grow to replace them. The wise farmer adds to his soil the plant foods that crops take from it. Conservation is concerned with resources for the future, not only with the resources we need today. Because our population is growing rapidly, every person's share of the world becomes smaller. Every morning finds 94,000 more persons on earth than there were the morning before. So that the people who come after us will be able to use our resources we have a duty to practice conservation.

In 1954, Congress passed the Watershed Protection and Flood Prevention Act. This law provided for greater cooperation between federal, state, and local governments in reducing flood damage. In 1955, the Department of the Interior began a 20-year program to restore most of the federal grazing lands in the West. In 1957, the Forest Service undertook its five-year "Operation Outdoors" to improve and expand national forest facilities for outdoor recreation. People have to work together in order to care for our natural resources properly. Citizens can take part in projects carried on within the state, or they can work with their neighbors in community conservation projects. Organizations can work for conservation and help educate citizens in preventing waste and destruction of natural resources. Schools also play an important part in conservation by teaching young people its importance.

Each of our states has the right, by law, to regulate the management of its natural resources. As an example—Wyoming can pass laws to reduce wastes of natural gas and to control the amount of oil taken from the ground. Our state owns forests which are managed according to planned conservation practices.

Our state government has departments to protect and manage wildlife resources and regulate hunting and fishing. Other departments determine forests and water conservation. Not only do these departments conduct active programs of conservation, but they are also active in conservation education.

Wyoming must make further restrictions on the depletion of her natural resources. At the present time thousands of cubic feet of natural gas are being burned off as waste material. This gas cannot be replaced and the fumes from burning it are polluting our air and sky.

We in the United States, enjoy many freedoms, but the one which I have noticed that many people do not take advantage of is, that of being able to express their opinions to their Congressmen. If people would only take the 15 minutes and 6 cents it would take to write and send a note to their Congressmen they, the people around them, and the Congressmen would be better off for it.

Every state has what are called natural resources. These natural resources are the wealth of the state itself. Coal, iron, copper, and other minerals are natural resources of Wyoming. So are the mighty forests that

cover parts of the land; the rich soil on which crops can be grown and the rivers that wind through the countryside. If all the minerals had been dug up or wasted, the forests cut down, the rich soil blown or washed away, and the rivers dried up, Wyoming would be a very poor state and could not support its thousands of people. All this can easily happen if the citizens of Wyoming do not take care of their natural resources.

CONSERVATION: ITS RELEVANCE IN WYOMING

(By David Lee Zwonitzer, Cheyenne, Wyo.)

If this country continues depleting the soil, destroying the forest, and wasting animal and plant life, it will in time, become a land of decreasing people with no hope for the future. Such a fate has taken over other lands with the exhaustion of their resources. It can happen in Wyoming. Then what?

The most important part of Conservation in Wyoming is that of its land and natural resources, including wildlife. Conservation in Wyoming plays a major role in the affairs and way of life of its people.

Primitive man had no need for conservation. He relied on "Mother Nature" to conserve all his values of life as food, shelter, and clothing. Likewise, the Indian provided for himself but also realized the importance to conserve so he might live. But modern man has developed numerous variations of cultivated plants and so has a great range of food from which to choose. Not satisfied with this, he has developed a complex transportation system that enables him to enjoy not only the seasonal products of one community, but of many communities, sometimes thousands of miles apart.

When the first white man came to Wyoming, he saw a watered marsh, fertile land of virgin forest and grasslands teeming with animal life of many kinds. Today much of the land has been stripped of its fine timbers, the grasslands plowed and overgrazed, and streams and lakes polluted. The need to conserve and increase our wild population has become apparent.

Man has disastrously affected plant life, sometimes directly and consciously, and at other times indirectly and unconsciously. If modern man has accomplished other goals set years ago, why can't we practice conservation and make it work?

The reason is simple. Drainage, ditches and large canals destroy marshes and pollute streams; either industry or communities destroy public fishing and fresh water supplies; forest destruction occurs by individuals or corporations through public camping areas and fishing resorts. . . .

When progress is made, there is also destruction of other things. So it is with Wyoming's conservation. Oil refinery and other industrial establishments contaminate our fish streams. Ranchers and farmers overgraze land thus blowing away our valuable top soil and making it hard for new grass to grow, and our wildlife is over hunted thus threatening extinction of animal life. In regard to conservation there is a person to blame for its abuse and a remedy to the problem. Most people would be reluctant to blame themselves for our problems; as with most state and national problems great publicity is required. Only too often do we see our communities suffer, by loss of vitally needed pure water and other produce that we receive from streams and lakes. Then after all this waste individuals spend large sums of money to provide artificial recreational areas to replace those that were naturally available. Waste is a severe problem. Satisfactory methods of handling waste are known, but allowing a pure stream to become a sewer system is no excuse to a financial problem. Is this what the citizens blame the filth on? Some do, and others blame it on whatever comes to mind, except themselves.

Probably the most basic requirement for a conservation-minded society is the education of all its citizens in resources matter.

The goal of such education would be the preservation and general awareness of conservation that would eventually lead to a natural way of life. This education must make people look ahead and foresee the effects of the abuses to which wildlife resources will be subject to. People generally forget what conservation will mean to their children and to their children's children. Those who are not directly affected with the out-of-doors usually give little thought to the basic value of conservation in providing them with food, clothing, shelter, and other necessities of life.

While individuals are doing little, many organizations are promoting this program. The National Park Service constitutes a striking example of successful conservation. Wilderness areas and those including natural wonders have been set aside, thus assuring the existence of such a group of wildlifes possessions as possible to no other people.

These possessions are preserved in animal refuges. Refuges have a definite place in the conservation field. Their principal function is to preserve wildlife.

Refuges for grazing animals must be carefully managed. If not, their very success in supporting increased amounts of wildlife may flourish because the food will be destroyed that was formerly available for the favored animal. Refuges for waterfowl are indespensible to any management program established. If numerous enough, properly placed, and correctly managed, they provide a safe place to breed. Many more small refuges are needed to conserve animals and also test new ideas in conservation.

Research is essential to wise management of refuge lands if their character is to be preserved so that they may function to serve not only the present but also future generations of wildlife.

Refuges alone cannot solve the problem of restoring wildlife populations. They can, however, often assure a safe place to restore stock that is in danger of extinction.

The time may conceivably come when the last bit of iron will have been dug from the ground, the last pound of coal burned, and the last drop of oil refined. It is on these things that present civilization and industrial activity are based upon. Such resources were built in the earth through billions of years of time, and nothing that the human race has yet conceived can add to the total quantity now available.

To hope that the conservation picture will not be so bad, it must be assumed that the human race will be intelligent enough not only to stop the destructive processes that have been going on since the white man came to this country, but also to reverse these processes before it is too late. We must start conserving our wildlife, natural resources, soil, and other necessary aspects of conservation.

Without conservation in Wyoming, there will be no Wyoming to conserve.

SENSE FINALLY EMERGES

Mr. YOUNG of Ohio. Mr. President, Gen. William C. Westmoreland, October 1965, said, "The Communists are beaten. We are winning the war. I see the light at the end of the tunnel." Two years earlier Maj. Gen. Charles J. Timmes, commander of the U.S. Military Assistance Advisory Group in Vietnam (MAAG) said, "The Vietnamese Armed Forces are as professional as you can get . . . I feel we could wrap this thing up by the end of the next dry season. We will have driven the Vietcong sufficiently underground by the end of next year that they will no longer be a national threat." General Westmoreland—July 1967—"The war is not a stalemate. We are winning it slowly but steadily. North Vietnam is paying a tremendous price with nothing to show for it in return." He said—February 1968—"I do not believe Hanoi can hold up under a long war." And then again—June 1968—"The enemy has been defeated at every turn." More than 2 years later it finally dawned on General Westmoreland that he had been so wrong for so long. He said—July 1970—"None of us ever felt a military victory in the classical or traditional sense was attainable in South Vietnam."

McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, for 8 years it has been my pleasure to conduct for high school juniors in my State of Wyoming the McGee Senate Internship contest, which brings to the Nation's Capital one boy and one girl for a week planned to enhance an understanding of the mechanisms and the procedures of a democratic society.

The contest is designed to stir up interest among high school students in national and international questions. Three well-known, nonpolitical people from the State served as the panel of judges in the competition. In their judgment, this year brought the highest level of essays that the many years of the contest have produced.

The subject matter of the required essay this year was conservation, quality living, environmental control. For Wyoming to focus on that question is of great relevance. For here is a part of the world that we call God's country in which one would think there were no pollution problems.

I think what it does say to us in the Rocky Mountain West is that the mistakes of the already polluted parts of the United States may have served as a grim warning to those of us from the high altitudes of the Rockies of at least what to watch for and try to avoid in the future and, at the same time, to come to grips with the first outcroppings of environmental pollution even at the local level.

Of course, it would be impossible for everyone to read all the essays submitted, but I think the most outstanding ones are of interest to us all and should receive wider circulation. For this reason, Mr. President, I ask unanimous consent that two of these essays, written by Connie Wilbert, of Riverton, Wyo., and Joseph E. Shickich, Jr., of Casper, Wyo., which received honorable mention in the McGee Senate Internship contest, be printed in the RECORD.

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

LAND IS LIFE—OUR LIFE

(By Connie Wilbert, Riverton, Wyo.)

Land is life. Land produces and nourishes life. With rich land comes abundant wild-

life and good crops. They are of the soil. They are not found where the earth lies barren and wasted.

Our land is rich; our wildlife is abundant, and our crops are good. But if one listens carefully, he can hear whisperings from the past—ominous warnings from lost civilizations and nations. If one looks closely enough he can see the signs of our times—the same signs which were ignored by many past civilizations. These nations were once great nations, their lands were once fertile and rich, and yet now they lie wasted, ruined, and wrecked. The histories of these past civilizations are permanently written upon their lands—there are the records of their peoples' struggles and failures to find an adjustment to the land in which they lived.

Mesopotamia's fertile lands tell the facts of its history plainly. They tell of a glorious past, of a land with dense population, good agriculture, and great cities. However, these same great cities now lie in ruins and desolation. Their ruination came not from the supposed results of raids or invasions of other peoples, but in fact, from muddy water. A great system of canals was necessary for the agriculture, but through poor management, these canals were allowed to fill with mud and silt. The resulting breakdown of the supply of life-giving water brought disaster upon disaster to Mesopotamia. No army could have destroyed this once powerful nation as did the endless, choking sands that finally covered the land.

In Greece, another strange story is recorded on the land. Ancient Greek civilization was at its height. Religion, philosophy, and the arts flourished. Beautiful cities were built, and Greece became a powerful nation. Great forests, an ample water supply and productive soils were the basis of Greek wealth. Unfortunately, the importance of these resources was forgotten as the land was abused and overworked. The bountiful forests disappeared, and the once clear water soon ran unconfined across the countryside. Once a very productive and powerful nation, Greece now lies barren and eroded, another impressive reminder of man's lack of foresight in his abuse of his land.

What do the histories of these and other past civilizations have to do with Wyoming? Wyoming is a rich state in so many ways—abundant forests, pure, clear water, plentiful wildlife, and rich farmland in the valleys. But within this richness are the signs of our times—the same signs that the ancient Mesopotamians and Greeks could not see for they, too, were blinded by pride and ignorance. Wyoming justly takes pride in her great forests, forests which have been guarded carefully down through the years by a policy of wise use. She takes pride in her clear lakes and streams, her abundance of wildlife, and the richness of her land. Yet there are those who cannot see the signs of our times, who refuse to look into the future to determine what must be done to retain our forests and grasslands, our game and fish, and our pure water. Many times these are people who want the utmost taken from the land, either by industry, harsh farming methods, or unjust wildlife hunting laws. They cannot understand the importance of conserving these natural resources so they can be passed on to future generations.

The basic meaning of conservation is: "The wise use of all natural resources on a sustained yield basis; managed to bring the greatest good to the greatest number of people over an indefinite period of time." If such a conservation program is to overcome the harmful effects of the few who don't care and to succeed with its goal of the greatest good for the greatest number, it must have the support of an informed and enlightened public. We, as the public, must know the exact problems Wyoming's conservation programs are encountering, what they are doing to overcome these problems and how we can help.

Of great importance is the recognition of the interrelationships between the various aspects of our natural resources. Water management today is a tremendous problem. The volume of flow in many of Wyoming's streams has dropped from 25% to 70% in less than 100 years, which has caused the rivers to reduce in flow. This results in the remaining water becoming warmer, which in turn affects the fish and other water life.

Our water supply is almost completely dependent upon the soil conditions, which further bears out the interrelationship. A condition which allows the water to soak back into the soil is necessary, instead of a condition in which the water runs over the surface of the earth, carrying with it the fertile top soil so vital to all living things. The Soil and Water Conservation Service estimates this loss of top soil at more than four billion tons each year. This is six times as much soil as is being used by all the farm crops in the United States annually. In other words, the soil that each year is poured into the Pacific and Atlantic Oceans is enough to grow all the crops in the United States for six years. With the present growth of population, there will come a time when we will wish that this soil was back on the ground from which it came.

That fish are also dependent upon soil quality may come as a surprise, but fish are just as much of the land as any crop. The ability of a body of water to support fish life depends upon the available plant and animal food. These in turn depend upon the nutrients in the water, and the nutrients are directly related to the fertility of the soil over which the water flows.

The future of our wildlife resources is also dependent upon making wise use of the two basic life-giving substances—soil and water. Wildlife is a crop that must be grown just as any other crop. Its production must be integrated with intelligent management of land and water.

Wise use, applying all the principles of good conservation, is our hope and our promise of a rich, productive land. We can make the choice: either to become aware of the signs of our times and conserve our resources, or to ignore them and leave our lands barren and unproductive as did Mesopotamis and Greece and many other past civilizations.

"CONSERVATION—IT'S RELEVANCE IN WYOMING"

(By Joseph E. Shickich, Jr., Casper, Wyo.)

Most certainly, if the democracy of the United States of America ends, the cause will come from the inside. But this plot will not be a Communist conspiracy—rather the cause will be America's strangulation of her environment. The "land of the free" is quickly turning into the "land not free from debris". The "spacious skies" have the birds coughing in Los Angeles. Our "purple mountains" are turning grey. Lake Erie is almost completely destroyed. All sea life, as predicted by ecologist Paul Ehrlich, may completely disappear in ten years. The land is becoming useless, and many species of wildlife are disappearing. To top this all off, every man, woman, and child has three pounds of pesticides allotted him via the air each year. America is very adequately committing suicide.

Wyoming's concern for this environmental form of Russian roulette is not much more than would be expressed if the weapon were a dime store squirt gun. Our state has tended to consider itself isolated from the outside world but recently this theory has begun to backfire. For example, a year ago it was taboo to speak of racial disenchantment in the "Equality State". After all, Wyoming was unique and free from the problems of her sister states. Yet somehow, angry Black students emerged at the University last fall. Wyoming is trying to apply the same analysis to the problem of our ecology.

It is impossible to expect Wyoming to stop its evolution toward industrialization before its environment becomes endangered. Too many natives have the conception we will successfully cross that bridge when we come to it. Wyoming is already on the bridge, but the bridge's foundation has been laid in quagmire. The consensus seems to be that, although we don't like the idea, the state is large enough and the population is small enough to safely absorb the polluted refuse. Few citizens remember that California fed itself the same line a few years ago. California's situation speaks for itself.

The Equality State has arrogantly concluded that since its wildlife reserves are still relatively abundant, it has provided excellent protection for these animals. Granted we have some superior hunting laws for the conservation of game, but little has been done to avoid their contamination by the gases, pollutants, and poisons we release into the air, land and water.

Economically, the pollution of our wildlife could spell financial disaster for Wyoming. At last tally in 1965, sportsmen spent $60,043,324.00 on the hunting and fishing industry. To protect this source of revenue, we have a law that sets the fine for "passing" a substance into a natural stream or lake which will "kill or destroy any fish therein" at not less than fifty ($50.00) dollars or not more than one hundred ($100.00) dollars for each offense. If a company broke this law everyday of the year, Wyoming at best could make up only $3,650.00 of the loss.

Wyoming's water may be the least protected of her resources. Most of the water laws date back to at least 1923 with some going back to the 1890's. Unfortunately, the content of these laws is essentially the same as it was fifty plus years ago. One such law is Statute 35–188:

"No city or town shall be prohibited or enjoined from discharging its sewage into a river or body of water unless such sewage so pollutes the water thereof as to be dangerous."

Wyoming is on the losing end when it allows a law to exist that states specifically "a city Cannot Be Prohibited from polluting unless". This law prevents pollution only when it is considered dangerous. In effect it is saying—"Go ahead, pollutte. When the crisis develops, *then* we will think about a remedy." If Wyoming's water dies, the state will soon follow.

Ralph Waldo Emerson concluded that "a nation never falls but by suicide". The United States and the State of Wyoming together are pushing the environmental destruct button. Today, the greatest threat to the United States' security is internal apathy. "Where apathy is master, all men are slaves." (Anonymous)

THOSE FRIENDLY FORCES—TOO FRIENDLY TO FIGHT

Mr. YOUNG of Ohio. Mr. President, the friendly forces of the Saigon militarist regime of General Thieu and Air Marshal Ky outnumber the VC, or forces of the National Liberation Front, by a ratio of more than 6 to 1. Also, they are armed and maintained by American taxpayers and supported by our bombers hurling tons of explosives around the clock. Yet their fellow countrymen fight-

ing for a cause—national liberation—have been defeating them soundly throughout the past 9 years. In 1968, nearly 124,000 South Vietnam soldiers ran away instead of fighting. This was the highest desertion rate ever suffered by any country in time of war. Then, last year this shameful record was broken and even more South Vietnam soldiers deserted. That total in 1969 exceeded 127,000. It is for this that young Americans are drafted to offer their lives in Vietnam, Thailand, Cambodia, and Laos.

COMMISSION ON CAMPUS UNREST—AN ANALYSIS AND COMMENTARY

Mr. HRUSKA. Mr. President, last Saturday the distinguished senior Senator from Colorado gave an extremely significant speech before the annual meeting of the Associated Milk Producers, in which he warned against the damage that may be done by the upcoming report by the Commission on Campus Unrest.

There is much evidence that currently the concerns expressed by the Senator about campus conditions and prospects are widely held by citizens nationwide.

It is clear that there is solid basis for such apprehensions.

Of particular interest is the commentary of the Senator from Colorado on the composition of commissioners, and their functioning generally. He followed up with particulars on some of the occurrences in the instant commission in its proceedings.

I believe what Senator ALLOTT had to say is of vital concern to all of us and to the entire Nation, as well. For that reason, I ask unanimous consent to insert his speech in the RECORD.

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

STATEMENT BY SENATOR GORDON ALLOTT

Summer is ending and the school year is beginning. It is a good time to remember a wise remark by Mr. Dooley, the fictional philosopher who entertained Americans around the turn of the century. Mr. Dooley was once asked: "If you had a boy would you send him to college?" To which Mr. Dooley replied: "At the age when a boy is fit to be in college, I wouldn't have him around the house."

That joke has an odd ring to it nowadays. Because of the actions of a small but determined minority of violent students, many of our great universities are becoming unfit places for the decent majority of students.

In fact, a lot of our traditional jokes about universities now sound odd. Not so long ago it was fun to describe a professor as a man whose job is to tell students how to solve the problems of life which he himself tried to avoid by becoming a professor. Perhaps there once was a time when one could avoid problems by becoming a professor. But that time has passed.

Not so long ago someone defined a "university" as an institution for the postponement of experience. Perhaps the same person defined an "education" as something that enables one to get into more intelligent trouble. Both these definitions seem a little dated today. Today our universities are institutions where people are exposed to dangerous kinds of experiences. And sometimes it seems that an "education" is something that enables one to get into the most mindless kinds of trouble.

Ladies and gentlemen, the old jokes about universities are not funny any more. The situation on our campuses is no laughing matter—as they can tell you in Madison, Wisconsin, where a bomb recently killed a father of three, and did millions of dollars in damages.

This morning I want to share with you my thoughts on the dangerous situation we face as the new school year begins. I am very happy to be able to speak with you on this subject.

You represent American agriculture, and American agriculture represents the sort of achievements that come from healthy cooperation between free men and free universities. Too few Americans understand that agriculture is one of the most technologically sophisticated businesses in this technologically sophisticated Nation. And too few people understand that the phenomenal productivity of American agriculture owes much to the creative partnership that has long existed between American farmers and our great State universities. I am sure everyone here understands this, and that is why I know you are interested in helping save our universities.

A good way to begin helping our universities is to discuss intelligently an important project now underway in Washington. This project disturbs me and I think it should disturb you.

Right now the President's Commission on Campus Unrest (the Scranton Commission) is writing a report on its findings. It will issue that report soon. In fact, the issuance of that report may closely coincide with the opening of the new school year.

What disturbs me is that this report may do even more damage than has already been done by what I think were flamboyant, inflammatory, prejudiced and irresponsible actions by the Commission during its months of public hearings. There is reason to fear that the forthcoming report may be a flaccid whitewash of the violent new-left political movement that is openly seeking to capture or destroy our great universities. My concern is based on two facts. First, this Commission has not behaved well so far. Second, this kind of Commission is foredoomed to failure because it is perfectly designed to aggravate the problems it is supposed to solve.

Let me deal with the general and the particular. I will explain why such Commissions are generally a bad idea, and then why I think this particular Commission has been no exception to that rule.

The central problem with such Commissions is that they are literally irresponsible. They do not have to answer to any voters for the statements they make. They are not responsible for implementing their own recommendations. They can cruise into a troubled community, generate a lot of publicity, raise tempers and a lot of dust, and then be gone. Others are left responsible for cooling the tempers and settling the dust after these instant experts have dashed off to the scene of their next instant analysis.

Another and related problem with such Commissions is that, while the individual members have no continuing responsibility for implementing the policies they advocate, they do have responsibilities in their regular employment. And these responsibilities can influence their behavior when serving on Commissions. Let me give an example.

One of the members of the Commission is President of a university that has its own full complement of tensions and political activists. This man is not *responsible* for any campus but his own. Yet he is under the constant pressure of temptation—the temptation to use his spot on the Commission to make the sort of statements that will please the radicals he will have to cope with on his own campus this fall.

Now I do *not* think all Commissions are equally bad. It is important to distinguish between two kinds of Commissions—those which investigate questions of fact, and those which delve into matters of moral judgment and policy formation. Compare the Warren Commission with the Commission on Campus Unrest.

The Warren Commission was created to investigate the facts about the assassination of President Kennedy. It was composed of eminent men who had no axes to grind. Its purpose was to lay to rest the ugly and neurotic rumors that inevitably circulate after such a tragedy. I think the Warren Commission performed that task reasonably well.

But the Commission on Campus Unrest is not investigating a narrow question of fact. It is deeply enmeshed in the most emotion-charged issues of the day. Indeed, some Commissioners have shown great zest for declaiming on drugs, war, peace and anything else which some radical witness claims is making him restless. This Commission is not composed of men who are uniformly eminent or disinterested. Rather they are a mixed batch, and some have highly developed (and fashionably leftist) political views which they are not bashful about advertising.

I am not saying that there have not been proper times for the Commissioners to express strong opinions. On the contrary, I think the Commissioners have been derelict in not voicing strong indignation when witnesses have viciously attacked this Nation, and arrogantly justified coercive behavior. On such occasions the Commissioners have been distressingly passive. They have given the impression of seeking what Lincoln called "sophistical contrivances"—such as "some middle ground between the right and the wrong."

This brings me to the matter of this Commission's particular failings.

First, some of the Commissioners are hardly objective investigators. It will be recalled that one young Commissioner—who has become the darling of the media—almost immediately after being appointed announced that he thought the President was to blame for the problems at Kent State. For months now one has not been able to turn on the television news without seeing this man laying down the law about other people's sins.

Second, the Commission has given a disproportionate amount of time to hearing political speeches by radicals. Perhaps the effect of such hearings would not be quite so bad if the press could be relied upon to give balanced coverage. Unfortunately, the press only makes matters worse. When the Commission descended on Kent State, the President of that University gave a very interesting and balanced assessment of the situation. But the prominent press coverage went to some student who said—and I do not jest—that campus riots would not stop until we "clean up our lakes and rivers."

The third failing of the Commission is that some members have been rude, arrogant and high-handed in dealing with persons who are not radicals. For example, physicist Edward Teller and philosopher Sidney Hook—two of America's most distinguished and public spirited scholars—were treated with disdain and contempt when they testified.

Members of the Commission staff also have been guilty of high-handed arrogance. At one o'clock in the morning of August 17 a

phone rang at Lockbourne Air Force Base near Columbus, Ohio. The caller was a 28-year old law student employed by the Commission. This young man demanded that the Air Force instantly send a helicopter 130 miles to the Holiday Inn in Kent, Ohio from which he was calling. He wanted the helicopter to fly him to Camp Grayling in central Michigan so he could serve subpoenas on some Ohio National Guardsmen who were undergoing summer training there. He also demanded a contingent of Air Force policemen to accompany him. The people at Lockbourne patiently explained that they did not have any helicopters or policemen to lend. This did not satisfy the staff member, who proceeded to place a number of other demanding calls. Before long he was demanding things of the tactical air command post at Langley Air Force Base in Virginia. There he harassed the executive officer for the Air Force Vice Chief of Staff. At about 2:30 a.m. he awakened a Deputy Assistant Secretary of Defense at home. In what must be one of the year's great understatements, the Secretary allowed as how he was "not too thrilled" by the chance to talk to this aggressive staff man in the middle of the night. I am happy to report that when this staff man finally quit calling—at 5:55 a.m.—he still had not managed to brow-beat the military into giving him helicopters and a battery of policemen.

The fourth failing of this Commission is that its members have not demonstrated proper sensitivity to the civil rights of witnesses. Commission "hearings" frequently have resembled trials. Witnesses have been subjected to accusatory inquisitions. Commissioners have assailed reputations and rendered judgments on the basis of flimsy information and hasty investigation.

Ladies and gentlemen, when I think about these failings, I worry about the possible contents of the report the Commission will issue soon. I hope the report does not reflect these failings I have mentioned. I especially hope it avoids the five most familiar—and frankly, the dumbest—cliches about campus disorders. These cliches are familiar to us all.

The first cliche is that all the trouble can be described by the antiseptic word "dissent"—implying that riots and bombings are a form of "dissent."

The second cliche is that all the unrest is a result of "excesses" of idealism—implying that the bombers have hearts of gold.

The third cliche is that the Federal Government should "listen to" and "be more responsive to" the radicals—but this cliche does not tell us what is to be gained from "listening to" an arsonist, or how one is supposed to be "responsive to" a rioter.

The fourth cliche is that we should cure the disorders by changing our foreign policy, or cleaning up Lake Erie, or performing some other list of good deeds demanded by a violent minority. This cliche ignores the fact that to do so would amount to giving up majority rule and turning our democracy into a mobocracy dominated by adolescent minorities.

The fifth cliche about campus disorders is the tiresome statement that usually passes for fairness. This is the statement that campus violence is equally bad when done by political leftists or political rightists. The trouble with this is that it implies that violence is coming from both sides. In fact, last spring leftist elements shut down 500 universities *in one week*, and rightist elements shut down *none*.

As I have said, I hope the Commission report avoids these damaging cliches. If the report accepts the cliches, it will give a Government stamp of approval to all the muddled thinking that has influenced the most misguided university administrators in recent years.

There are raging conflagrations on our campuses. We need to douse them—and the incendiaries who are lighting them—with cold water. But the Commission report may be about to pour kerosene on the flames.

This will especially hurt the moderates on campus who are fighting today on embattled and eroding ground. They occupy the position of simply decency. They are fighting for traditional academic freedom—for the freedom of scholars to teach without political interference. They are fighting to prevent our universities from coming to resemble some Latin American universities where militant students impose their politics on every aspect of university life. In short, these moderate men and women are fighting—sometimes at risk to their own safety—for you and for me. And you and I will suffer along with them if the Commission report cuts the ground from under them.

Recently there have been some optimistic predictions that this would be a relatively quiet year on campuses. I do not know whether this hope is justified. But this much I do know. The dedicated, patient moderate men and women on campuses have been strained to the breaking point in recent years in their efforts to hold up the standards of common decency on campus. They have been attacked—sometimes physically attacked—by extremist students. They have been betrayed by weak administrators bent on appeasement. They have been distracted from their scholarly tasks. The last thing these brave and dedicated people need is a stab in the back from this Commission. And that is exactly what they will get if the Commission report justifies the violent minority which has done millions of dollars damage on campus, has forced the closing of hundreds of universities, and has violated the rights of millions of American students and scholars.

This Commission has already done damage simply by failing to be manfully indignant when radical witnesses have suggested that riots are justifiable until the Government does what radicals demand. A report that fails to express vigorous indignation about coercion from the left will amount to a stab in the back to the moderates and the majority.

If the Commission does administer this stab in the back, then we will be face to face with a grim irony. The Commission established to investigate disorder will have become a cause of disorder. This Commission was appointed by this Administration. I am a Republican; a member of the Senate leadership; and I am one of the President's most consistent supporters. Hence, I take no pleasure from noting the misadventures of this Commission. However, common sense tells me that the President himself is not solely responsible for this. He is quite properly preoccupied with the tasks of establishing peace and economic stability. He cannot personally attend to all the details of domestic policy.

So, in such matters he must rely heavily on his staff. I am convinced that responsibility for this Commission and its make-up rests heavily on the shoulders of a few of the President's senior domestic policy advisors. If so, in this matter, the President's advisors have not served him well.

In fact, if the Nation's domestic affairs are unsettled this fall by campus disorders, part of the blame will attach to the Commission on Campus Unrest, and to the President's advisors who assembled it.

One lesson to be learned from this is that people in Washington are not well placed to solve the problems on the campuses. The most important work on behalf of common sense and decency on campus can be done by people like you back in your respective states.

The way for you to begin is by facing three hard facts.

First, neither the Federal Government nor any policy or official of the Federal Government is to blame for campus problems. Nothing could be more inane than the testimony of those persons who told the Commission that the President or the Vice President is to blame. There have been major campus disorders since 1964—and at that time Mr. Nixon was practicing law in New York and Mr. Agnew was serving as Baltimore county executive. Blaming the President's or Vice President's "rhetoric" for campus riots is about as sensible as blaming Leo Durocher's "rhetoric" for the Chicago fire of 1871.

The second hard fact we must face is that the Federal Government cannot solve the problems of the campuses. With regard to private institutions such as Harvard, if the alumni do not exert their influence—and especially their financial power—on behalf of common decency, then nothing can save them. With regard to the State universities, unless the State legislatures exercise their power, the State universities are doomed.

The third hard fact we must face is that if our universities are going to be saved, they will be saved by persons such as you. The next time a school administration or faculty appeases radicals by shutting down the school, let the State legislatures cut the funding for the school accordingly. If one week of classes are suspended, let a *prorated* amount of funding be withdrawn. This will work wonders for putting backbone in university administrators. Further, when it dawns on the faculty that the State legislatures vote the funds that pay faculty salaries, the faculty will become anxious to keep classes going.

It is clear where persons such as you fit into this process. In an important sense each of you is a trustee of your State university. If each of you, and each of your friends, takes it upon yourself to talk sense to your State governments, then the State governments will talk sense to the persons who are running our precious—and expensive—universities.

If you and your legislators talk sense, then our universities will survive the kind of nonsense that has been talked by so many witnesses before the Commission, and the kind of nonsense which threatens to appear in the Commission report.

Ladies and gentlemen, I know it is very early in the day to be pondering such grave and ominous matters. But it is rather late in the life of our great universities for us—all of us—to join in defending them from their violent enemies, and from those who obscure the facts about these enemies.

All of us have a stake in the survival of these universities. And there can be no doubt that the very survival of these institutions as educational institutions is at stake. If these institutions are not to be debased; if they are not to become staging grounds for radical political agitation; then all responsible citizens must take a stand.

If you do take a stand, you can undo all the damage that has been done by the Commission on Campus Unrest, and you can make sure that no one will ever think we need another such Commission.

DIPLOMATS IN RESIDENCE

Mr. PELL. Mr. President, one of the little known, but valuable programs of the Department of State is its program of diplomats in residence at American institutions of higher education. Under this program, now in its seventh year, senior Foreign Service Officers are assigned to spend a year in residence, by invitation, at colleges and universities.

The diplomats-in-residence program, although small in scale, is, I believe, a significant and commendable effort to

improve communications and develop understanding between the Government and the academic community, including the young people attending colleges and universities.

During the 1969–70 academic year, the University of Rhode Island had the privilege of having on its campus as a diplomat in residence a very distinguished and able senior member of the Foreign Service, Mr. Harvey R. Wellman.

I know from my discussions with Mr. Wellman, and with students and faculty members, that his residency provided a significant new perspective to the university program.

Mr. Wellman has written an interesting and perceptive article on the diplomats-in-residence program based on his experiences at the University of Rhode Island, and I ask unanimous consent that the article, from the August issue of the Department of State Newsletter be printed in the RECORD.

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

DIPLOMATS-IN-RESIDENCE: BRIDGES TO THE UNIVERSITIES

(By Harvey R. Wellman)

The Foreign Service has a new challenge. It is at home rather than abroad, in the American universities. Increasingly faculties and students are becoming alienated from the national government. Dissension and frustration over United States foreign policy in Southeast Asia have led to loss of rapport with and confidence in the federal government and even to questioning the validity and viability of political institutions and processes. There is need to restore lines of communication between the government and the universities especially in the foreign policy field. There is need to restore confidence in government if representative government is to work.

The intellectual community probably does not reflect the majority view in the United States. But it is an important minority. It is the nation's chief resource for research, intellectual criticism and new ideas and new approaches to old problems. Among the seven millions of young people in the nation's colleges and universities are the future leaders of America.

The program for assigning senior Foreign Service Officers as diplomats-in-residence to American colleges and universities is only six years old. It has run parallel with the increasing unrest, protest and politization on American campuses in recent years.

It began as a modest program and has remained small. In six years 51 senior officers have gone to a total of 65 colleges and universities. In the academic year 1969–70 there were ten; in 1970–71, the seventh year, there are to be six.

Under this program, there have been diplomats-in-residence at about 3 percent of the over 2000 colleges and universities in this country. The demand for them is much greater. About 110 applications from universities are pending and unfulfilled. Most institutions which have had a resident diplomat would like to see his one year tour extended. Others which have been host to a visiting diplomat are now asking for another. In view of the need and the demand, the question arises whether the Foreign Service despite its small size and limited resources is doing enough.

The small number of total assignments does not however disclose the full influence and impact of the senior Foreign Service Officers who have been assigned under this program. A diplomat in residence at one university will have invitations to visit, speak and meet with students and faculty at other colleges and universities in the same and neighboring states. The 51 diplomats who have been resident at institutions in 35 states will probably have visited once or more times at as many as 400 colleges and universities throughout the nation. Thus the program has touched a substantial portion of the American academic community.

The diplomat-in-residence program is not the only program the Department of State is using to try to bridge the gap in communication, confidence and credibility between the government and the universities in the field of foreign policy. The scholar-diplomat seminars are a new approach which should be effective. The recent Senior college live-in was an imaginative idea. Both the government and the universities should be exploring all feasible ways to increase understanding and rapport between them. The diplomat-in-residence is only one way. But it may be one of the most effective ways.

Just because the diplomat is in residence at a university he has the time and is in a position to reestablish communication and to lay the ground for credibility on a personal basis with university students, faculty and administration. In the present atmosphere of suspicion, distrust and sometimes hostility towards a government representative, this takes time. As a temporary member of a university faculty, he has the credentials to enter faculty meetings and classrooms. Eventually he can look forward to being accepted and heard as a member of a university community as well as an official of government. Free from bureaucratic requirements on the part of either the government or the university, he has the flexibility to shape his activities to his opportunities and the needs of the situation as he views them. His availability and accessibility will be assets. And he will have many and varied opportunities.

It is difficult to generalize about the experiences of a diplomat-in-residence for each is different. It will depend upon the university of assignment. In six years these have included public and private schools, large state universities and small liberal arts colleges, religious-affiliated and secular-oriented institutions. Size, college organization, faculty orientation, curriculum, planning for future development will all affect the possibilities of the diplomat and the requests made of him.

His own interests and proclivities will also be important factors. He will have opportunities and receive requests to work with faculty committees, help develop new study programs, participate in lecture courses and seminars, meet with students individually and in groups, speak to civic, community and professional organizations, give interviews to newspapers, appear on radio and television, advise administrators and faculty on problems with government and students on careers in public service. He will have to accommodate some requests because it is expected of him whether or not he is especially interested or peculiarly qualified. But he can welcome and develop activity in areas which he prefers in which he feels he can make the maximum contribution.

The diplomat has his principal loyalty and obligation to his university of residence. From it he derives his academic status such as an adjunct professor of political science. It provides faculty privileges, office space, secretarial assistance. More important his chief opportunities will come from this primary university association.

The diplomat-in-residence at my university was sponsored by a planning committee on international studies. Intercollegiate and inter-disciplinary, the committee made the diplomat an active member and at once provided him with acqaintances and entry into various colleges and departments. It publicized his presence on campus and his foreign service experience. It arranged for an interview with pictures in the widely-read regional newspaper. From faculty on the committee came the first invitations to appear in college classes with opportunities to meet students and have discussions with them.

In my view a diplomat in residence on a university campus should remain a diplomat; he should not try to be a professor. His only special and possibly unique contribution is his Foreign Service experience. If he sticks to talking about what he has done or seen in Foreign Service, he is on safe ground. On this basis he speaks with the authority of experience or first hand observation. His participation on this basis in the university curriculum and other activities will be welcome. And on this basis he is likely to be most effective.

Classroom opportunities will most likely be in political science, history, international relations. But other possibilities are not excluded. All classes of sophomores in military science were combined for two lectures by me on foreign policy formulation and diplomacy as an instrument of national policy. I spoke on Foreign Service and on international educational exchange to a class of graduate students in education. At an upperclass course in international marketing in business administration, I described the services provided to American business and businessmen by the diplomatic and consular service.

One invitation to course participation leads to others. The request may be general, to discuss the formulation of foreign policy, the organization and functioning of the foreign affairs agencies, the operations of a diplomatic mission. The request may be more specific, to discuss areas of foreign relations or aspects of foreign policy in which the diplomat has been involved. Since my more recent Foreign Service experience has been in the NATO area including Portugal and Portuguese Africa, I often dealt with those subjects. My experience in Latin America especially with the Alliance for Progress and in Castro Cuba also evoked interest. My brief association with Adlai Stevenson at the UN also received notice. I drew on my experience in all these areas when discussing how the government operates in foreign relations and how foreign policy develops and is executed.

These classroom presentations and discussions with students gave me a chance to fill out and sometimes correct factual impressions. They also provided opportunities to come to grips with sometimes naive and often mistaken assumptions about U.S. foreign policy objectives as well as U.S. capacity to influence developments in international relations.

Invitations to course participation on one campus led to invitations from other campuses usually as the result of a faculty member recommending the diplomat to a friend or former associate or student on another campus. Upon invitation I made a dozen visits to other colleges and universities in and near Rhode Island. Two of the most productive from my viewpoint were in May 1970 when most campuses including my own were on strike over Cambodia and Kent State.

Though a diplomat-in-residence should hold himself out as a diplomat, he is for an academic year a member of a university faculty. If he has not been before in the academic world except in his youth as a student, it will be an educational experience to attend faculty meetings, to observe how a university governs itself and to study the interplay between students, faculty and administration. Faculty meeting is a good place to observe university attitudes. Fall 1969 and spring

1970 were good times to watch changing university attitudes towards the government and its handling of important foreign and domestic policy issues.

The university and especially the faculty expect that respect will be shown for academic processes and principles, and in particular academic freedom. If in addition to respect, the visiting diplomat shows genuine interest, he is repaid with cordiality and opportunities to join in and participate. After I had attended Faculty Senate meetings regularly as a most interested observer, the Senate invited me to serve on its Honors Program Committee. This brought opportunities to meet outstanding professors and honor students as well as to follow closely the honors colloquium of distinguished lectures. The diplomat-in-residence was in a position to join in selecting the subject for the 1970–71 honors colloquium—youth, politics and change—and the designation of a faculty member to coordinate the program.

The main job of the diplomat-in-residence is academic relations. He has also important and stimulating opportunities in public relations. He will have many invitations from groups of citizens with or without university associations to be a guest speaker. Invitations will come from Rotary Clubs, men's clubs, women's clubs, business and professional organizations, church groups. They will leave the topic to him and will not usually insist or expect him to deal with controversial foreign policy issues, atlhough a public forum may meet on a foreign policy issue of passionate concern and request his participation.

Generally these groups are interested in seeing what an American diplomat looks like and hearing what he has to say about his profession. He may be the first American diplomat they have met and they may have little awareness of what the Foreign Service is or does.

It is heart-warming to have a cordial welcome and earnest attention from fellow citizens who show their sincere interest by holding you for questions long after your formal remarks. These are chances to make friends for the public service. The diplomat can also strike a blow for better appreciation of the complexities of foreign relations and of the need for responsible as well as responsive foreign policies.

The principal challenge to a diplomat-in-residence is to establish communication and a measure of rapport with those faculty and students most critical of U.S. foreign policy. The number at the university seriously concerned about questions of foreign policy increased greatly after the Cambodian intervention and for the first time on many campuses including my own, included most of the hitherto silent, uninvolved moderates. But from the first the critical, activist, articulate minority included the most stimulating campus elements, the most influential instructors, the student leaders on campus who were probably most likely to become national leaders.

The diplomat-in-residence might well evaluate his effectiveness based on his success in getting across to these critical faculty members and students. Any success will not come early or easily but there is no reason why he should not achieve some success during an academic year. He need not retreat from fact or principle or accept their assumptions and conclusions to achieve it, although he will be impressed favorably by the idealism, high moral standards and probing questions he will often encounter. But he must be willing to listen, to reason objectively, to be honest and try to answer hard questions. In doing so he can change the image of what a diplomat is. He can begin to restore credibility in a representative of government on a personal basis.

Academic year 1969–70 was a tough year for diplomats-in-residence. It began with a moratorium and peace marches; it ended with campus strikes, teach-ins and a student dialogue with Congress and the voters. Yet it was a year of increased opportunities for diplomats-in-residence—opportunities to understand, opportunities to influence university attitudes.

Despite the increase of campus concern and frustration, my university regrets it will not have a diplomat-in-residence in 1970–71. Friendships with activist professors stood the strains of Cambodia and Kent State and the ensuing campus strike and kept open communications. During the strike students, including some most upset and concerned about foreign policy direction, still continued to drop by to discuss with the diplomat-in-residence careers in public including foreign service.

Despite some opposition from the extreme including strong critics of U.S. foreign policy, welcomed the presence on campus of an articulate spokesman for government and a resource for information about government as it actually operates in foreign affairs. Hopefully the continuing presence of diplomats-in-residence on American college and university campuses will help students and faculty to come to regard our government as their government rather than as "that government."

SHOCKING STATISTICS ON SHOE IMPORTS

Mr. McINTYRE. Mr. President, the shocking statistics of the shoe industry have been released for the first 7 months of this year. I regret to say that in the month of July alone 18,128,300 pairs of nonrubber footwear were imported into this country. This brings the total for the first 7 months of 151,288,200—an increase of 20.8 percent over the same period in 1969. In addition, the value of imports for the same period totaled $322,793,100—a 30-percent increase over the same period last year.

While these statistics are sadly impressive, they do not tell the whole tragic story of the shoe imports crisis. What we all must remember is that as these imports increase, hundreds of American workers every month lose their jobs, often with little hope of finding a new one.

The imports will increase and the unemployment rolls will grow until Congress takes appropriate steps to stem the flow of these cheaply made foreign goods. Hopefully, the House will act soon on the Mills bill so that we in the Senate can do our part to protect the thousands of jobs which are ultimately at stake.

Mr. President, I ask unanimous consent to have printed in the RECORD a more detailed breakdown of the import data which is provided by the New England Footwear Association.

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

IMPORTS—JANUARY–JULY 1970, LEATHER AND VINYL FOOTWEAR IMPORTS

[Millions of pairs]

	1968	1969[1]	1970	Percent change 1969/1968	Percent change 1970/1969[1]
anuary	17.9	8.8	22.3	−51.0	+153.0
February	17.0	15.9	21.2	−6.0	+33.0
March	17.2	19.8	25.2	+15.0	+27.0
April	17.0	27.1	23.1	+59.0	−15.0
May	16.2	20.7	20.6	+28.0	(2)
June	11.7	16.0	20.8	+37.0	+30.0
6 months average	(16.1)	(18.1)	(22.2)	(+12.0)	(+23.0)
July	13.2	16.8	18.1	+27.0	+8.0
7 months total	110.2	125.1	151.3	+13.5	+20.9

[1] First 4 months 1969 totals affected by dock strike.

[2] No change.

ALL MAJOR TYPES OF FOOTWEAR IMPORTS SHOW INCREASES—LEATHER AND VINYL FOOTWEAR—1ST 7 MONTHS

	Percent change, 7 months 1970/1969	Average value per pair	Estimated retail value
Men's and boys' leather	+13.4	$4.24	$13.74
Men's and boys' vinyl	+65.3	1.08	3.50
Women's and misses' leather	+26.6	3.09	10.01
Women's and misses' vinyl	+11.0	.82	2.66
Children's and infants' leather	+17.8	1.39	4.50
Children's and infants' vinyl	+10.2	.73	2.37

SOVIET MILITARY ADVANCES

Mr. THURMOND. Mr. President, year after year we have deliberated in this body about how much to cut defense spending. Strong attacks have been made on the military procurement bills of the past 2 years. We have been reducing our weapon inventories and troop strengths.

At the same time the Soviet Union has been steadily building up its own military establishment to the point where it is now stronger than the United States in many respects and in the very near future will be superior to this country in virtually every quantifiable area of military strength.

The gains made by the Soviet Union have gone largely unnoticed. A small change in the balance of power each year does not seem to alarm this country. But over a period of 20 years the small and supposedly insignificant changes have added up to a very substantial change in the balance of world military power.

Mr. President, a most illuminating article published in the August 17, 1970, issue of Armed Forces Journal spells out

in full detail how the balance of power has changed, dangerously and significantly, over the past 20 years. The article, entitled "The Soviet Union Moves Ahead: On Land, On the Sea, and In the Air," written by James D. Hessman, the magazine's senior editor, points out, for example, that—

First, on a proportionate basis the Soviet Union is spending more than three times the percentage of its gross national product on defense than is the United States;

Second, our once-formidable edge in strategic nuclear missiles has withered to nothing, and in 5 years, if present trends continue, the U.S.S.R. will have a 2-to-1 margin in this important category;

Third, the U.S. Navy is now at its lowest strength level in 20 years, while the strength of the Soviet Navy continues to grow in numbers and in quality. Moreover, only 1 percent of the U.S.S.R.'s Navy is over 20 years old, compared to 41 percent of the U.S. fleet in the 20-years-or-older category.

Fourth, the U.S. merchant marine has similarly declined from over 3,500 ships in 1949 to fewer than 1,200 now available, while the Soviet merchant fleet has grown steadily from only 432 in 1949 to 1,717 at present. The Soviets hope to have 4,300 major vessels—a tenfold increase—by 1980.

Fifth, reduction in U.S. military strength in Europe have left the number of U.S. Air Force aircraft there at less than half the number we had in Europe in 1955. U.S. Army troop strength in Europe is at its lowest level since 1951.

Mr. President, this is a most important article, not sensationalized, but conservatively written and extremely well documented. It states the cold hard facts of the changed military balance of power soberly and responsibly. I recommend it as must reading for all Senators, particularly those who want to cut defense spending even more. I ask unanimous consent that the article be printed in the RECORD.

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

THE SOVIET UNION MOVES AHEAD: ON LAND, ON THE SEA, AND IN THE AIR

(By James D. Hessman)

(NOTE.—Journal Senior Editor James Hessman recently returned from Europe where he received command and "threat" briefings at the U.S. European Command in Stuttgart, at Headquarters U.S. Army Europe in Heidelberg, at Headquarters U.S. Naval Forces Europe in London, and at the U.S. Berlin Brigade Headquarters in Berlin.

(On his trip he interviewed, among others, General James H. Polk, USA, Commander-in-Chief U.S. Army Europe; General David A. Burchinal, USAF, Deputy Commander U.S. European Command; Admiral Waldemar F. A. Wendt, USN, Commander U.S. Naval Forces Europe; BGen Harold I. Hayward, USA, Commander U.S. Berlin Brigade; and a number of European defense industry officials.

(In earlier articles in this series Mr. Hessman analyzed the quantitative and qualitative changes in the Soviet/Warsaw Pact threat over the past decade ("European Scenario: The Balance Shifts Eastward," Journal 4 July); the strengths and weaknesses of U.S. forces in Europe positioned to counter that threat ("U.S. Forces in Europe: Great Men and Great Machines . . . But Not Enough of Either"—Journal 11 July); and the growth of a now highly efficient and increasingly competitive European weapons industry ("A Booming European Defense Industry Tools Up for the Next Decade"—Journal 25 July). In the 18 July issue were complementary related articles by Journal Congressional Editor Bruce Cossaboom and Pentagon Editor Joseph Volz on, respectively, U.S. airlift and sealift capabilities and limitations.

(In this, the final article in the series, Mr. Hessman tells how the U.S. is losing the numbers game, spells out in unprecedented detail how the U.S. weapons inventory has declined precipitously in almost every quantifiable area, reports how the Soviet Union has maintained and in many areas improved its own relative military position, and analyzes the long-range strategic and political implications for the U.S.

(Except where the source is cited the tables and figures accompanying this article have been compiled by Journal staff writers and researchers from a number of unclassified sources. Except for attributed quotes, the views expressed by Mr. Hessman are his and do not necessarily in every case represent the views of the U.S. Department of Defense or the personal or official views of the U.S. military commanders interviewed by Mr. Hessman on his trip.)

Twenty-five years ago this month the United States dropped on Hiroshima the world's first atomic bomb.

At that time the U.S. had a monopoly on nuclear weapons. It also had the world's largest and most powerful Navy, Air Force (then the Army Air Corps), and merchant marine, with only the huge and combat-hardened Russian Army considered a possible match for the U.S. Army.

In the intervening quarter century the U.S. nuclear arsenal has been greatly expanded and refined, but what was then a monopoly has been reduced in gradual stages to overwhelming superiority, to marginal superiority, to "parity," and finally to the current "sufficiency." By 1975, moreover, according to present estimates used by U.S. planners, the USSR will have reversed a once-formidable U.S. advantage and will enjoy an almost two-to-one margin in strategic nuclear missiles. Whether U.S. "sufficiency" at that time will be sufficient to deter Soviet nuclear blackmail—or to convince U.S. allies to resist such blackmail—is a speculative question at best.

But it is not only in the nuclear field that the United States has lost its predominance. Over the past 25 years, and particularly in the past decade, the Soviet Union has caught up with and often surpassed the U.S. in one weapons category after another. Such changes as have occurred in the overall military equation have been gradual, almost imperceptible on a year-to-year basis, but over a quarter of a century the cumulative effect has been to alter the balance of power significantly, and most dangerously.

Item: The U.S. Navy's operational inventory of major combatant ships is now at its lowest level since 1950. In two categories (battleships and command ships) of the 13 listed (see table) the U.S. no longer has any ships in commission. In each and every one of the other 11 categories the number of ships in commission has been reduced, and in most categories significantly so. The Soviet Union, on the other hand, has built up its Navy both quantitatively and qualitatively. Directly comparable statistics on USSR naval forces are classified, but according to the NATO Information Service (in *NATO Facts and Figures, 1969*), "Russia entered WWII at the bottom of the list of major world naval powers, and now ranks second only to the United States."

Item: The Soviet merchant marine has experienced similar growth, while the U.S. merchant marine—the vital "fourth arm" of national defense—has declined drastically. According to U.S. Maritime Administration statistics, the U.S. merchant fleet has dwindled from a post-WWII (1949) total of 3,513 ships—26.0-million gross tons, over one-third the world gross tonnage—to a 31 December 1969 total of 1,937 ships—18.0-million gross tons, less than one-tenth the world gross tonnage. During the same period, the Soviet merchant fleet grew from 432 ships (1.3-million gross tons) to 1,717 ships (10.0-million gross tons). Just as significantly, the Soviet building curve is on the way up, while the U.S. new construction curve is still plummeting ever downward.

Item: U.S. Army strength in Europe, after surging to a peak of 278,000 men in June 1962, has dropped to the current 185,000 level, lower than at any time since 1952, and 42,000 lower than the previous 1952–65 low of 227,000 men in 1960. Soviet/Warsaw Pact ground forces also have been considerably reduced and streamlined, but "The mobilization of first line reserves and the movement of other reinforcements" during the early stages of mobilization, according to the authoritative London Institute for Strategic Studies (ISS—in *The Military Balance, 1969–1970*) would give the Warsaw Pact countries "a superior reinforcement capacity." The USSR, of course, long has enjoyed a huge numerical advantage in tanks—NATO tanks are generally considered more modern, however, and NATO has an estimated (by ISS) 50% advantage over the Warsaw Pact in anti-tank weapons.

Item: The inventory of U.S. aircraft in Europe has declined from a high of 1,300 in 1955 (200 bombers, 950 fighters, 150 transport aircraft) to fewer than 550 (500 fighters, fewer than 50 transports) in 1970. The worldwide U.S. intercontinental bomber force, moreover, according to various SecDef (McNamara and Laird) posture statements, has drifted steadily downward: from 697 on 1 Oct 67 to 646 on 1 Oct 68 to 581 on 1 Oct 69. The Soviet Union, meanwhile, according to Laird, has a fleet of "about 150 Bear and Bison heavy bombers and about 50 Bison tankers currently in inventory" as well as "more than 700 medium bombers and tankers."

Item: According to Defense R&E Director John S. Foster, Jr., in testimony recently released by the House Defense Appropriations Subcommittee chaired by Representative George H. Mahon (D-Tex), the Soviet Union two or three years ago passed the United States in funding of military-related research and development and is now spending "about 25%" more than the U.S.—"It may be as little as 15% or as much as 30 or 35%"—on military R&D. "If the Soviets continue to increase their effort devoted to military-related research and development and we continue our present trend," Dr. Foster told the subcommittee, "within the next two years the Soviet Union will assume technological superiority."

Grim as the present picture is, the appalling fact is that matters undoubtedly will get much worse before they can become better. Maritime Administrator Andrew Gibson, for example, has stated that from a maritime viewpoint the United States is "three or four years away from disaster" (Journal 23 August 1969). The U.S. Navy may not lose any more ships for a while, but even were a crash building program started immediately it would take years before the active duty inventory could be built up in any appreciable sense. The same is true of the Army's tank and helicopter forces and of Air Force and Navy aircraft. The U.S. helicopter industry has been particularly hard hit by cutbacks in the defense budget and unless remedial action is taken soon will have to

close down virtually all production lines (see "Helicopter Industry Faces Potentially Fatal Squeeze"—Journal 13 June).

NOT ALL GLOOM

Not all is unmitigated gloom. As is pointed out later in this article, the U.S. and its NATO allies still possess formidable military strength and are also favored by a number of intangible advantages. Most importantly, the U.S. "assured second strike" capability still is, or should be, a thoroughly credible nuclear deterrent against a massive large-scale Soviet preemptive first strike. But on 14 December 1967 the NATO Defense Ministers formally adopted the new "flexible response" strategy, and NATO defense planning apparently is now based on the belief, (articulated in *NATO Facts and Figures, 1969*), that "a massive surprise attack . . . is not the most likely way for a war to start.

"In the limited type of operation which would be a more probable form for the outbreak of hostilities," the NATO book continues, "such weapons [ICBMs] would be inflexible."

But if it is accepted that a limited or conventional war is "a more probable form for the outbreak of hostilities," it must then be asked whether the U.S. or the USSR is better prepared for such a war.

Probably no definitive answer is possible, but from the evidence available it seems clear that over the past two decades the relative military capabilities of the Soviet Union have increased at a much more rapid rate than have those of the United States. Here, fleshing out and expanding upon the information earlier presented, are additional data in various areas which must be considered in assessing the short- and long-term changes in the military balance between the two superpowers.[1]

Defense Spending: *Fortune* magazine last year published a series of articles on U.S. defense spending (Journal 16 and 23 Aug. 1969), the thrust of which was that U.S. defense spending should be reduced. *Fortune* estimated that in FY 70 the U.S. would spend $84-billion on defense, the USSR $60-billion. Excluding some $27-billion in Vietnam costs, however, the U.S. defense budget was pegged at only $57-billion, or $3-billion less than the Soviet defense budget, even by *Fortune* figures, which were definitely not weighted in favor of the U.S., *Fortune* noted, but made little of the fact, that U.S. personnel costs take over one-third of the U.S. defense budget, but less than one-sixth of the Soviet budget. Minus personnel costs, therefore, the non-SEA FY 70 U.S. defense budget (later cut back several billion dollars) amounted to less than $38-billion, the FY 70 Soviet defense budget slightly over $50-billion. This means that last year, using conservative estimates, *the Soviet Union already was spending over $12-billion more per year than the U.S. on military equipment and facilities.* Because of additional Administration and congressional cutbacks in the U.S. defense budget the FY 71 margin will be even greater.

[1] The information on which this article is based has been drawn from a variety of official and unofficial sources, as have the tables which accompany the article. For this reason, because other data is classified and/or unavailable, and because of certain inconsistencies in classification from one Service to another, there are certain inconsistencies between the article and the accompanying tables, and in one or two cases internal inconsistencies in the same table. These are pointed out where clarification is necessary and do not, it is believed, detract from the key point of the article, which is that the accumulated incremental year-to-year military gains the USSR has achieved over the past 20 years have altered the world balance of power substantially in favor of the Soviet Union.

The relative defense spending levels can be looked at another way: According to the State Department's 1970 *Fact Book of the Countries of the World* the 1968 Soviet gross national product is estimated "at the equivalent of approximately U.S. $400-billion." Accepting *Fortune* magazine's $60-billion estimate of Soviet defense spending, this means that the USSR, which can afford it much less, is nevertheless spending 15% of its gross national product on defense. The original FY 71 "rock bottom" U.S. defense budget, which has been already cut in Committee, was at the time submitted only 7.0% of the U.S. gross national product. If Vietnam war costs (classified) are excluded the FY 71 U.S. defense budget would be in the neighborhood of only about 5% of the U.S. GNP, or *about one-third the funding, on a proportionate basis, allocated by the Soviet Union to defense spending.*

Naval Forces: According to *Soviet Sea Power*, a landmark 1969 study by Georgetown University's Center for Strategic and International Studies, the Soviet surface fleet "now includes two helicopter carriers, 20 to 24 cruisers, 110 to 120 destroyers and frigates, 92 oceangoing escorts, about 150 missile-armed patrol boats, plus approximately 400 other fast patrol boats, 270 coastal escorts, 250 or more landing ships and craft, and a large assortment of mine sweepers, support and auxiliary vessels." The Soviet submarine force, for years the world's largest, is estimated (by *Jane's Fighting Ships, 1969–70*) at about 385 ships. Sixty-five are nuclear-powered, including a growing number of the Polaris-type "Y"-class boats now being built at the rate of one per month. Only 1% of the USSR's Navy ships are over 20 years old; an estimated 41% of the U.S. fleet is over 20 years of age—average age is over 16 years.

The U.S. Navy is considered superior in ASW and in its worldwide logistics and support capabilities. The U.S. Navy's attack carrier fleet also gives it a unique capability which could not be duplicated by the Soviet Union for another 15 to 20 years, if then. Then carrier force is aging, however, and funding for construction of new *Nimitz*-class nuclear carriers has been repeatedly delayed or cut back both within the Administration and on Capitol Hill.

Maritime Forces: The dwindling U.S. merchant marine is even smaller than it looks. Maritime Administrator Andrew Gibson told The Journal that, of the 1,050 ships in the National Defense Reserve Fleet, "some 700 have been identified already as scrap candidates and have not been considered available for years" (Journal 23 Aug. 1969). The burgeoning Soviet fleet, on the other hand, is still in the throes of expansion and is projected (in *Soviet Sea Power*) to more than double by 1980, at which time "the Soviets intend to have 4,300 major vessels, aggregating 27-million deadweight tons."

There is another factor: age. As of 31 December 1958, according to MarAd statistics, average age of U.S. merchant ships was 14.2 years, a shade less than the world average of 14.5 years. The average age of Soviet merchant ships was then 25.0 years, considerably above the world average. Exactly one decade later, as of 31 December 1968, average age of U.S. merchant ships was 22 years, average age of Soviet merchant ships was 10, and the world average was 13.

Of very small solace is the fact that many U.S. shipyards have been modernized in the late 1960s and U.S. shipbuilders, even during the traumatic decline of the last decade, have been foremost in imagination and innovation, leading the way in introduction and utilization of the containership, LASH (Lighter Aboard Ship), and Ro-Ro (roll-on, roll-off) shipping concepts. Such imaginativeness has not sparked much fire on Capitol Hill, however. For its own good and sufficient reasons Congress repeatedly scuttled MSTS's 30-ship Fleet Deployment Logistics (FDL) proposal, and now the Navy's substitute MPS (Multi-Purpose Ship) concept also is foundering on the legislative rocks (Journal 18 July).

SHIPBUILDERS TOOLING UP

Meanwhile, U.S. shipbuilders—who for business reasons opposed the FDL and MPS programs—have been tooling up in expectation of the shipbuilding surge promised by President Nixon in the 1968 campaign. But there's a five-year lead time from promise to performance, apparently—Edward M. Hood, President of the Shipbuilders Council of America, recently told Congress (Journal 4 July) that, even if Congress passes enabling legislation this year, shipbuilding contracts still probably could not be let until spring 1971 at the earliest, with production picking up in early 1972 and first ship deliveries in the "long-sought, long-needed, and long-awaited rejuvenation of the American merchant marine" not possible until at least 12 months beyond that.

Ground Forces: Here there is reason for cautious optimism. Tempered by the combat experience of Vietnam, the U.S. Army and U.S. Marine Corps are, man for man—an important qualification—equal to and probably better than the ground forces of any other country in the world. U.S. troops in Vietnam are better trained, better equipped and supplied, possess more accurate and more lethal firepower, and have better logistics, communications, and mobility capabilities than any other troops anywhere else in the world—including U.S. ground troops in Europe.

And it is in Europe where the crunch will come, if and when. The buildup, modernization, and upgrading of U.S. ground forces and equipment in the late 1960s for a guerrilla war in Southeast Asia resulted in some, but not overmuch, upgrading of U.S. ground forces equipment in Europe—but it was accompanied by a manpower cut. "Having the world's finest football equipment in the world is nice," one Army R&D official told The Journal, "but it won't help you too much at a baseball game."

The fact is that according to statistics provided by the Office of Army Information, the 185,000-man U.S. Army in Europe is at its lowest strength level since 1951. Official tank figures are classified, but unofficial estimates, and interpolation from Army TOE (Tables of Organization and Equipment) documents put the number of USAREUR tanks at 300 or less. Soviet/Warsaw Pact tank strength (see "Order of Battle" table) is estimated at over 40,000. The order of battle figures include large numbers of tanks assigned to units in the USSR's Far Eastern provinces, and many other still "in operational storage." Even so, it is evident that at the outbreak of any European conflict the Communists would have overwhelming superiority in both troops and armor—and there comes a time, as one U.S. commander in Europe recently told The Journal, when "numbers alone do count."

NATO is considered to have a big edge in anti-tank weapons—ISS rates the NATO margin as "50% superiority."

The Soviet Union, like the United States, has reduced its military manpower in recent years and has concentrated on fielding a more mobile and better equipped Red Army. Particular emphasis has been placed on mobility acording to *NATO Facts and Figures 1969*, "so that today armoured forces represent a high proportion of the total strength. The cross-country and river-crossing capabilities of their units have been improved, as has their night-fighting capability, and they have been equipped with heavier mobile weapons."

Air Forces: Here, again, the news is both good and bad. The extensive use of helicopters in Vietnam has vastly increased the U.S. Army's mobility and has given it a

powerful new dimension of in-theater combat capability. Despite Lockheed's financial and management problems the company has developed a truly remarkable aircraft in the C–5, which when it enters the inventory in large numbers will give the USAF an airlift capability previously unattainable. U.S. Army, Navy, Air Force, and Marine Corps aircraft and associated weapons and avionics all have been improved and upgraded because of Vietnam necessities.

But there are dangerous gaps and shortages, and there likely will be delays in development of the next generation of U.S. aircraft. The Administration and Congress, which seem creditably willing to cooperate at long last in salvaging the U.S. maritime industry, are ignoring the perilous economic plight of the U.S. helicopter industry. The F–111 and C–5 programs have been cut back, the HLH (Heavy Lift Helicopter) and LIT (Light Intra-threater Transport) programs still are in a legislative limbo, and the International Fighter program could be sabotaged by political and economic obstacles. A limited green light has been given on the USAF's B–1 (formerly) AMSA-Advanced Manned Strategic Aircraft) bomber, AWACS (Airborne Warning and Control System), and F–15 fighter programs, as well as the Navy's F–14 and USMC's V/STOL Harrier programs, but expected procurement stretchouts could mean years of delay before production aircraft enter the operational inventory in large numbers.

The Soviets have also cut their overall aircraft inventories, but have been not nearly as lackadaisical as the U.S. in accelerating the introduction of new aircraft. "Of significance," emphasizes one unclassified U.S. "threat" document, "is that, in the recent Moscow Air Show, the Soviets flew in one day more new tactical aircraft designs than the U.S. had flown in 10 years."

Also of particular significance is the fact that, while U.S. air forces have been heavily committed to SEA, the Soviet Union has appreciably improved its relative airpower position in Europe. U.S. officials told the Journal that in 1960 U.S./NATO forces had available "about 5,000" and Soviet/Warsaw Pact forces "about 4,300" aircraft of all types for immediate use in event of a conflict in Europe. The present figures are "about 2,100" U.S./NATO aircraft, and "about 4,400" Soviet/Warsaw Pact aircraft. The U.S./NATO figures, moreover, include six U.S. dual-based squadrons—in CONUS but "committed to NATO." (An important factor in the precipitous drop in the U.S./NATO aircraft inventory was the 7 March 1966 decision by French President Charles de Gaulle "to cease participation in NATO integrated military commands"—a fact which explains but in no way ameliorates the situation.)

Other Factors: The U.S. has renounced first use of chemical and biological warfare, is halting CBW research, and is destroying much of its CBW inventory. Similar humanitarian restraint has not been evidenced by the Soviets, who, according to testimony given earlier this year by former JCS Chairman General Earle G. Wheeler, USA, before the House Defense Appropriations Subcommittee, "are probably the ones who are leading the field."

The Soviets have an HLH; the U.S. does not. The Soviets have a FOBS (Fractional Orbit Bombardment System; the U.S. does not. The Soviets have an operational ABM system ("some 64 ABM–1/Galosh antiballistic missile launchers around Moscow," according to U.S. "threat" documents); the U.S. does not. And, very importantly, the Soviets now are devoting considerably more of their scarce resources to defense-related R&D than is the United States.

Finally, an extremely relevant political factor: the Soviet Union has improved its relative military strength capabilities across-the-board worldwide, but it has improved its relative military strength in Europe even more. U.S./NATO forces in Europe likely could still withstand even a massive conventional war surprise attack from the East, but perhaps only by resorting to early use of tactical nuclear weapons. No one could predict what would happen after that. This, more than one U.S. official told the Journal in recent interviews, is the most dangerous element in the changed military balance in Europe.

It may be, as many believe, that the ominous presence of the U.S. nuclear deterrent is sufficient to prevent conventional as well as nuclear war. It may also be, as some assert, that the USSR's intentions are eminently peaceful and that, still scarred by the memories of WWII, it realizes it would have far more to lose than to gain from another European conflict. Hopefully, such assertions are correct, but they fail to explain fully and adequately why the Soviet Union has devoted such a frighteningly large percentage of its GNP to defense purposes, why it has over the past decade embarked on such a large-scale across-the-board upgrading of its military forces, and why it maintains in Eastern Europe manpower and equipment far, far in excess of what it needs for purely defense purposes.

CAVEATS AND CODICILS

It would be easy, using selected bits and pieces of information currently available, to paint an even blacker picture of the current and projected U.S. military posture. But the picture would be distorted beyond all credibility, for the fact is that, in most respects, the U.S. is still the world's number one military power. What is important, and what is pointed out here, however, is that in relative terms U.S. military strength vis-a-vis the Soviet Union has been steadily declining for the past two decades while the strength of the Soviet Union—again in relative terms—has been rapidly expanding.

Ideally, any comparison of U.S. and USSR military strengths would be projected, item by item, year by year, weapons category by weapons category, on a multi-year "trend" chart replete with qualifications, caveats, and codicils.

Such information, unfortunately, is not available on an unclassified basis. Even if it were, it would be misleading. Comparisons can, will, and have to be made, of course, but still there can be no 100% valid comparison, for example, between the F–4 and the MiG–21, between the Soviet helicopter ship *Moskva* and the U.S. attack carrier *Saratoga*, between the U.S. Marine Corps and the embryonic Soviet "Naval Infantry."

There are, in addition, numerous qualitative factors which also must be taken into consideration in any assessment of the relative U.S./USSR military capabilities. In a European battle scenario, for example, the Soviet Union, operating from a contiguous land mass, would have considerable geographic advantages over the United States, which would have the added burden of maintaining, with limited means, over-extended transoceanic logistics lines in the face of a Soviet submarine fleet far more formidable than the best the Nazis had at the height of WWII. It is more likely than not, moreover, that the USSR would have the advantage of tactical surprise at the outbreak of any conflict.

Offsetting these factors are a number of others which favor the U.S., whose NATO allies, for one thing, presumably would be much more reliable comrades in arms than would be the USSR's Eastern European satellites.

Among other things, the Western powers also have:

A much stronger and more diversified industrial and economic base from which to operate.

Greater reinforcement capability based on worldwide numerical superiority in ships, aircraft, and ground strength—worldwide ground strength of the NATO countries is estimated by ISS at 3.5-million men (not including France), and Warsaw Pact strength at 2.8-million men. (Most U.S. troops are in SEA or in the CONUS base, however.)

Unity of effort—For several years the U.S. has been distracted by the Vietnam War, but withdrawal from SEA has begun, is proceeding on schedule, and likely will not be stopped, after which this country can once again concentrate much more seriously on the European scene. The Soviet Union, on the other hand, in the opinion of many experts, will be preoccupied for years to come with the continuing problem of Communist China and for that reason will have to keep large numbers of *its* troops in the Far Eastern provinces.

Technological superiority—NATO forces are considered, again by ISS, to have more capable and more versatile aircraft, more accurate weapons, more lethal ammunition, and "the logistic capability to sustain higher rates of fire." In a non-nuclear war situation, according to 1968 posture testimony by former SecDef Robert S. McNamara, NATO ("especially U.S.") aircraft are considered superior to Soviet/Warsaw Pact aircraft "by almost every measure—range, payload, ordnance effectiveness, loiter time, crew training" (see "Selected Characteristics" table).

Add to these factors a few additional intangibles, such as the combat seasoning of U.S. forces, the necessity for the Soviet Union to defend the world's longest geographic perimeter, the fact that the Soviet Navy, particularly its Baltic and Black Seas fleets, does not have full open access to the sea, and a much more balanced picture begins to take shape.

This said, however, the following pertinent facts and implications still remain crystal clear for U.S. decisionmakers—and would-be budgetcutters—to ponder:

(1) In absolute numbers the Soviet Union has improved its relative position in virtually every quantifiable area. Numerical progress has been accompanied by considerable force modernization and by the introduction of new weapons systems on a large scale.

(2) U.S. general purpose forces would be even more heavily outnumbered were it not for the temporary buildup necessitated by the war in Vietnam. As long as the SEA conflict continues, however, the war add-on will not be available for use in other theaters. But new U.S. force reductions already have started under the Vietnamization program, and when the U.S. redeployment from SEA is at or near completion a scaleback to an even lower level of 2.5-million men—or fewer—is generally expected.

(3) Congressionally-mandated cutbacks in U.S. weapons procurement over the past several years, however well-motivated, already have had an adverse effect on the U.S. defense posture. More such budget cuts are expected, although much of the more strident anti-military emotionalism so evident a year ago on Capitol Hill now seems to have dissipated.

(4) *If current trends continue, the USSR in the next several years will almost certainly achieve technological superiority over the U.S. in every militarily meaningful field.*

IS SUFFICIENCY ENOUGH?

If and when this most unwelcome event occurs the Soviet Union can be expected to take full political and psychological advantage of it. U.S. "sufficiency" might then still be sufficient to deter all-out nuclear war. But would it be sufficient to prevent further Communist adventurism in the Middle East, in Africa, in South America? Would it be sufficient to convince the nations of Western

Europe to stand fast no matter what form of politico/military blackmail is used against them?

There are now two equal, or almost equal, world superpowers. If the Soviet Union became "first among equals" would the changed equation have any effect on the thinking—and on the actions—of the men in the Kremlin or in the White House?

Such rhetorical questions are unanswerable, of course—which is not the same as saying they should not be asked. For the truth is that, in the opinion of several responsible U.S. defense leaders interviewed by The Journal, there comes a time when "numbers alone" *do* count, when there is no more fat which can be cut from the Defense budget, when U.S. Administration and congressional leaders must stand up to be counted for or against national security.

Whether that time is now—or is already past—no one knows. But there are many knowledgeable insiders who would agree with the Navy's VAdm Hyman G. Rickover, who said in recently released testimony before the Joint Atomic Energy Committee, that "the Soviets are capable of starting tomorrow the biggest war there has ever been and I am frankly not confident the outcome of such a war would be in our favor."

HISTORICAL DATA—ACTIVE FLEET FORCE LEVELS

	50	52	54	56	58	60	62	64	66	68	70
Attack carriers (including former CV/CVB and CVL)	11	19	16	15	15	14	16	15	15	15	15
ASW support carriers (including former CVE)	4	10	11	9	9	9	10	9	8	8	4
Cruisers	13	19	18	16	15	13	13	14	14	13	10
Frigates			3	5	5	7	15	25	27	31	25
Destroyers	137	243	244	245	240	219	225	200	205	209	151
Ocean escorts	10	56	57	70	71	41	68	40	42	50	47
Amphibious ships	79	189	223	139	121	113	130	133	159	157	97
Submarines	72	106	110	110	111	113	118	125	141	146	144
Battleships	1	4	4	3						1	0
Command ships				1	1	1	1	2	2	2	0
Patrol ships	33	29	22	11	12	4	2			6	15
Mine warfare	56	114	117	113	77	81	84	84	84	84	84
Auxiliaries	218	309	228	236	213	197	218	212	212	210	171
Total	634	1,098	1,113	973	890	812	900	859	909	932	743

Source: U.S. Navy Office of Information.

WORLD, UNITED STATES, AND U.S.S.R. MERCHANT FLEETS—AVERAGE AGE, SPEED, AND DRAFT

	1958			1960			1962			1964			1966			1968		
	World	United States	U.S.S.R.	World	United States	U.S.S.R.	World	United States	U.S.S.R.	World	United States	U.S.S.R.	World	United States	U.S.S.R.	World	United States	U.S.S.R.
Total:																		
Number of ships	16,966	3,061	774	17,317	2,926	873	17,861	2,733	1,002	18,115	2,529	1,227	18,423	2,278	1,343	19,361	2,071	1,634
Percent of total world fleet	100.0	18.0	4.6	100.0	16.9	5.0	100.0	15.3	5.6	100.0	14.0	6.8	100.0	12.4	7.3	100.0	10.7	8.4
Average age	14.5	14.2	25.0	13.6	15.9	18.0	13.6	17.4	15.5	13.9	19.0	14.5	17.0	21.0	12.0	13.0	22.0	10.0
Average speed	12.4	12.5	10.8	12.8	12.8	11.4	13.1	13.2	11.9	13.3	13.5	12.5	14.0	14.0	13.0	14.0	14.0	13.0
Average draft	24.9	27.9	20.7	25.1	27.9	21.1	15.2	27.9	21.4	25.5	28.1	21.9	28.0	29.0	23.0	26.0	28.0	22.0
Combination passenger-cargo:																		
Number of ships	1,275	279	72	1,254	309	73	1,213	295	71	1,124	257	79	1,054	227	67	989	195	75
Percent of total combination	100.0	21.9	5.6	100.0	24.6	5.8	100.0	24.3	5.9	100.0	22.9	7.0	100.0	21.5	6.4	100.0	19.7	7.6
Average age	18.8	14.3	31.7	18.8	16.3	27.9	18.9	18.1	24.3	19.4	19.5	23.7	21.0	22.0	22.0	20.0	23.0	18.0
Average speed	15.1	16.0	13.0	15.3	16.1	13.6	15.5	16.3	14.2	15.7	16.5	14.6	16.0	17.0	16.0	16.0	17.0	15.0
Average draft	23.1	26.1	20.2	23.1	26.0	19.7	22.7	25.8	19.5	22.4	25.6	19.2	22.0	25.0	19.0	22.0	25.0	18.0
Freighters:																		
Number of ships	11,594	2,338	575	11,512	2,138	568	11,648	1,971	587	11,686	1,846	780	11,611	1,673	895	11,868	1,511	1,103
Percent of total freighters	100.0	20.2	5.0	100.0	18.6	4.9	100.0	16.9	5.0	100.0	15.8	6.7	100.0	14.4	7.7	100.0	12.7	9.3
Average age	15.2	14.5	26.5	14.5	16.3	20.7	14.7	17.9	19.5	15.1	19.4	16.5	16.0	22.0	12.0	15.0	22.0	10.0
Average speed	12.0	11.8	10.4	12.3	12.0	10.8	12.6	12.4	11.3	12.9	12.8	12.1	13.0	13.0	13.0	14.0	14.0	13.0
Average draft	24.2	27.8	20.5	24.2	27.8	20.5	24.2	27.7	20.6	24.2	27.8	21.0	24.0	28.0	22.0	24.0	28.0	22.0
Bulk carriers:																		
Number of ships	868	41	35	1,185	57	98	15,592	71	183	1,822	65	163	2,104	59	119	2,609	53	134
Percent of bulk carrier	100.0	4.7	4.0	100.0	4.8	8.3	100.0	4.5	11.5	100.0	3.6	8.9	100.0	2.8	5.7	100.0	2.0	5.1
Average age	14.2	13.4	19.0	10.9	15.7	7.9	9.7	17.5	6.0	10.0	20.0	8.5	11.0	22.0	11.0	7.0	23.0	11.0
Average speed	11.2	12.2	10.8	11.9	12.2	11.9	12.5	12.7	12.6	12.8	13.2	12.7	13.0	14.0	12.0	14.0	14.0	12.0
Average draft	23.1	29.6	20.1	24.7	29.2	2.1	25.7	30.1	21.8	26.6	30.6	22.5	28.0	31.0	22.0	30.0	32.0	22.0
Tankers:																		
Number of ships	3,229	403	92	3,366	422	134	3,408	396	161	3,483	361	205	3,654	319	262	3,895	312	322
Percent of total tankers	100.0	12.5	2.8	100.0	12.5	4.0	100.0	11.6	4.7	100.0	10.4	5.9	100.0	8.7	7.2	100.0	8.0	8.3
Average age	10.3	12.7	12.5	9.7	13.7	8.4	9.8	14.9	8.2	10.1	16.0	8.1	11.0	18.0	8.0	11.0	19.0	8.00
Average speed	13.4	14.4	11.3	13.8	14.6	12.1	14.0	14.7	12.5	14.2	14.9	13.1	14.0	15.0	14.0	14.0	15.0	13.00
Average draft	28.5	29.5	22.6	29.1	29.5	24.4	29.4	29.8	24.7	30.1	30.5	25.6	31.0	31.0	26.0	31.0	31.0	25.00

Source: Statistics Division, Subsidy Administration Office, U.S. Maritime Administration.

UNITED STATES AND U.S.S.R. MERCHANT FLEETS, 1939-1969

Type of Vessel	1939		1949		1958[1]		1969	
	United States	U.S.S.R.	United States	U.S.S.R.	United States	U.S.S.R.	United States	U.S.S.R.
Total ships	1,379	354	3,513	432	3,061	774	1,937	1,717
Combination passenger and cargo	150	39	75	59	279	72	182	73
Combination P/C refrigerated	13		7				4	1
Freighters	736	267	2,822	322	2,296	566	1,359	999
Freighters refrigerated	29	11	47	11	42	9	39	158
Bulk carriers	67	10	73	10	41	35	48	133
Tankers (incl. whaling tankers)	384	27	489	30	403	92	305	353

[1] Data not available for 1959.

Source: Statistics Division, Subsidy Administration Office, U.S. Maritime Administration.

THE ORDER OF BATTLE—WARSAW PACT GROUND AND AIR FORCES

	1950	1955	1960	1965	1970
U.S.S.R.[1]					
Number of divisions	200	175–200	175	140	148
Inf	170				
Tk	35			50	50(40–50)
Mech				90	90(80–85)
Airb				7	7
Ground Forces strength (in thousands)	3,000	4,500	2,250	2,000	2,000 (1,800)
Number of tanks	40,000		35,000	37,650	32,150
Number of aircraft	17,300	18,500	12,600	9,700	9,700
Fighters	12,400	12,000	7,700	6,200	6,100
Bombers	3,900	4,600	3,000	1,900	1,800
Transports	1,000	1,800	1,900	1,600	1,800
Bulgaria:					
Number of divisions		11–16		11	12
Inf					
Tk				3	4
Mech				8	(3) 8
Airb					
Ground Forces strength (in thousands)	90	165–195		125	125 (130)
Number of tanks				2,000	2,000 (2,700) (3,200)
Number of aircraft	NA	420	320	320	270
Fighters	NA	300	300	300	250
Bombers	NA	100			
Transports	NA	20	20	20	20
Czechoslovakia:					
Number of divisions		12–15		14	13
Inf					
Tk				4	4
Mech				10	9 (10)
Airb					[2] 2
Ground Forces strength (in thousands)		200–250		200	175 (200,000)
Number of tanks				3,000	2,700 (3,100)
Number of aircraft	NA	770	700	650	550
Fighters	NA	700	600	550	500
Bombers	NA	20	50	50	
Transports	NA	50	50	50	50
East Germany:					
Number of divisions		6–9		6	6
Inf				(2)	
Tk				2(2)	2
Mech				4(2)	4
Airb					
Ground Forces strength (in thousands)		150		80	90(85)
Number of tanks					1,800
Number of aircraft	NA	100	220	400	350
Fighters	NA	100	200	350	300
Bombers	NA				
Transports	NA		20	50	50
Hungary:					
Number of divisions		12		6(5)	6
Inf					
Tk				1	
Mech				5(4)	2
Airb					4
Ground Forces strength (in thousands)		165–180	100	90	
Hungary—Continued					
Number of tanks				1,000	750(700)
Number of aircraft	NA	370	120	170	170
Fighters	NA	300	100	150	150
Bombers	NA	50			
Transports	NA	20	20	20	20
Poland:					
Number of divisions		20–25		14	[3] 15
Inf					
Tk				4	5
Mech				9	8
Airb				1	1
Ground Forces strength (in thousands)		450–600		215	185 (215)
Number of tanks				3,000	2,800 (3,000)
Number of aircraft	NA	820	900	800	900
Fighters	NA	700	800	700	800
Bombers	NA	100	50	50	50
Transports	NA	20	50	50	50
Rumania:					
Number of divisions		15–20		11(12)	9
Inf					
Tk				1	2
Mech				10(11)	7
Airb					
Ground Forces strength (in thousands)	200	250–300		175	170 (150)
Number of tanks					1,200 (2,000)
Number of aircraft	NA	340	390	280	320
Fighters	NA	300	350	250	300
Bombers	NA	20	20	20	
Transports	NA	20	20	10	20
Albania:[4]					
Number of divisions		2–3		[5] 6	[5] 6
Inf					5
Tk					1
Mech					
Airb					
Ground forces strength (in thousands)	50	50–60		30	30
Number of tanks					100
Number of aircraft	NA	15	75	80	80
Fighters	NA	15	75	75	75
Bombers	NA				
Transports	NA			5	5
Total—Warsaw Pact countries:					
Number of divisions	200	253–300	175	208	215
Inf	170				5
Tk	35			65	68
Mech				136	121
Airb				8	14
Ground Forces strength (in thousands)	3,340	5,930–6,235	2,250	2,925	2,865
Number of tanks	40,000		35,000	46,650	13,350
Number of aircraft	17,300	21,235	15,325	12,400	12,340
Fighters	12,400	14,415	10,125	8,575	8,475
Bombers	3,900	4,890	3,120	2,020	1,850
Transports	1,000	1,930	2,080	1,805	2,015

[1] Soviet terminology for infantry-type divisions is Motorized Rifle. All motorized rifle divisions are shown under the mechanized division title.
[2] Airborne units are brigades and not divisions.
[3] Includes one amphibious assault division.
[4] No longer a member of the Warsaw Pact.
[5] Largest military ground unit is the brigade.

Source: Various unclassified source documents on Warsaw Pact Forces. Weapons count includes tanks and aircraft in operational storage as well as those assigned to operational units. Specific breakdown in each category is classified. NA indicates figures not available. Numbers in parentheses show second estimates often cited.

SELECTED CHARACTERISTICS OF AIR FORCES

[In percent]

Primary mission capability	NATO	Warsaw Pact
Interceptors (high speed/low payload)	9	34
Multipurpose (high speed/high payload)	31	8
Attack (low speed/high payload)	24	20
Reconnaissance	7	2
Low performance (low speed/low payload)	29	36
Total	100	100
Payload index	100	35
Index of typical loiter time	100	20–40
Index of crew training	100	55

Source: Testimony of former Secretary of Defense Robert S. McNamara, Feb 16, 1968, before the House Defense Appropriations Subcommittee.

U.S. AIRCRAFT IN EUROPE

Year	Bombers	Fighters	Transports	Total
1948	150	150	300	600
1949	100	150	300	550
1950	150	200	100	450
1951	100	200	100	400
1952	100	400	100	600
1953	100	450	100	650
1954	200	700	150	1,050
1955	200	950	150	1,300
1956	200	850	200	1,250
1957	150	850	200	1,200
1958	100	900	200	1,200
1959	150	900	150	1,200
1960	150	750	150	1,050
1961	200	700	100	1,000
1962	200	800	100	1,100
1963	100	700	100	900
1964	100	650	50	800
1965		650	50	700
1966		650	50	700
1967		600	50	650
1968		500	50	550
1969		500	50	550

Note.—Figures are rounded off to the nearest 50 and include U.S. aircraft stationed in North Africa as well as in Europe. Totals were computed by multiplying the number of squadrons in each category by average squadron strengths—15 for bombers, 20 for fighters, 16 for cargo—and later cross-checked with USAF sources.

ARBITRARY ASSIGNMENTS TO SCHOOLS

Mr. ALLEN. Mr. President, I received a letter from a 12-year-old young lady in the sixth grade. She lives in Birmingham, Ala., and has been assigned to a public school under arbitrary and what I believe to be unlawful school plans imposed on the city of Birmingham and Jefferson County, Ala., school systems and other systems throughout the State of Alabama.

Mr. President, let me quote a single statement from the second paragraph of this letter:

I go to school and I don't have a teacher.

Mr. President, I defy any human being who retains a spark of human compassion to read this letter and not take offense at the cruel and arbitrary impositions of school plans which subordinate the welfare of schoolchildren and their parents to arbitrary racial ratios.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

BIRMINGHAM, ALA.,
September 1, 1970.

DEAR MR. ALLEN: I am 12 years old but I am still interested in the school situation.

I go to Going school and I don't have a teacher. I don't have 3 teachers in fact. That is mighty poor organizing. I'm not the only one though. The 6th grade are missing 3 or 4 and it is so crowded in the (sorry) first & second grades they have to have split sessions.

Now down the road about a mile is another school, not even full! Poor zoning. It's just not fair. I realize we're not only state in this condition.

It is denitely taking away the freedom that was once fought for. Next they'll be telling us where to live.

It's hard on the teachers too. (And isn't fair). For example you take an experienced lady (teacher) who has been teaching a long time at a certain place and has moved to that community to teach there. Well courts come along and say I don't care if you've taught over here for 15 years we want you over here.

And say a Negro teacher has taught over in her neighborhood and now she has to go across town to teach. By the time she reaches her school a little resentment is built up.

Think about the principals too. For the last few years he or she has tried to build up a good faculty and now integration has taken their good, experienced teachers and put colored, fresh out of college, in their place.

I use to think it might be fun to be a teacher but now the job is too insecure.

I can't learn and teachers can't teach with such confusion.

Our freedom is being taken away.

You just ask a Negro student where he'd rather be. I'll more than likely say he'd rather be back at his or her school.

Where's our freedom? It's sounds like communism Leaders telling people where they'll teach and where we go to school.

I repeat, Where is our freedom?

Sincerely,

NANCY WRIGHT.

P.S.—I may seem unimportant but I don't like to be taken away from my school.

MORTGAGE FUNDS

Mr. SPARKMAN. Mr. President, the recent enactment of the Emergency Home Finance Act should provide a tremendous boost to this country's housing market, but I fear that its true potential is not yet sufficiently known or understood. It cannot meet all of its expectations unless the public knows just what it is intended to do—how it will help those persons, predominantly middle income, who have wanted to buy homes but have been unable to get financing in today's tight money market—and how it will help those lenders who normally finance conventional mortgages.

Mortgage funds have been so scarce that lenders have been hard put to meet their obligations and so expensive that middle-income families, to all intents and purposes, have been priced out of the market. There are Federal programs to assist low-income families; the high-income groups have been able to finance their homes themselves. It is construction of housing for the vast middle sector of the population which has declined seriously—18 percent last year—while low-income housing construction increased 25 percent and homebuilding for the affluent rose by 23 percent.

The new act, designed to generate $3 to $4 billion a year in new funds for the housing market, should result in a dramatic increase in construction starts for middle-income housing. I think this act, when fully implemented, could potentially stimulate new mortgage credit amounting to $20 billion.

Before going into further details of the act, and its affect on the depressed housing industry, I want to acknowledge the assistance given to the establishment of this program by those within and outside of the Government. I make special reference to the staffs of the Banking and Currency Committees of the Senate and the House, to officials of the Federal National Mortgage Association and the Federal Home Loan Bank Board, and to John E. Horne, immediate past chairman of the Federal Home Loan Bank Board and now chairman of the board of Investors Mortgage Insurance Co., Boston. John strongly urged this program, and he gave evidence of his Government training when he appropriately advocated that the Government agencies responsible for administering this act be given the authority to set rules and regulations within broad guidelines established by Congress.

Since copies of the law, with explanatory information, are available to interested persons, I will not go into the details of the legislation. I shall discuss what I believe can be a most significant breakthrough for a huge increase in funds for housing. And I shall make brief mention of several provisions which can substantially aid the distressed housing economy.

A brandnew tool, one which in the long run could exceed in importance any other provision of the Emergency Home Finance Act of 1970, is the authority to provide a secondary market for conventional mortgages. This authority is granted to both the newly created Federal Home Loan Mortgage Corporation, under the aegis of the Federal Home Loan Bank Board, and the Federal National Mortgage Association.

Conventional loans now constitute more than 80 percent of all home mortgages, and the secondary market will assist immensely in creating new and large sources of funds to help finance long overdue and urgently needed housing construction.

In the past, Government secondary market efforts have been concentrated on mortgage loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration. Now, for the first time, there is a vehicle which can provide a stable and viable secondary market for conventional mortgages.

While there is a 10-percent limit on the amount of conventional mortgages more than 1 year old which may be purchased by FHLMC or FNMA, the potential for increased housing funds is tremendous. One- to four-family home structures under conventional mortgages make up the great bulk of mortgage debt outstanding. With this in mind, it requires no great imagination to recognize that if lenders can sell new mortgages each year and finance new homes, a great and constant source of home financing funds will have been established and the peaks and valleys that formerly plagued home financers will be avoided or considerably alleviated.

In addition to providing more money for housing, the secondary market for conventional loans should make possible more profitable operations for the loan originator, the homebuilder, the mortgage banker, the product manufacturer and, indeed, evey other segment of the homebuilding industry. It also should go far toward alleviating the recurring shortage of housing funds which we witnessed in 1966 and 1969.

The contribution made in both of those years by FNMA's secondary market operations in only FHA- and VA-backed mortgages indicates the significance of this. There is a far greater opportunity in the conventional market area because, as I have pointed out, conventional loans far exceed in dollar amounts the combined totals of FHA- and VA-backed mortgages—in fact, they now constitute 80 percent of all home loans.

We know from experience that more and more families are unable to buy housing because they cannot afford a large down payment for the home of their choice. In the past, Congress has recognized this, in part measure at least, by liberalizing the FHA and VA programs and giving the FNMA authority to conduct a secondary market for Government-backed, high-ratio loans.

The 1970 act extends this program by permitting the lenders to originate and sell in the secondary market conventional loans up to 90 percent of appraised value if one of three provisions is met, the simplest being private mortgage insurance on the amount exceeding 75 percent. This is somewhat similar to FHA insurance. Private mortgage insurance gives the original lender, as well as the eventual purchaser in the secondary market, protection for the top 15 percent of the loan in the event that the home buyer defaults.

Mortgage lenders, of course, have been permitted to issue 90 percent conventional loans in the past but, with the shortage of funds, they frequently have been reluctant to do so. The fact that

they now can sell them in the secondary market should make the high-ratio loans more attractive to them.

This 10 percent down payment provision comes at a time when the young adults of America are clamoring for housing—the demand for satisfactory shelter is at its highest level since the end of World War II and the home mortgage interest rate at its highest since the Civil War. But housing starts last year were only 1.4 million—500,000 below the estimated need—and they have fallen even lower in 1970, putting housing production in this country below that of the leaders in the advanced nations.

The new act has other features which should improve the situation, including two subsidy programs which can be of immense assistance. One authorizes Federal grants up to $250 million to the Federal Home Loan Bank Board to enable it to reduce the interest it charges its members, a move that in turn will benefit the home buyer. The other authorizes the Secretary of Housing and Urban Development to make available to FNMA and the new FHLMC up to $105 million a year for subsidy payments on certain mortgages whose interest rates exceed 7 percent. However, both of these programs have to be funded.

Another provision makes available for immediate use, at the discretion of the President, an additional $2.7 billion for the GNMA.

The act provides several forms of help to savings and loan associations, thus moving them closer to becoming full family-service institutions. The major aid is authorization to serve as trustees of Keogh funds. This should result in deposits of additional millions of dollars to be used for home financing.

The act also grants commercial banks authority to make 90 percent, 30-year housing loans. This should enhance the interest that many banks are beginning to manifest in home mortgages.

So you see, Mr. President, that we have taken a potentially valuable forward stride in this legislation, particularly by creating a secondary market for conventional loans. It may be necessary later to modify or strengthen what we have done but, at least, we have taken the first and most important step.

In brief, and as I have already indicated, the Emergency Home Finance Act of 1970 promises increased opportunities for all—home buyers, mortgage lenders, builders, and indeed the entire home-building industry.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The title of the bill was read, as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, will the Senator withhold his request until I am recognized? I shall be glad to yield for the purpose he suggests.

Mr. BYRD of West Virginia, Mr. President, the Senator will have no problem.

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

The question is on agreeing to the committee amendment. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, I strongly oppose the passage of Senate Joint Resolution 1. The purpose of my appearance this morning is to state the reason for my opposition.

I feel very strongly that reform of the present system is greatly needed and I endorse the sentiments expressed by President Johnson in his special message to Congress on January 20, 1966, that there is a great need to reform the electoral college system, although, in my humble judgment, President Johnson's recommendations did not go nearly far enough. To a degree, I also endorse the proposal of President Nixon as presented in his message to Congress on February 20, 1969, in that he made it clear that he believes that both the proportional and district election systems are preferable to the popular election plan.

A change in the constitutional method of selecting a President and a Vice President is long overdue. In an era of tension and the possibility of nuclear warfare we cannot for a moment again consider the possibility of a deadlock among the candidates for President and Vice President such as could have resulted in the past election, leaving a vacuum in national leadership and the possibility of not having a President or a Vice President for an indefinite period. We cannot for a moment permit such a situation to occur in the election to the most important leadership posts in the world.

I strongly feel the electoral vote of a State should not be arbitrarily counted as a whole in favor of the candidate for President or Vice President who receives, in that State, the highest number of individual votes. This method of selection, the winner-take-all system, successfully disenfranchises millions of U.S. citizens and denies them the right to have their votes weighed and counted in the choice of President and Vice President.

The present system of electing the President and Vice President is governed by article II, section I, and the 12th amendment to the Constitution and is still unchanged by the addition of the 23d amendment adding the District of Columbia electors. These sections provide that the President and Vice President shall be chosen by electors appointed by each State in a manner directed by its legislature, each State having the same number of electors as the total number of its Members of Congress in both Houses.

In the case of the District of Columbia, its electors would be equal to the number of those who represent the smallest State in the Union.

As to the States, this system was agreed upon by the writers of our Constitution for two basic reasons: first, the electors should actually choose the President and Vice President because of their greater knowledge of public affairs than the populace as a whole had at that time; and second, in order to protect the smaller States, each State should have two electors representing its Senators, based on its status as a State, in addition to the number of electors, representing its Members in the House of Representatives, based on its population.

In this day of much better communications and much greater understanding of public affairs by the average citizen there is no further reason or justification for continuing the presidential electors as such or the electoral college as such. Under present conditions it is much sounder to let the voters themselves express their preference for President and Vice President in a binding way rather than to delegate their power of election to other individuals.

However, it is interesting to note that the same reasons that existed at the time of the adoption of the Constitution in 1788 and at the time of the adoption of the 12th amendment in 1804 for the fixing of the number of electors of each State on the basis which included all of their representation in the U.S. Congress, that is, both Senators and Representatives, still exist in even greater degree and operate as strong arguments against the abandonment of the constitutional method of fixing the weight of each State in presidential elections. These reasons were and are:

First, the vast difference in population of the several States; and

Second, the zealous retention in the States of many elements of sovereignty.

The census of 1790 which occurred shortly after the adoption of the Constitution and the beginning of our Federal Government in 1789, showed the population of Delaware at 59,096 and of Rhode Island at 68,825. These were the two smallest of the original States. The same census of 1790 showed the population of the two largest States as follows: Virginia, 880,200; and Pennsylvania, 602,-365. Assuming that these statistics reflect accurately the relative population of the States at the time of the adoption of the Constitution, it thus appears that Virginia then had more than 14 times the population of Delaware and approximately 13 times the population of Rhode Island. Pennsylvania had more than 10 times the population of Delaware. Practically the same disparity of population

is reflected by the census of 1800, taken shortly prior to the adoption of the 12th amendment in 1804, which did not disturb the setup of the electoral college.

By the 1960 U.S. census, the population of the then largest State, New York, was 16,782,304, and the population of the second largest State, California, was 15,717,204. These largest States compared with the smallest States in 1960 are as follows: Alaska had 226,167; Nevada had 285,278. Thus, New York had more than 70 times the population of Alaska. It is clear that the disparity in population between the largest and the smallest State in 1960 was much greater than was the disparity between the largest and smallest State at the time of the adoption of the Constitution and also at the time of the adoption of the 12th amendment in 1804. As to the 1970 census on which we have only preliminary figures the disparity in population between the largest State, California, and the smallest State, Alaska, is even greater than it was in 1960.

Furthermore, I cannot believe that the Congress or the American people are any less conscious at this time than were the Founding Fathers of the necessity for preserving the full weight of the States as separate, sovereign units of government which have retained and preserved for themselves many elements of their sovereignty and which are entitled now, as they were in the early days of the Republic, to the retention of their two votes in the U.S. Senate and the counting of their two Senators with their Representatives to make up the total number of their electors to whom they are entitled in the selection of the President and Vice President. To put the presidential election solely on the basis of population or of votes cast in all 50 States and the District of Columbia would be to downgrade very greatly all of the smaller States in the Union, including each of the 35 States whose population is less than the average population of all 50 States, or about 3.9 million persons in 1970.

As just one instance of the terrific impact of popular election of the President and Vice President, and assuming that in all States the votes cast would be approximately in proportion to total population, based on preliminary 1970 census figures, I call attention to the fact that the District of Columbia—764,000—would by this method be given more weight in a presidential election than Alaska — 294,607 — and Delaware—542,979—combined, or greater weight than Wyoming — 328,591 — and Vermont—437,744—combined. The District of Columbia—764,000—would be given greater weight than any of the following 11 States: Alaska, 294,607; Delaware, 542,979; Hawaii, 748,578; Idaho, 698,215; Montana, 682,133; Nevada, 481,893; New Hampshire, 722,753; North Dakota, 610,648; South Dakota, 661,406; Vermont, 437,744; and Wyoming, 328,591.

I was glad to support the 23d amendment by which the District of Columbia was given the same weight as our smallest State in the electoral college for the election of the President and Vice President, but I am not prepared to approve this additional adventure by which the District of Columbia—which does not have any of the duties or responsibilities of sovereign statehood—would be given greater weight than any of the 11 States which I have listed and much greater power in the election of Presidents than is conferred on it now by the 23d amendment.

It is a bit amusing to contrast the proposal which we are considering today as it affects the District of Columbia with the action taken by the Senate Wednesday of this very week, 2 days ago, by which the Congress completed action on a bill giving a nonvoting delegate in the House of Representatives to the District of Columbia, thus clearly showing by such action that the Congress recognized what is a fact—that the District of Columbia is not a State and does not have State sovereignty under which it is responsible for so many laws affecting the daily lives of its citizens and the millions of transients who come here each year. And yet, today, by this constitutional amendment it is proposed that we consider the District of Columbia on exactly the same basis as each of the 50 States, greatly enlarging its power in the election of presidents and vice presidents at the same time we are downgrading the power of more than half of the States.

Sometimes in this day of constant pushing for increased centralized, Federal power, we are prone to forget that the States are still sovereign in so many fields and that by their laws they handle so many of the matters which are completely vital to all of their citizens. While the States have lost some of their jurisdiction due to Federal encroachment, the States still retain and administer most of the matters which vitally affect the lives of their average citizens such as the following:

Taxing real and personal property; operating the public schools; keeping vital statistics, such as registration of births and deaths; appointment of guardians for minors and incompetents and handling their estates; ownership and conveyancing of property; providing for the distribution of the estates of deceased persons; providing for the licensing of teachers, doctors, dentists, engineers, lawyers, and other vital professional and business persons and institutions; creating and regulating corporations and trusts; providing for the marriage and divorce of their citizens; handling most civil actions and most criminal prosecutions; enforcing law and order; taking life as a penalty for certain heinous crimes; providing, through police, firemen, inspectors and sanitary workers, for their security and that of homes and business; providing for the poor house and for hospitals for the insane, the feebleminded and the ill; controlling the highways; regulating the rates of water, power, gas and local transportation and controlling fresh water supplies.

In short, and this is not a full list of the State powers still retained, the States handle most of the important aspects of life for both their citizens and transients. None of these activities are controlled for itself by the District of Columbia—all by the National Congress. Yet, it is proposed both to give the same weight to the District of Columbia which is given to States according to population and it is also proposed to take away from the small States the equal weight which they were given by the Founding Fathers, and have always had, to represent their State and local interests, not just in the Senate of the United States, but also in the election of the President and Vice President.

I do not believe that many of the advocates of the direct election of the President and Vice President have carefully thought the matter through. I do not believe they want to downgrade the States as would be done by the adoption of the proposed direct election amendment. Particularly in the Senate, I cannot believe that the advocates of the direct election of the President and Vice President realize that the proposed action is a direct encouragement to later action toward depriving the States of their equal representation in the Senate. And I realize that that would be very, very difficult under the Constitution. We have already seen, however, that the Supreme Court is willing to override ancient, constitutional safeguards when they conflict with its philosophy as to what they feel should be the law in this 20th-century Republic. I am not willing to take this far-reaching step which so completely changes the underlying philosophy of our Republic of dual sovereignty as stated by the Founding Fathers and as practiced with relative success and public approval through 180 years of practical government of our ever-growing and ever more powerful Nation. I am unwilling to take this step which, in the selection of our highest executive officials, would radically change our Government from a representative republic to an all-out democracy.

Mr. President, it is interesting to note, as shown on the attached table, the great shift in weight of the several States if the election of the President and Vice President were by popular vote. The large States would be given increased weight and power at the expense of the smaller States as follows:

Under the popular election plan, based on 1970 preliminary census figures, and assuming that votes cast would be in proportion to population, 29 States and the District of Columbia would have a smaller voice in the election of the President and Vice President than they have under the electoral college system, six States would retain equal voice, and 15 States would gain a stronger voice.

Under the proposed popular election system, nine States, having 52.1 percent of the population, could control the election.

Under the present electoral system, 11 States, having 50.6 percent of the total electoral vote, could control the election.

As may be readily seen from the table, the loss in State weight, under the popu-

lar election system as opposed to the electoral system, is 83 percent in the case of Alaska; seven other States would lose 50 percent or more of their weight; eight other States would lose over 25 percent of their weight; and 13 other States would lose from 5.3 percent of their weight to 25 percent of their weight. I submit, Mr. President, that those Senators from those 29 States who support the popular election plan must have given little thought to the loss of weight of their respective States under the pending proposal. At this point, I ask unanimous consent that the tabulation referred to be printed in the RECORD.

The PRESIDING OFFICER (Mr. LONG). Is there objection?

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

State	Population 1970	Percent of population	Electoral vote	Percent of electoral vote	Percent of popular vote versus electoral vote: Gain	Percent of popular vote versus electoral vote: Loss	Percent of State weight: Gain	Percent of State weight: Loss
California	19,696,840	9.8	45	8.4	1.4		16.7	
New York	17,979,712	9.0	41	7.6	1.4		18.4	
Pennsylvania	11,663,301	5.8	27	5.0	.8		16.0	
Texas	10,989,123	5.5	26	4.8	.7		14.6	
Illinois	10,973,986	5.5	26	4.8	.7		14.6	
Ohio	10,542,030	5.3	25	4.7	0.6		12.8	
Michigan	8,776,873	4.4	21	3.9	.5		12.8	
New Jersey	7,091,995	3.5	17	3.2	.3		9.4	
Florida	6,671,162	3.3	17	3.2	.1		3.1	
Massachusetts	5,630,224	2.8	14	2.6	.2		7.7	
Indiana	5,143,422	2.6	13	2.4	0.2		8.3	
North Carolina	4,961,832	2.5	13	2.4	.1		4.2	
Missouri	4,636,247	2.3	12	2.2	.1		4.6	
Virginia	4,543,249	2.3	12	2.2	.1		4.6	
Georgia	4,492,038	2.2	12	2.2				
Wisconsin	4,366,766	2.2	11	2.0	.2		10.0	
Maryland	3,874,642	1.9	10	1.9				
Tennessee	3,838,777	1.9	10	1.9				
Minnesota	3,767,975	1.9	10	1.9				
Louisiana	3,564,310	1.8	10	1.9		0.1		5.3
Alabama	3,373,006	1.7	9	1.7				
Washington	3,352,892	1.7	9	1.7				
Kentucky	3,160,555	1.6	9	1.7		.1		5.9
Connecticut	2,987,950	1.5	9	1.7		.2		11.8
Iowa	2,789,893	1.4	8	1.5		.1		6.6
South Carolina	2,522,881	1.3	8	1.5		.2		13.3
Oklahoma	2,498,378	1.2	7	1.3		.1		7.7
Kansas	2,222,173	1.1	7	1.3		.2		15.4
Colorado	2,195,887	1.1	7	1.3		.2		15.4
Mississippi	2,158,872	1.1	7	1.3		.2		15.4
Oregon	2,056,171	1.0	6	1.1		.1		9.1
Arkansas	1,886,210	.9	6	1.1		.2		18.2
Arizona	1,752,122	0.9	6	1.1		0.2		18.2
West Virginia	1,701,913	.8	6	1.1		.3		27.3
Nebraska	1,468,101	.7	5	.9		.2		22.2
Utah	1,060,631	.5	4	.7		.2		28.6
New Mexico	998,257	.5	4	.7		.2		28.6
Maine	977,260	.5	4	.7		.2		28.6
Rhode Island	922,461	.5	4	.7		.2		28.6
District of Columbia	764,000	.4	3	.6		.2		33.3
Hawaii	748,578	.4	4	.7		.3		42.9
New Hampshire	722,753	.4	4	.7		.3		42.9
Idaho	698,215	.4	4	.7		.3		42.9
Montana	682,133	.3	4	.7		.4		57.1
South Dakota	661,406	.3	4	.7		.4		57.1
North Dakota	610,648	.3	3	.6		.3		50.0
Delaware	542,979	.3	3	.6		.3		50.0
Nevada	481,893	.2	3	.6		.4		66.6
Vermont	437,744	.2	3	.6		.4		66.6
Wyoming	328,591	.2	3	.6		.4		66.6
Alaska	294,607	.1	3	.6		.5		83.3
Total	200,263,721	100.0	538	100.0	7.4	7.4		

Mr. HOLLAND. Mr. President, I call attention briefly in passing to the fact that the following States are the ones which are most adversely affected by the change in the system that is proposed under Senate Joint Resolution 1.

Alaska would lose 83.3 percent of its weight.

Wyoming would lose 66.6 percent of its weight.

Vermont would lose 66.6 percent of its weight.

Nevada would lose 66.6 percent of its weight.

Delaware would lose 50 percent of its weight.

North Dakota would lose 50 percent of its weight.

South Dakota would lose 57.1 percent of its weight.

Montana would lose 57.1 percent of its weight.

Idaho would lose 42.9 percent of its weight.

New Hampshire would lose 42.9 percent of its weight.

Hawaii would lose 42.9 percent of its weight.

Rhode Island would lose 28.6 percent of its weight.

Maine would lose 28.6 percent of its weight.

New Mexico would lose 28.6 percent of its weight.

Utah would lose 28.6 percent of its weight.

Nebraska would lose 22.2 percent of its weight.

West Virginia would lose 27.3 percent of its weight.

Arizona would lose 18.2 percent of its weight.

Arkansas would lose 18.2 percent of its weight.

Oregon would lose 9.1 percent of its weight.

Mississippi would lose 15.4 percent of its weight.

Colorado would lose 15.4 percent of its weight.

Kansas would lose 15.4 percent of its weight.

Oklahoma would lose 7.7 percent of its weight.

South Carolina would lose 13.3 percent of its weight.

Iowa would lose 6.6 percent of its weight.

Connecticut would lose 11.8 percent of its weight.

Mr. President, the list shows for itself what is the situation with reference to each State in the Union. I hope that Senators will study the matter thoroughly.

I should add with respect to those States that are adversely affected that Kentucky would lose 5.9 percent of its weight and Louisiana would lose 5.3 percent of its weight.

I say again the figures in this table are based on the 1970 census, which I know is not complete, but we will never have population figures up to date but for a very short time, under our present system of decennial census. They will become out of date within a year to some extent, and much more out of date before the next decennial census.

Mr. President, if one would study the unusual weather phenomenon occurring during the period of the month of November when presidential elections occur it would be readily seen how adverse weather conditions could play a part on the fairness of direct elections, and incidentally if the proposals of the pending amendment were adopted, we should have a second election coming, let us say, in December, in which the chance of disturbance of the weight of many of the States would be even more adversely affected, because the weather conditions in December are even worse in the colder States than they are in November.

A study of the weather conditions would make it completely clear that in the event of nationwide direct election of President and Vice President, the people in one or more States might not be given their full weight in comparison to other States of the Nation due to no fault of their own. Of course, adverse weather affects voting in each State singly, and always has, but the State will still have its full electoral strength and the votes actually cast should be fairly representative of the attitude of the people of that State as a whole.

The district plan, that has been discussed and is generally referred to as the Mundt plan, where two State electoral votes are awarded for each Senator on a statewide basis and one for each separate congressional district in the State, recognizes the federal system, but it is subject to a marked degree of human and political control and manipulation by those who control the machinery of State government.

Those who favor the district plan have shown little recognition of the danger of gerrymandering congressional district lines by State legislatures in such a way as to directly affect the district vote in presidential elections. I am particularly aware of this danger because the preliminary census figures for 1970 show that in my own State—Florida—we may have to redistrict to allow for three additional Representatives, or a total of 15 Members of Congress from Florida; whereas in the State of California—now

our largest State—the legislature will probably have to redistrict to allow for five new Congressmen, or a total of 43. These two figures clearly show how heavy population shifts may be from one decennial census to another and how great the opportunity and temptation for gerrymandering in the State legislatures would become under the proposed District or Mundt plan.

Besides, under the District plan, the winner-take-all principle would still apply statewide to the two statewide electoral votes and would also apply, in each district, to the district electoral votes. Then, too, there are substantial population shifts and changes that take place between the decennial censuses for which compensation cannot be made. Many who have supported this plan in the past may now have second thoughts in the light of the decisions in the legislative apportionment cases decided by the Supreme Court which will be discussed later. This plan is still eminently preferable to the present system or that of popular election, in my opinion.

In other words, if it came to a choice—and I hope it does not come to such a choice—between the three systems—that is the presently existing system, the popular election system as proposed in Senate Joint Resolution 1, and the District or Mundt plan which I understand may be proposed as a substitute—I would certainly favor the District plan.

The proportional method of selecting the President and Vice President, as presented in the substitute to be offered by the Senator from North Carolina (Mr. ERVIN) and which I advocate, is in complete harmony with our constitutional forms. It is precise and not subject to political manipulation or human frailties. It is fair to the States, both small and large, and it gives to each and every qualified elector in every State the right to have his vote counted for his candidate for President and Vice President. I firmly believe that a State should be entitled to electoral votes and electoral weight proportionate to its total representation in Congress.

I further feel that the electoral vote of each State should be divided between candidates in the exact proportion in which the total vote of that State is cast. This is substantially the same plan that was contained in the proposed Lodge-Gossett amendment for which I was proud to cast my vote in 1950 when it was adopted in the Senate by a vote of 64 to 27. I have introduced in this Congress Senate Joint Resolution 4 which contains this substantial language:

> Each person for whom votes were cast for President in each State shall be credited with such portion of the electoral vote thereof as he received of the total vote of the electors therein for President and each person for whom votes were cast for Vice President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for Vice President. In making the computation, fractional numbers less than one-thousandth of an electoral vote shall be disregarded. The person having the greatest number of electoral votes for President shall be the President if such number be at least 40 per centum of the whole number of such electoral votes. If no person has at least 40 per centum of the whole number of electoral votes, then from the persons having the three highest number of electoral votes for President, the Senate and House of Representatives, sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.
>
> The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the Office of President shall be eligible to that of Vice President of the United States.

The adoption of this language will effect a basic, far-reaching, and necessary reform in our constitutional method for selecting a President and Vice President and provide for the retention of our federal system as a republic and will preserve the political dual identity of the States in the administration of vital matters, such as age, residence, registration, and absentee voting requirements.

I should add that I am not in favor of the Federal Government taking over the control of those vital election machinery provisions always provided by State law, and I think properly so provided, because the experience of the States differs in this very vital field.

Mr. President, the historical arguments as to why the electoral college system should be reformed have been stated and restated in the past with such power, force, and eloquence that I am reluctant to advert to them now and do not believe that it is necessary to inform and enlighten the Members of the Senate and the people on the issues. Committee hearings of both the House and Senate and the CONGRESSIONAL RECORD are replete with these arguments, which have already been stated several times during the course of this debate.

The urgent need today is to examine and weigh on the scales of judgment new evidence and new developments that have effect and influence on the issue involved.

We are familiar with the decision of the Supreme Court on March 26, 1962, in the case of Baker against Carr, commonly known as the Tennessee Legislative Reapportionment Case requiring the one-man, one-vote as applied in setting up State legislative districts. We know of the Court's decision in *Wesberry* v. *Sanders*, 376 U.S. 1, which extended the doctrine of the one-man, one-vote to the setting up of districts for the election of Members of the House of Representatives.

Since the 17th article of amendment was enacted subsequent to the 14th, it is pleasant to suppose that we Senators are safely beyond the reach of the Court. But, when one considers how far the actual election of a President and Vice President has, in fact, departed from the electoral college concept written into the Constitution by the Founding Fathers, a serious question is presented.

Mr. Arthur M. Schlesinger, in his book "Paths to the Present," describes what happened in this language:

> What demoted the electoral college from a deliberative body to a puppet show was the rise of political parties. As people began taking sides on public questions, they were unwilling to leave the crucial choice of the Chief Executive to a sort of lottery. Instead, each party publicly announced its slate of electors and the candidate they would support. This usurpation of the electors' functions, though peaceably achieved, amounted to a coup de-etat. It was an amendment of the written Constitution by the unwritten Constitution. The electors, while retaining the legal status of independence, became henceforth hardly more than men in livery taking orders from their parties.

In the opinion of many, of whom I am one, the Supreme Court of today has, in fact, acted in an extralegal and supra-constitutional manner. Acting as it has, would it not be entirely within the realm of possibility for the Supreme Court to assert its judicial power if it felt that great masses of citizens in these United States were being denied equal protection of the laws in having their vote for President and Vice President discarded because they failed to vote for the candidate or candidates that received the highest number of votes in their respective States.

In any event, it would be most appropriate for Congress and the States to implement the principle of fair and proportionate districting of areas from which public officers are to be elected by providing for the division of the electoral vote of a State in accordance with the proportionate vote for the candidates, and that is what my amendment would do, down to the thousandth point, but not beyond that point.

The trials and tribulations of the electoral college system have differed from election to election. The election of 1948 dramatically illustrated how third-party movements and splinter parties could so dilute the vote between candidates that the States' electoral vote would be cast to candidates receiving less than a majority of the popular vote. In the States of California, Florida, Indiana, Louisiana, Maryland, Michigan, New York, Ohio, Oregon, Tennessee, and Virginia where the total population vote amounted to 19,985,102, the candidate carrying the entire State electoral vote for a total of 184, received less than a majority of the popular vote. There is no way to predict what will happen in regard to the future of third and splinter parties. But historically, one thing that is certain regarding national politics is the uncertainty of what will develop.

In the 1948 election in Florida, which I have the honor to represent in part, 577,643 votes were cast. We are now casting 2 million or better. The Truman-Barkley ticket received 281,988 votes, or 49 percent of the total vote against 194,280 votes, or 33 percent of the total vote for the Dewey-Warren ticket; 89,755, or 16 percent, the total vote for the Thurmond-Wright ticket, and 11,620, or 2 percent of the total vote for the Wallace-Taylor ticket.

The Truman-Barkley ticket received all eight electoral votes, but under my resolution the total electoral vote would

have been distributed—the Truman-Barkley ticket receiving 3.9 electoral votes, the Dewey-Warren ticket receiving 2.6 of the electoral vote, the Thurmond-Wright ticket receiving 1.3 of the electoral vote and the Wallace-Taylor ticket receiving 0.2 of the electoral vote. Thus, no voting citizen would have been disenfranchised.

In 1960 the presidential election was so close that the winning candidate received 49.7 percent of the popular vote nationwide and the losing candidate 49.5. Although there was only two-tenths of 1 percent difference in the popular vote, the electoral vote was 303 to 219 in favor of the leading candidate.

In the last election of 1968, President Nixon received 43.4 percent and former Vice President Humphrey received 42.7 percent of the popular vote. Although there was only seven-tenths of 1 percent difference in the popular vote, the electoral vote was 301 to 191 in favor of President Nixon and the third party candidate received 46 electoral votes. There is obviously something wrong with a system that spells out an end result such as this when the popular vote of the two leading candidates was almost identical.

As a matter of interest, I have prepared a table showing the total electoral vote by State, the electoral vote received by each candidate in the last election, and the electoral vote each candidate would have received under the proportional system, which I advocate. And I ask that that collation be printed in the RECORD.

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

PRESIDENTIAL ELECTION RESULTS—1968

State	Total electoral vote	Electoral vote received			Percent electoral vote based on Senate Joint Resolution 4		
		Nixon	Humphrey	Wallace	Nixon	Humphrey	Wallace
Alabama	10			10	1.42	1.97	6.61
Alaska	3	3			1.34	1.30	.36
Arizona	5	5			2.76	1.78	.46
Arkansas	6			6	1.85	1.82	2.33
California	40	40			19.28	18.05	2.62
Colorado	6	6			3.05	2.50	.45
Connecticut	8		8		3.54	3.97	.49
Delaware	3	3			1.36	1.25	.49
District of Columbia	3		3		.53	2.47	
Florida	14	14			5.74	4.41	4.05
Georgia	12			12	3.62	3.23	5.15
Hawaii	4		4		1.55	2.40	.05
Idaho	4	4			2.27	1.23	.50
Illinois	26	26			12.37	11.52	2.21
Indiana	13	13			6.55	4.75	1.50
Iowa	9	9			4.80	3.69	.51
Kansas	7	7			3.83	2.46	.71
Kentucky	9	9			3.91	3.04	1.65
Louisiana	10			10	2.33	2.85	4.82
Maine	4		4		1.71	2.22	.07
Maryland	10		10		4.20	4.34	1.46
Massachusetts	14		14		4.59	8.90	.51
Michigan	21		21		8.67	10.25	2.08
Minnesota	10		10		4.15	5.40	.45
Mississippi	7			7	.97	1.60	4.43
Missouri	12	12			5.36	5.27	1.37
Montana	4	4			2.01	1.70	.29
Nebraska	5	5			2.98	1.61	0.41
Nevada	3	3			1.45	1.15	.40
New Hampshire	4	4			2.08	1.77	.15
New Jersey	17	17			7.89	7.56	1.55
New Mexico	4	4			2.08	1.60	.32
New York	43		43		19.18	21.59	2.23
North Carolina	13	12		1	5.13	3.80	4.07
North Dakota	4	4			2.24	1.54	.23
Ohio	26	26			11.75	11.16	3.09
Oklahoma	8	8			3.02	2.56	1.62
Oregon	6	6			2.99	2.65	.36
Pennsylvania	29		29		12.64	14.01	2.35
Rhode Island	4		4		1.25	2.59	.16
South Carolina	8	8			3.11	2.35	2.54
South Dakota	4	4			2.06	1.62	.32
Tennessee	11	11			4.15	3.11	3.74
Texas	25		25		9.50	9.83	5.67
Utah	4	4			2.26	1.49	.25
Vermont	3	3			1.59	1.32	.09
Virginia	12	12			5.20	3.93	2.87
Washington	9		9		4.00	4.34	.66
West Virginia	7		7		2.86	3.48	.66
Wisconsin	12	12			5.76	5.33	.91
Wyoming	3	3			1.67	1.07	.26
Total	538	301	191	46	231	226	81

Mr. HOLLAND. Another of the traditional and oft-repeated arguments against any character of electoral reform is that the South is a single party area and that the topheavy and overwhelming majorities it gives to Democratic candidates is unfair to the splits that exist elsewhere in the country. It is quite untimely to mention that point right now, Mr. President, but it has been mentioned repeatedly in the past as one of the arguments against the adoption of the proportional election system.

Further, the point was made that the one-party system created such apathy in general national elections that only a fraction of the population turned out to vote. There have been fundamental changes in the voting patterns of Southern States that eliminate completely any validity that these arguments might contain against electoral reform.

First, let us examine what has happened to the "one-party South" in the elections since electoral reform was last considered in the Senate. In the Presidential election of 1956, Alabama cast 56.5 percent of its vote for the Democratic candidate, 39.4 percent for the Republican; Arkansas, 52.5 percent Democratic, 45.8 percent Republican; Florida 42.7 percent Democratic, 57.3 percent Republican; Georgia, 66.8 percent Democratic, 32.8 percent Republican; Louisiana 39.5 percent Democratic, 53.3 percent Republican, 7.2 percent unpledged; Missssippi 49.3 percent Democratic, 24.5 percent Republican, 17.3 percent unpledged; North Carolina 50.7 percent Democratic, 49.7 percent Republican; South Carolina 45.4 percent Democratic, 25.2 Republican, 29.4 percent unpledged; Tennessee 48.6 percent Republican, 49.2 percent Democratic; Texas 44.0 percent Democratic, 55.3 percent Republican, and Virginia 38.4 percent Democratic, 55.4 percent Republican.

In the 1960 presidential election, Alabama cast 56.9 percent Democratic votes, 41.8 percent Republican; Arkansas 50.2 percent Democratic, 43.1 Republican; Florida 48.5 percent Democratic, 51.5 percent Republican; Georgia 62.6 percent Democratic, 37.4 percent Republican; Louisiana 50.4 percent Democratic, 28.6 percent Republican, 21 percent Independent; Mississippi 36.32 percent Democratic, 24.7 percent Republican, 39 percent unpledged; North Carolina, 52.1 percent Democratic, 47.9 percent Republican; South Carolina 51.2 percent Democratic, 48.8 percent Republican; Tennessee 45.8 percent Democratic, 52.9 percent Republican; Texas 50.5 percent Democratic, 48.5 percent Republican; and Virginia 47 percent Democratic and 52.4 percent Republican.

In 1964 no votes were registered in Alabama for the Democratic candidate, the Republican received 69.54 percent of the total, and the balance went to unpledged electors. In Arkansas the vote was 56.5 percent Democratic, 43.41 percent Republican; Florida 51.15 percent Democratic, 48.85 percent Republican; Georgia 45.88 percent Democratic, 54.12 percent Republican; Louisiana 43.19 percent Democratic, 56.81 percent Republican; Mississippi 12.86 percent Democratic, 87.14 percent Republican; North Carolina 56.15 percent Democratic, 43.85 percent Republican; South Carolina 41.1 percent Democratic, 58.9 percent Republican; Tennessee 55.6 percent Democratic, 44.4 percent Republican; Texas 63.46 percent Democratic, 36.54 percent Republican; and Virginia 53.82 percent Democratic, 46.18 percent Republican.

In the 1968 presidential election Alabama cast 18.6 percent Democratic votes, 14.1 percent Republican, 66 percent for the third party; Arkansas 30.3 percent Democratic, 31 percent Republican, 38.7 percent third party; Florida 39.9 percent Democratic, 40.5 percent Republican, 28.6 percent third party; Georgia 27 percent Democratic, 29.7 percent Republican, 43.3 percent third party; Louisiana 28.2 percent Democratic, 23.5 percent Republican, 48.3 percent third party; Mississippi 23 percent Democratic, 13.5 percent Republican, 63.5 percent third party; North Carolina 29.2 percent Democratic, 39.5 percent Republican, 31.3 percent third party; South Carolina 29.6 percent Democratic, 38.1 percent Republican, 32.3 percent third party; Tennessee 28.1 percent Democratic, 37.8 percent Republican, 34.1 percent third party; Texas 41.1 percent Democratic, 39.9 percent Republican, 19

percent third party; Virginia 32.5 percent Democratic, 43.4 percent Republican, 23.6 percent third party.

These percentages reflect a very healthy balance between the two major parties in Southern States existing in the last four presidential elections. In the foreseeable future there is no reason to assume that the pattern will change. In fact, there are indications that the Republican Party will continue to grow and thrive in the South. On the other side of the coin, there has been a marked change of voting habits in those States that were formerly famous for their rock-ribbed Republicanism, such as Maine, New Hampshire, and Vermont. In the 1964 election the Democratic candidate carried Maine 262,224 to 118,701. Johnson carried New Hampshire 182,065 to 104,029. He carried Vermont 107,674 to 54,868. In 1968, Humphrey carried Maine 217,312 to 169,254, while New Hampshire and Vermont were carried by President Nixon by 154,903 to 130,589 and 85,142 to 70,255, respectively. The two-party system is now very clearly a reality throughout the entire United States in presidential elections.

Competition between the parties for votes, coupled with the elimination of the poll tax as a prerequisite in voting in the election of national officers and the application of the voting rights provisions of the various civil rights acts, resulted in a marked increase in the total number of votes cast in the general elections for President and Vice President. In a few more elections, there will be no substantial difference between the percentage of the total vote cast in other areas of the United States.

As I previously stated, I can endorse, to a degree, the proposal contained in President Nixon's message of February 20, 1969. However, I cannot give carte blanche approval to his recommendations as they contain a provision for a runoff election by popular vote for the President and Vice President, between the top two candidates, in the event no presidential slate receives 40 percent or more of the electoral vote in the regular election. A similar provision is contained in the pending proposal, Senate Joint Resolution 1.

This method of electing the President and Vice President would delay materially the election of the President and Vice President and would add greatly to the cost of elections. And this provision adopts the plan for election by national popular vote, with which I am in total disagreement, in the second or run-off election. I cannot think of anything that would be more encouraging to the formation of splinter parties or third parties than this feature in the President's proposal and in Senate Joint Resolution 1. I am in total disagreement with this part of the President's program; the encouragement which this part of the program would give to third parties and splinter parties is self-evident. That third party effort might be based on genuine interest in the new program, in the new platform of a candidate, or might be fomented by one of the principal parties through an effort to get some splinter party in to cut down the vote of the other party. Regardless of how it came, the addition of splinter parties, of third parties, is deliberately encouraged in my opinion by such a program as the President's suggestion in the event there is no candidate in the first election which gets 40 percent of the total electoral weight.

I should add again, when I said earlier in my statement that such an election would add very greatly to the expense of elections, which are already too great in the opinion of most citizens, and are largely responsible, in my opinion, for the disfavor in which politics now exists in the minds of too many people, and would also bring about a great delay.

If that delay came up into December, it would bring about a throwing of the election in confused weather conditions, which would be sure to downgrade the weight of certain of the States. This would not happen in my part of the Nation, but nevertheless certain States would find themselves downgraded, if there were a popular election of Presidents in that second election as suggested by President Nixon and as provided also in the pending measure, Senate Joint Resolution 1, with the second election coming in December.

I agree, therefore, with all of the earlier portion of his suggestions. I greatly approve the fractional division of the electoral weight of each State as the preferable course to follow.

Second, I would prefer the so-called District plan, which is certainly much better than either the present program or than the popular election of Presidents. But I cannot approve the President's going to the popular election plan in the event a second election is called, and I much prefer what is provided in my own amendment and in Senator ERVIN's substitute, which would throw the matter then into the entire Congress, the House plus the Senate, with every Congressman and every Senator having a full vote in the election of the President between the three candidates who had the highest vote in the electoral weight count in the first election.

That would come as near to preserving the republican system which we have, the Federal system under which we have lived since the Constitution was adopted, as anything else, because it would still give two votes to each State, based on their statehood, based now on two Senators, and would give the vote to each district in the State based on the population of that State.

Under my proposal, Senate Joint Resolution 4, in the event no candidate for the office of President and Vice President receives 40 percent of the electoral vote, Members of the House of Representatives and Senate, sitting in joint session would choose, immediately by ballot, the President and Vice President—the majority of the votes of the combined membership of the House of Representatives and Senate being necessary for a choice. As Senators can see, should my resolution be adopted, each State will retain its full weight by population and its weight as a sovereign State unit of government as it now has under the present system, and as envisioned by our Founding Fathers in order to protect remote and underdeveloped smaller States from perpetual stepchild status.

My proposal would not be an open invitation for the formation of splinter or third-party efforts.

Former President Johnson voted in 1956 in favor of the Daniel compromise amendment which permitted States the choice between the proportional and district plan of reform. Former Presidents of the United States Truman and Eisenhower have communicated with the Senate Judiciary Committee and expressed agreement that change should be made in the method of selecting our President and Vice President.

Mr. President, there will never be a better time than the present to completely overhaul the ancient and outworn machinery now provided for the election of the President and Vice President. This is and should be an absolutely bipartisan effort. And in my judgment, no plan has yet been advanced which preserves and safeguards our Federal system, that better achieves the result of fair and democratic reform of the electoral system than does the proportional plan which I support, and which is supported also by the Senator from North Carolina (Mr. ERVIN), and will be included in the substitute amendment which he will offer.

I ask unanimous consent that the complete text of my resolution be printed in the RECORD at this point.

There being no objection, the resolution (S.J. Res. 4) was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during a term of four years, and together with the Vice President, chosen for the same term, be elected as provided in this Constitution. No person constitutionally ineligible for the office of President shall be eligible for that of Vice President of the United States.

"Each State shall be entitled to cast for President and Vice President a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. Such electoral votes shall be cast, in the manner provided by section 3 of this article, upon the basis of an election in which the people of such State shall cast their votes for President and for Vice President. The voters in each State in any such election shall have the qualifications requisite for persons voting for members of the most numerous branch of the State legislature.

"The Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin.

"SEC. 2. In such election within any State, each voter by one ballot shall cast his vote for President and his vote for Vice President. The name of any person may be placed upon any ballot for President or for Vice President only with the consent of such person.

"Within forty-five days after the election or at such time as the Congress shall direct, the official custodian of the election returns of each State shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and a separate list of all persons for whom votes were cast for Vice President. Upon each such list there shall be entered the number of votes cast for each person whose name appears thereon, and the total number of votes cast in such State for all persons whose names appear thereon.

"SEC. 3. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the electoral votes shall then be counted. Each person for whom votes were cast for President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President, and each person for whom votes were cast for Vice President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for Vice President. In making the computations, fractional numbers less than one-thousandth shall be disregarded. The person having the greatest number of electoral votes for President shall be President, if such number be at least 40 per centum of the whole number of such electoral votes. If no person has at least 40 per centum of the whole number of electoral votes, then from the persons having the three highest numbers of electoral votes for President, the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"SEC. 4. If, at the time fixed for the counting of the electoral votes as provided in section 3, the presidential candidate who would have been entitled to receive a majority of the electoral votes for President has died, the vice-presidential candidate who is entitled to receive the majority of the electoral votes for Vice President shall become President-elect.

"SEC. 5. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them, and for the case of death of both the presidential and vice-presidential candidates who, except for their death, would have been entitled to become President and Vice President.

"SEC. 6. The first, second, third, and fourth paragraphs of section 1, article II, of the Constitution, the twelfth article of amendment to the Constitution, and section 4 of the twentieth article of amendment to the Constitution, are hereby repealed.

"SEC. 7. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. HOLLAND. I thank the Chair, and in closing may I just say—and I am not saying this in disrespect to anyone, because I think that there is plenty of room for good conscientious differences in this matter, but as one who has been engaged in practical politics for a long time, during which I have also tried to remain in the constitutional field—it seems to me that it would be completely futile to suggest to the States the election of President and Vice President by popular vote.

I cannot see the 29 States, which are deprived of a part and some of them of a great part of their weight in the election of the President and Vice President supporting that particular amendment.

Certainly I think there would be well more than 12 of them, because more than 12 are hurt very seriously, are hurt in a major way, are cut down by a major percentage in their importance in the selection of President and Vice President by the popular election system, and I do not believe that practical thinking can bring the conclusion that there is a chance for the adoption of the constitutional amendment requiring election of President and Vice President by popular vote. The legislatures of the various States, to the number of 38, would have to approve that amendment to make it effective, and I cannot see any reason whatever to expect that 38 legislatures would do so.

Mr. President, it occurs to me that the record of this debate should reflect the views of some leading columnists and editorial writers of our country because they are thinking all the time about important national issues and they are thinking all the time at this particular moment about the business which is pending on the floor of the Senate.

Therefore, Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Direct Vote May Come But It Won't Be Perfect" which was published in the Miami Herald of October 7, 1969. The editorial was written by John S. Knight.

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

DIRECT VOTE MAY COME, BUT IT WON'T BE PERFECT

In the anxious early hours of Wednesday, Nov. 6, 1968, no one really knew whether the next President of the United States would be Richard M. Nixon or Hubert H. Humphrey.

For a time it appeared that the choice might have to be made by the House of Representatives, a prospect completely unacceptable to the American people.

Then came the dawn, most of the count was in and Mr. Nixon had received a majority in the Electoral College and a close lead in the popular vote.

So the nagging question was resolved, at least in the 1968 Presidential election.

But fears of what might have happened were not allayed. Demands for outright abolition of the Electoral College or adoption of badly needed election reforms were heard throughout the land.

The moderates of both parties urged studies by either a Presidential or congressional commission to determine what reforms would be possible and politically feasible.

NEXT, THE SENATE

Public opinion polls and grass root sentiment strongly favored direct election of the President by popular vote. Within recent days, the House of Representatives approved this method by a lopsided 339 to 70 vote. The question now goes to the Senate where a two-thirds approval of the proposed amendment is needed.

Should the Senate concur with the House, the amendment must then be ratified by three-fourths of the state legislatures, as required by the Constitution.

As stipulated by the House, the ratification process must be completed by Jan. 21, 1971, to make the popular vote effective for the 1972 election. It seems unlikely that the states will act in time.

But then, President Nixon, who entertained strong reservations about direct election of the Chief Executive, has now endorsed the popular vote concept and this should enhance the amendment's prospects.

NO GUARANTEES

At first blush, electing a President by popular vote appears to be fair and democratic. But the American people can be sorely disappointed if they believe that abolition of the Electoral College will automatically prevent such uncomfortable events as the night of November 6, 1968.

Had the direct popular vote system been in effect in the extremely close Nixon-Humphrey election, demands for recounts, court suits and absentee ballots might have delayed the official result for days or even weeks.

The same situation could also have occurred in 1960 when John F. Kennedy defeated Nixon by a popular vote margin even smaller than Nixon's victory over Hubert Humphrey.

Suppose, for instance, that Nixon had cried foul in Chicago and Cook County where the counting of non-existent votes from graveyards, unoccupied buildings and phony addresses is not an uncommon practice.

As it turned out, Jack Kennedy carried Illinois over Dick Nixon by a mere 8,858 votes. An honest count in Cook County might well have reversed the outcome.

Or, looking at it another way, the popular vote in 1968 could have elected Hubert Humphrey while Nixon was carrying 32 states to only 13 for Humphrey and five for George Wallace.

RECOUNTS LIKELY

It was this fear of vote domination by the larger states, notably Massachusetts and Virginia, which impelled the founding fathers to establish the Electoral College.

The small states today likewise fear that direct election of the President would see the outcome determined by our huge urban centers of population.

They would much prefer the alternative of dividing each state's popular vote in proportion to the votes received by the candidates. In Ohio, for instance, Nixon would have received 12 electoral votes, Humphrey 11 and Wallace three rather than winner take all.

Another plan calls for selection of electors in each congressional district with another two going to the winning candidate in each state.

The Wall Street Journal says that under direct election, a nationwide recount becomes a distinct possibility considering that in two of the three most recent Presidential elections, the winning margin has been less than one per cent. And, as liberal author Theodore H. White points out, if direct election had been in effect in 1960 or 1968, "vote-stealers in a dozen states would have matched crafts on the level of history; and, so slim was the margin, we might yet be

waiting for the final results of both elections."

Mr. HOLLAND. Mr. President, I have not only a long personal acquaintance with Mr. Knight but the greatest respect for his views.

The editorial reads in part as follows:

NO GUARANTEES

At first blush, electing a President by popular vote appears to be fair and democratic. But the American people can be sorely disappointed if they believe that abolition of the Electoral College will automatically prevent such uncomfortable events as the night of November 6, 1968.

Had the direct popular vote system been in effect in the extremely close Nixon-Humphrey election, demands for recounts, court suits and absentee ballots might have delayed the official result for days or even weeks.

The same situation could also have occurred in 1960 when John F. Kennedy defeated Nixon by a popular vote margin even smaller than Nixon's victory over Hubert Humphrey.

Suppose, for instance, that Nixon had cried foul in Chicago and Cook County where the counting of non-existent votes from graveyards, unoccupied buildings and phony addresses is not an uncommon practice.

As it turned out, Jack Kennedy carried Illinois over Dick Nixon by a mere 8,858 votes. An honest count in Cook County might well have reversed the outcome.

Or, looking at it another way, the popular vote in 1968 could have elected Hubert Humphrey while Nixon was carrying 32 states to only 13 for Humphrey and five for George Wallace.

RECOUNTS LIKELY

It was this fear of vote domination by the larger states, notably Massachusetts and Virginia, which impelled the founding fathers to establish the Electoral College.

The small states today likewise fear that direct election of the President would see the outcome determined by our huge urban centers of population.

They would much prefer the alternative of dividing each state's popular vote in proportion to the votes received by the candidates. In Ohio, for instance, Nixon would have received 12 electoral votes, Humphrey 11 and Wallace three rather than winner take all.

Another plan calls for selection of electors in each congressional district with another two going to the winning candidate in each state.

The Wall Street Journal says that under direct election, a nationwide recount becomes a distinct possibility considering that in two of the three most recent Presidential elections, the winning margin has been less than one per cent. And, as liberal author Theodore H. White points out; if direct election had been in effect in 1960 or 1968, "vote-stealers in a dozen states would have matched crafts on the level of history; and, so slim was the margin, we might yet be waiting for the final results of both elections."

The next column which I wish to appear in the RECORD is one written by Mr. James J. Kilpatrick on the subject of electoral reform, appearing in the Miami Herald of October 13, 1969. I ask unanimous consent that it appear in the RECORD in full as a part of my remarks.

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

A REPUBLIC IF WE CAN KEEP IT

(By James J. Kilpatrick)

WASHINGTON.—The Convention of 1787 had been at work since May. Now it was mid-September, the secret sessions ended, the task complete. Benjamin Franklin was leaving the hall when a Mrs. Powel of Philadelphia approached him.

"Well, Doctor," she asked, "what have we got, a republic or a monarchy?"

"A republic," replied the doctor. "If you can keep it."

The anecdote from McHenry's notes is known to every high school boy, but never in our history has Franklin's cryptic prophecy held greater meaning. We have indeed had a republic for 181 years. We may yet lose it to the high-riding apostles of electoral "reform."

The proposed constitutional amendment approved last month in the House is not "reform." When you reform an institution, you set out to correct its faults, but you do not abandon the institution. The House resolution is just such an abandonment. In a single stroke, this proposition would convert our republic from a federation of more or less sovereign states to a new kind of centralized democracy. The resolution ought to be rejected.

To be sure, almost everyone agrees that the present system of electing a President has faults in need of reform. There is the problem of the maverick elector, who may refuse to vote for the candidate to whom he is morally pledged. There is the problem of an election thrown into the House, where each state casts a single vote. There is the problem of winner-take-all, which sees a state's entire electoral vote cast for a candidate who may win by a mere handful of votes.

Admittedly, these are faults. Yet it is remarkable, all the same, that they have produced so few ill effects. How many individual electors have violated their implied obligation? Half a dozen, perhaps, in the whole history of our country. How often has an election been thrown to the House? Twice—the last time in 1825. Not since 1888, when Harrison claimed an electoral but not a popular victory over Cleveland, has the system operated to deny the office to a popular winner. It is not so bad a record.

Nevertheless, the perils remain. A better system can be devised by the Congress; and such a plan ought to be submitted to the states. But the House resolution is not the answer. It has new perils and pitfalls all its own.

Consider, if you please, the prospect of a national recount. No such contingency now exists. We vote by states. The most that might have to be recounted would be the popular votes of one or two closely divided states whose electoral votes might be decisive. Nothing of the sort has occurred.

If this amendment should be ratified, the pattern of past elections suggests that recounts—national recounts—would have to be provided. A clearer picture emerges if we knock off the last three zeroes. Thus Garfield beat Hancock by only ten votes, 4,454 to 4,444. Cleveland defeated Blaine 4,875 to 4,852. In 1960, depending upon how you treat the Alabama vote, Kennedy and Nixon were barely a hundred votes apart in 68,000 cast. This past November, leaving off the zeroes, it was Nixon 31,304, and Humphrey 30,994. If the newly proposed amendment had been in effect, of course the Humphrey forces would have asked for a recount.

This contingency alone moves us inescapably into the machinery of national regulation and control of elections—first of the Presidential election, then federal elections, and finally all but the most insignificant local elections. It is a small work of imagination to foresee uniform requirements as to age and residence, the forms of qualification, the printing of ballots, the appointment of judges, the procedures for challenge and recount. In very few years, none of the safeguards of state regulations would remain.

The Constitution belongs to the people. They have the right and the power, acting through their states, to convert the republic to a democracy if they want to. But it is like getting married. We ought not to embark lightly upon such a new way of life, but soberly, reverently, and with our eyes wide open.

Mr. HOLLAND. Mr. President, I shall read this part only of that column:

The Convention of 1787 had been at work since May. Now it was mid-September, the secret sessions ended, the task complete. Benjamin Franklin was leaving the hall when a Mrs. Powel of Philadelphia approached him.

"Well, Doctor," she asked, "what have we got, a republic or a monarchy?"

"A republic," replied the doctor. "If you can keep it."

The anecdote from McHenry's notes is known to every high school boy, but never in our history has Franklin's cryptic prophecy held greater meaning. We have indeed had a republic for 181 years. We may yet lose it to the high-riding apostles of electoral "reform."

The proposed constitutional amendment approved last month in the House is not "reform." When you reform an institution, you set out to correct its faults, but you do not abandon the institution. The House resolution is just such an abandonment. In a single stroke, this proposition would convert our republic from a federation of more or less sovereign states to a new kind of centralized democracy. The resolution ought to be rejected.

Mr. President, the next item I would like to have introduced into the RECORD is an editorial from the Orlando Sentinel of Orlando, Fla., of February 28, 1970. It is entitled "Abolishing Electoral College Would Be Bad for the Nation." I ask unanimous consent that it be printed in full at this point in the RECORD.

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

ABOLISHING ELECTORAL COLLEGE WOULD BE BAD FOR THE NATION

The Senate Judiciary Committee promises to act before April 24 on the constitutional amendment abolishing the Electoral College in favor of direct elections for president and vice president.

It has been sitting on the amendment for more than a year, which shows the wisdom of the committee, for picking presidents by popular vote is a bad move.

Direct popular elections would encourage the major political parties to concentrate their campaigns in large cities. This could work against the interests of the rural communities and smaller states.

Such a system would encourage the selection of nominees for the presidency from larger states or from larger ideological groupings. It would determine the relative weight of each state's vote on the basis of the number of votes cast and counted, rather than on its population.

It would jeopardize the control of the states over voting for state and local offices and constitute a blow to state power.

It would lead, almost inevitably, to irresistible pressure for national laws governing qualifications for voting, including the determination of minimum voting age and educational qualifications which currently vary from state to state.

The House approved the amendment last September by a margin of 236 votes, more than the two-thirds necessary.

The Senate is likely to follow suit unless the people notify their senators that they don't want such a radical change.

It is doubtful, however, if the legislatures of the necessary 38 states would then ratify the amendment, since the majority of the

states are small and realize they would lose influence through direct popular elections.

Few will deny the Electoral College needs improving, but a better way to do it would be to select electors in a manner similar to that for representatives and senators—one from each congressional district and two from each state at large.

Called the district method, it would provide that presidential elector candidates with a plurality in each electoral district would win, and the presidential elector candidates winning a plurality in the state would be elected. The presidential candidate receiving the vote of a majority of the electors nationwide would win.

This would improve the method of electing presidents rather than weaken it as the direct election method would do.

Mr. HOLLAND. Mr. President, I read this small portion of the editorial:

It—

Meaning this amendment—

would jeopardize the control of the states over voting for state and local offices and constitute a blow to state power.

It would lead, almost inevitably, to irresistible pressure for national laws governing qualifications for voting, including the determination of minimum voting age and educational qualifications which currently vary from state to state.

The next item which I would like to include in the RECORD is a very fine editorial entitled "A Dangerous Electoral Reform," which appeared in the Florida Times-Union of April 26 of this year. I ask unanimous consent that it appear in the RECORD at this point as a part of my remarks.

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

A DANGEROUS ELECTORAL REFORM

The wisdom of the Founding Fathers in making it extremely difficult to amend the Constitution of the United States is again vindicated by the action of the Senate Judiciary committee in voting, 11 to 6, for an amendment providing for direct, popular election of the President.

The proposal, sponsored by Sen. Birch Bayh of Indiana and supported by the liberals of both major parties, has a superficial appeal. There are some who support it because they share a widespread conviction that the present electoral system is out of date and needs reform. They accept the popular election idea as an appealing alternative.

But it is also backed by those who purposefully want to undermine the entire federal system which has survived, and worked, for nearly 200 years.

Although a similar resolution has passed the House of Representatives, it still has a long and rough road ahead. It must clear the Senate by two thirds majority. Differences between the Senate and House versions must be reconciled, and the revisions accepted by both houses.

Then begins the long haul of required ratification within seven years by three fourths of the states, or 38.

The amendment provides that in order to be elected, a candidate would have to receive at least 40 percent of the total vote. Otherwise, there would be a runoff between the two top candidates.

The proposal's next obstacle is approval by the entire Senate, far less likely than the committee vote might indicate. But the greatest obstacle of all will be the required ratification by 38 states which would seem to be an unthinkable development once the states' legislatures and voters grasp the full implications of the proposal.

It would not only wipe out the present Electoral College, which all agree is an anachronism, but it would literally wipe out any effective voice for the smaller states in significantly affecting the outcome of the election, which they now have as voting units within a federal system which preserves the basic concept of a free confederation of sovereign states.

Clearly, it would encourage, if not require, candidates for the presidency to concentrate their time, effort and money almost exclusively on winning the strongest possible popular support in the nine states which can effectively control the outcome and which in most cases have the strongest and most efficient political machines.

Contrary to the claim of the amendment's sponsors, it would undermine the two-party system and encourage the proliferation of splinter party candidates solely in the hope of denying a 40 percent plurality to any candidate.

In the case of a contest between major candidates as close as those of 1960 and 1968 in terms of popular votes, the country, and the government, could be kept on tenterhooks for weeks waiting a recheck of popular ballots to determine if a runoff would be necessary.

The crying need is to correct the faults of the present electoral system; not to destroy completely a system that in most respects has stood the test of time.

There is a plan already before Congress that would do just that, sponsored by Florida Senator Spessard Holland.

It would divide each state's electoral vote proportionately according to that state's popular vote. It is in complete harmony with the federal system; it is precise and not subject to political manipulation! it is fair to all states, large and small, and it assures that every individual vote will be counted in determining the winner.

It is the plan which every state should demand, while rejecting completely the unwise plan gaining headway in Congress.

Mr. HOLLAND. Mr. President, I read this portion of the editorial for emphasis:

It—

Meaning the pending amendment—

would not only wipe out the present Electoral College, which all agree is an anachronism, but it would literally wipe out any effective voice for the smaller states in significantly affecting the outcome of the election, which they now have as voting units within a federal system which preserves the basic concept of a free confederation of sovereign states.

Clearly, it would encourage, if not require, candidates for the presidency to concentrate their time, effort and money almost exclusively on winning the strongest possible popular support in the nine states which can effectively control the outcome and which in most cases have the strongest and most efficient political machines.

Contrary to the claim of the amendment's sponsors, it would undermine the two-party system and encourage the proliferation of splinter party candidates solely in the hope of denying a 40 percent plurality to any candidate.

In the case of a contest between major candidates as close as those of 1960 and 1968 in terms of popular votes, the country, and the government, could be kept on tenterhooks for weeks waiting a recheck of popular ballots to determine if a runoff would be necessary.

The crying need is to correct the faults of the present electoral system; not to destroy completely a system that in most respects has stood the test of time.

There is a plan already before Congress that would do just that, sponsored by Florida Senator Spessard Holland.

It would divide each state's electoral vote proportionately according to that state's popular vote. It is in complete harmony with the federal system; it is precise and not subject to political manipulation; it is fair to all states, large and small, and it assures that every individual vote will be counted in determining the winner.

It is the plan which every state should demand, while rejecting completely the unwise plan gaining headway in Congress.

The next item is another column by James J. Kilpatrick, appearing in the Florida Times Union under date of September 8 of this year, which I ask unanimous consent be included in full in the RECORD at this point.

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

DIRECT PRESIDENTIAL ELECTION: A DEEPLY RADICAL AMENDMENT

(By James J. Kilpatrick)

WASHINGTON.—The United States Senate launches itself this week into one of the most fateful debates in American constitutional history. By the end of this month—by early October at the latest—the Senate will have voted up or down a resolution proposing the direct national election of Presidents.

"I think a case can be made," Yale's Professor Charles Black has said, "for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States."

That assessment is shared by many others, both lawyers and non-lawyers, who see in the direct election proposal a fundamental alteration in the structure of American federalism. Yet the resolution has passed the House already; it reportedly commands strong popular support; and the action to be taken by the Senate has this unrecognized meaning: If the Senate approves, and the resolution goes out to the states for ratification, any further effort at electoral reform would be effectively blocked for seven years. That is the period allowed by the resolution in which three-fourths of the states must ratify or fail to ratify.

Consider, for a moment, the changes that would occur in the whole business of nomination and qualification for the ballot. Under existing law, political parties hold national conventions and nominate their presidential and vice presidential candidates. Then state parties, acting under state law, undertake to get those tickets listed on state ballots.

It is at this point that the machinery of federalism begins its delicate braking action. Major parties ordinarily have no trouble in getting their candidates on the ballot in every state. The petition process makes it more difficult for third parties. George Wallace, it will be recalled, had a terrible time in 1968 before he could get his American Independent Party qualified. When Strom Thurmond ran in 1948, he made it to the ballot in 15 states only.

The machinery of state-by-state qualification, coupled with electoral voting by states, has worked to inhibit the power of third parties.

Under the pending resolution, this machinery would be junked. No matter what its sponsors say, the direct election amendment would require (and its language so permits) that ballots be uniform throughout the United States. Nothing else would make sense. An entire new system would have to be created by which any group calling itself a political party filed the names of its candidates with a Federal Board of Elections. We could reasonably expect a Black Peoples Party, a Peace Party, a Revolutionary

Party, a Young Americans Party. I am myself a Whig, and might run. In a nation so large and so passionately diverse, a dozen "parties" surely would bid for a footnote in history.

Then what? State lines no longer would matter. We are now thinking of cumulative votes, across the nation as a whole. It requires no great work of the imagination to conceive that such an aggregation of States Righters, New Leftists, Anti-Fluoridationists and Ban-the-Bombers could drain enough votes to prevent either of the major parties from winning 40 percent of the total.

In 1968, even with the machinery of federalism working, it was Nixon 43.5 percent; Humphrey 42.8; and Wallace 13.5, with two-tenths split among Gene McCarthy, Eldridge Cleaver, a Communist named Mitchell, the Prohibitionist Munn and others. Given a similar situation, under the pending amendment, a run-off would be held between the top two—probably the first week in December—amidst wild cries of "deal" and "sell-out."

Is this what we want? Is this prospect of chaos truly better than the "obsolete" but functioning system that now exists? The questions are squarely before the Senate now.

Mr. HOLLAND. I quote from that particular column this portion:

The United States Senate launches itself this week into one of the most fateful debates in American constitutional history By the end of this month—by early October at the latest—the Senate will have voted up or down a resolution proposing the direct national election of Presidents.

"I think a case can be made," Yale's Professor Charles Black has said, "for the proposition that direct election, if it passes, will be the most deeply radical amendment which has ever entered the Constitution of the United States."

That assessment is shared by many others, both lawyers and non-lawyers, who see in the direct election proposal a fundamental alteration in the structure of American federalism. Yet the resolution has passed the House already; it reportedly commands strong popular support; and the action to be taken by the Senate has this unrecognized meaning: If the Senate approves, and the resolution goes out to the states for ratification, any further effort at electoral reform would be effectively blocked for seven years. That is the period allowed by the resolution in which three-fourths of the states must ratify or fail to ratify.

Then another portion of that column which I shall quote for emphasis reads as follows:

The machinery of state-by-state qualification, coupled with electoral voting by states, has worked to inhibit the power of third parties.

Under the pending resolution, this machinery would be junked. No matter what its sponsors say, the direct election amendment would require (and its language so permits) that ballots be uniform throughout the United States. Nothing else would make sense. An entire new system would have to be created by which any group calling itself a political party filed the names of its candidates with a Federal Board of Elections. We could reasonably expect a Black Peoples Party, a Peace Party, a Revolutionary Party, a Young Americans Party. I am myself a Whig, and might run. In a nation so large and so passionately diverse, a dozen "parties" surely would bid for a footnote in history.

Then what? State lines no longer would matter. We are now thinking of cumulative votes, across the nation as a whole. It requires no great work of the imagination to conceive that such an aggregation of States Righters, New Leftists, Anti-Fluoridationists and Ban-the-Bombers could drain enough votes to prevent either of the major parties from winning 40 percent of the total.

In 1968, even with the machinery of federalism working, it was Nixon 43.5 percent; Humphrey 42.8; and Wallace 13.5, with two-tenths split among Gene McCarthy, Eldridge Cleaver, a Communist named Mitchell, the Prohibitionist Munn and others. Given a similar situation, under the pending amendment, a run-off would be held between the top two—probably the first week in December—amidst wild cries of "deal" and "sell-out."

Is this what we want? Is this prospect of chaos truly better than the "obsolete" but functioning system that now exists? The questions are squarely before the Senate now.

The next item that I wish to place in the RECORD is written by a distinguished scholar of the South, Dr. Thurman Sensing, executive vice president, Southern States Industrial Council. In his bulletin No. 747, "Sensing the News," released October 23, 1969, Mr. Sensing discusses direct election of Presidents and Vice Presidents under a column which he entitles "Direct Election Isn't Reform." I quote from Mr. Sensing's very able treatment of this subject three short quotations.

First:

In voting to junk the Electoral College and to choose presidents by direct popular balloting, the U.S. House of Representatives struck a blow at the republican system of government created by the Founding Fathers—a system that has brought the blessing of liberty to generations of Americans.

The second quotation is as follows:

The Founding Fathers knew that tyranny may be imposed by an autocrat or dictator. They also recognized that unlimited democracy could become totalitarian democracy. John Randolph of Roanoke, the early Virginia statesman and one-time Speaker of the House, referred to totalitarian democracy as "King Numbers."

The third quotation from the statement by Dr. Sensing:

The chief damage done by direct election would be to downgrade, if not almost eliminate, the role of the states. One of the purposes of the states is to function in the choice of a President. In so doing, our constitutional system provides for a separation of powers and a barrier to the political power of the presidency over other branches of government and the people themselves. The states, after all, represent a protective line between the mammoth power of the federal government and the individual citizens. The states constitute a hedge against tyranny.

Mr. President, the next very worthwhile item which I wish to have appear in the RECORD is an article published in the Miami Herald of recent date, written by Mr. Richard Goodwin, who certainly is no ultraconservative, by any manner or means.

The title of Mr. Goodwin's rather lengthy article is "Direct Election Has Its Faults." I ask unanimous consent that the entire article be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered. Did the Senator ask that the entire Sensing letter be printed in the RECORD?

Mr. HOLLAND. I made that request in the beginning.

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

DIRECT ELECTION ISN'T REFORM

(By Thurman Sensing)

In voting to junk the Electoral College and to choose presidents by direct popular balloting, the U.S. House of Representatives struck a blow at the republican system of government created by the Founding Fathers—a system that has brought the blessing of liberty to generations of Americans.

The action of the House was not a reform but a step backward. The Founding Fathers, who wrote the U.S. Constitution, were wise men mindful of the dangers of tyranny in earlier societies. They built elaborate safeguards into the U.S. constitutional system, and the Electoral College was one of them. The Founding Fathers knew that tyranny may be imposed by an autocrat or dictator. They also recognized that unlimited democracy could become totalitarian democracy. John Randolph of Roanoke, the early Virginia statesman and one-time Speaker of the House, referred to totalitarian democracy as "King Numbers."

The American political system is a federal union, or federative republic. It is a representative system of government. Its design is not one of participatory politics, to use the favorite phrase of the New Left. The qualified voters in a state choose men to manage the affairs of government. The system works well, as the endurance of the Republic for almost 200 years makes very clear.

The House of Representatives would discard a key part of the plan devised for the operation of the Republic. It would break with the wisdom of the Founding Fathers, and grave peril will result if the direct election plan is not rejected.

Fortunately, the Constitution continues to provide safeguards against intellectual confusion. For the direct election bill to become the law of the land, two-thirds of the Senate and three-fourths of the states will have to give their assent.

No doubt the idea of direct elections has a superficial appeal to persons who have not examined the machinery of presidential elections and considered the theory behind it. Direct election would have severely hurtful consequences, as close examination of the proposal reveals.

The chief damage done by direct election would be to downgrade, if not almost eliminate, the role of the states. One of the purposes of the states is to function in the choice of a President. In so doing, our constitutional system provides for a separation of powers and a barrier to the political power of the presidency over other branches of government and the people themselves. The states, after all, represent a protective line between the mammoth power of the federal government and the individual citizens. The states constitute a hedge against tyranny.

The Electoral College system means that an incumbent President has to consult with Congress and its individual members, for he has to carry states—not win mere numbers—if he wants to be reelected. If the Electoral College is placed on the ash heap, the President will not have to be so considerate of Congress or consult with its members. He can attempt to reach over the heads of Congress to get the number total that he needs in a presidential election.

The modern history of our country shows that the Executive already is the strongest branch of government and the least restrained. Therefore, it is the branch that must be watched most closely if the American people are to retain their liberties. But the House of Representatives has acted to

add immensely to the power of the Executive Branch, thereby upsetting a careful constitutional balance.

This is not to say that some reform of the Electoral College is not in order. Strict constitutionalists in Congress have favored moderate change such as embodied in the so-called District Plan. Under the District Plan, a candidate would get one electoral vote for each congressional district he carries and two for carrying the state. The effect of this plan would be to break up the large blocs of electoral votes that now go to candidates carrying the big states. Unfortunately, the House turned down the District Plan before opting for direct election.

Tampering with the electoral system so as to upset the constitutional balance is an exercise in irresponsibility. Thoughtful citizens cannot ignore the danger of a power-hungry demagogue riding into office on the votes of unqualified voters who in big cities are herded to the polls like sheep to cast ballots on the orders of the managers of conflict organizations.

Now, more than ever, the United States needs an electoral system that preserves the vital, protective role of the states in choo - ing a President.

ELECTORAL COLLEGE: BEST WAY? DIRECT ELECTION HAS ITS FAULTS

(By Richard Goodwin)

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media are rushing to embrace a constitutional amendment which might unhinge the entire political structure.

For there is good reason to believe that direct popular election of the president may end that two party system which has helped make the United States one of the most stable and long lasting democracies in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

To make this judgment one must first separate the different issues whose casual blending has seriously obscured discussion. First, is the issue of the electoral principle itself, in which all the votes allotted to a state go to the candidate with the most popular votes.

Second is the legal right of an individual elector to defy the popular will and vote for the candidate of his personal choice.

Third is the question of what happens if no candidate receives a majority of electoral votes.

The second and third issues raise a different problem from the legitimacy of the electoral system itself; it is whether a small group of men, acting on their individual opinions and motives, should ever be allowed to select the President.

Moreover, this is not just an academic possibility. Electors have gone off on their own, and twice the House of Representatives has chosen as president a man who did not receive a plurality of popular vote. Andrew Jackson and—in a rather sordid way—Samuel Tilden were deprived of the presidency by Congress despite popular pluralities, both also received electoral pluralities.

Certainly nearly everyone will agree that the modern presidency is too important an office to be filled by private maneuvering, deals and coalitions. Still these abuses can be forestalled without touching the electoral system itself, simply by automatically counting a state's electoral votes for the popular winner and providing that a plurality of electoral votes wins.

There also could be a provision for a runoff if the leading candidate falls below a certain specified percentage.

None of this requires eliminating the electoral principle itself, which is an unrelated and far more serious matter. That principle is like many other elements of our constitutional structure. It no longer serves the purpose which the founders intended, but has assumed other important and rarely articulated functions.

This is, one must admit, the theoretical possibility that a presidential candidate could receive the most popular votes while his opponent won the most electors. Yet in almost two centuries this has happened only once—in 1888 when Grover Cleveland lost the election to Benjamin Harrison. Even then, Cleveland's popular edge was only 100,000 votes, hardly an overwhelming popular mandate.

If the system has been accurate for over 80 years, it is even more likely to work in the future. For television and other mass media operate to make an election more than ever an expression of a national mood, rather than of differences based on state lines.

Thus the direct election proposal violates the single most important rule of constitutional amendment: if something is working, don't change it. We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance.

Surely this is one of the reasons that the American Constitution has endured while more volatile republics rose and fell.

One must equally admit that it is impossible to be certain of the consequences of the projected change to direct election. Yet it is a fact that the only third parties which have lasted in this country have been those with a geographical base—those that could carry states.

The most noteworthy modern example has been the Southern Party from the Dixiecrats through George Wallace.

The others have proved transient, or have never begun, in important part because they could not hope to carry any states and would thus receive no electoral votes. (In 1948 Strom Thurmond and Henry Wallace received approximately the same popular vote but Wallace got no electoral votes to Thurmond's 39. The Southern Party is still with us and the Progressive passed away).

Many of those who were tempted by third party movements—and I know this from personal experience in 1968—have been discouraged by the knowledge that their activities would only help swing a state's electoral votes to that candidate who was ideologically furthest from them.

Such a party might bargain with one of the major parties in return for an endorsement or offer to withdraw in the course of a campaign in return for endorsement. They might also run candidates in the hope of forcing a runoff election in which their votes will be eagerly and profitably sought. Based on our historical experience this could prove an extremely fruitful course.

Fifteen of our presidents have been elected with less than a majority of the popular votes. Therefore in almost half of our elections, a third party, at least theoretically, could have held the balance of power. Two of our last three elections have been virtual popular ties.

The experience of some of our largest states demonstrates that this is more than a theoretical possibility. We now have four parties in New York State, with both Liberal and Conservative Parties exercising influence far out of proportion to their strength. Nor is California a stranger to third party politics.

Had direct election been in effect last year we probably would have had an anti-war party (and I would have joined). The possibilities for the future are limitless. Direct election may well bring us a Farmer's Party, a Senior Citizens Party, a Black Party and other groups coalescing around common interest and belief.

The possibility of multiparty activity is as much a matter of the psychology of presidential politics as of pure reason. Which is probably why it is so little discussed. For relatively few of those involved have had direct experience in presidential campaigns.

Yet I believe that our history combines with modern experience to demonstrate that the inability to receive any electoral votes has been a powerful deterrent to third and fourth and fifth party movements. If this is so, then direct election could not come at a worse time—when the tendency to political fragmentation and ideological division is reaching new heights. In any event this, to me, is the central issue of reform and deserves the most serious and extended consideration.

It will always, of course, be possible for a new major party to emerge, which may well happen in 1972 for the first time since the 1850s.

Other objections to direct election have been rather fully discussed. Nor is there any great principle involved in the speculation that this might increase the importance of small states. However, purely as a matter of interest, I believe those who anticipate such a consequence will be seriously disappointed.

Most presidential campaigns are directed at a "swing vote" of about 10–20 per cent of the electorate. Any candidate in search of those votes will have to focus his money and efforts on the large states. For that is where the people are, and where the most volatile vote is to be found.

In 1968 about half the total vote for the two major candidates came from just seven states. A change of less than 1½ per cent in these states would have canceled out Nixon's entire southern margin over Humphrey. No political strategist could wisely advise a candidate to take the slightest risk in the big states. (Although it is too complicated to discuss here the changing economics of media buying will intensify this tendency) thus, if direct election passes, the proponents of the "New Federalism" will preside over the dissolution of one of the few remaining levers which less populated sections have on national politics. This may be a healthy thing, but it always helps to be clear about what you are doing when you change the Constitution.

The Electoral College has not only faithfully reflected the popular will, it has usually strengthened it by giving a candidate with a narrow popular margin a far larger electoral mandate. Against this historical argument that the electoral system offends the theoretical democratic principle of "one man, one vote." This is certainly so, at least in abstract possibility.

We must remember, however, that this is not the uniform principle of our government. The Supreme Court, with its power to overrule president and Congress, is responsible to no electorate. And its insulation from popular will has helped strengthen it to protect popular liberties.

A senator elected by a few hundred thousand votes in Idaho has as much power over national affairs as a man selected by several million citizens of New York. Yet the Senate has often been a more liberal and principle body than the House of Representatives.

Men like the secretary of defense, whose power over our lives far exceeds that of most of our earlier presidents, are appointed and removed by one man. Our national government is not a pure democracy. Nor does anyone suggest it should be; moreover, none of our institutions of government acts exactly as the founding fathers expected. Yet

they have managed to evolve some kind of enduring and relatively fruitful harmony.

The system is not perfect, and I believe we need some fundamental changes. But when we are asked to change an institution as basic as the Electoral College the only relevant questions are practical ones. How is it working? What are its functions? What will be the consequences of change?

To act on the basis of rhetoric about pure democracy may have threatening consequences for the future of our actual democracy, and is a spirit foreign to the Constitution itself.

For all the influence of mass media and fast planes, we are still a continent, sheltering diverse peoples with different ways of living. The electoral College has been one of the institutions tending to strengthen the curious, irrational and frustrating political system which has held us together.

Before embarking on the irrevocable course of abolition we should be sure that we understand and are willing to risk the possible results.

Mr. HOLLAND. The item by Mr. Richard Goodwin contains many nuggets which I should like to quote, but I shall read only two of them, for the point of emphasis. The first quotation is as follows:

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media are rushing to embrace a constitutional amendment which might unhinge the entire political structure.

For there is good reason to believe that direct popular election of the president may end that two party system which has helped make the United States one of the most stable and long lasting democracies in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

Mr. President, I inject this comment of my own: I think there is nothing more truly serious in this debate at this time than the thought advanced in the quoted part of Mr. Goodwin's article that the very continued existence of the two-party system in this Nation is seriously jeopardized by this amendment, and that the existence of many parties is almost guaranteed. When we look at what has happened in some of the other free nations of the world which have many parties, and realize how unstable their governments have been, I think we would all want to be very careful, in considering this amendment, to consider that feature of the results which might and which I believe would flow from it.

My second quotation from Mr. Goodwin's thoughtful article reads as follows:

Thus the direct election proposal violates the single most important rule of constitutional amendment: if something is working, don't change it. We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance.

Mr. President, I believe the Senate would do well to heed that stop, look, and listen statement by Mr. Goodwin.

The next item which I should like to have included in the RECORD appeared in the Washington Post this morning, being a column by Mr. Kevin P. Phillips, who but a short while ago was one of the assistants in the White House. The title of his article is "Electoral College Politics," and I ask unanimous consent that it be printed in the RECORD at this point.

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

ELECTORAL COLLEGE POLITICS

(By Kevin P. Phillips)

The Senate has begun debate on an amendment to the U.S. Constitution that would abolish the Electoral College method of choosing a President in favor of direct, nationwide popular election.

Two-thirds support will be necessary to push this change through the Senate, and a close fight is expected. The balance of power is generally thought to rest with an undecided bloc of Farm Belt Republicans (Dole, Pearson, Young, and Miller), small-state Northeastern Republicans (Prouty, Cotton, Boggs, and Williams), Southern Democrats (Spong, Byrd, Fulbright, Hollings and Long) and Rocky Mountain Democrats (Cannon, McGee, Moss, and Anderson).

Such indecision is surprising because the amendment in question, pushed by the Senate's leading liberals, would operate to reduce the national political muscle of the more conservative South, Farm Belt, Rocky Mountains, and other lightly populated states. The detriment to these areas can be measured in three ways: (1) diminished local power in Presidential elections; (2) reduced representation and influence in both parties; and (3) decreased local orientation of national party platforms and administration.

To illustrate the Southern and Western loss of power, consider that in 1968 (per the 1960 census), Connecticut, Oklahoma, and South Carolina each enjoyed 8 electoral votes, but in terms of popular vote, Connecticut sent 1.26 million to the polls in 1968, Oklahome 943,000, and South Carolina only 667,000.

Secondly, the change to direct election would greatly affect the regional distribution of power within the two parties, especially at presidential conventions.

Delegates are now apportioned to states on the basis of Electoral College strength, with bonuses for partisan performance. Abolition of the Electoral College would presumably shift delegate apportionment to a system based either on total vote cast in the prior election or total vote cast for the party's nominee.

In the Democratic Party, such a change, which may come regardless as "reform," would greatly weaken moderate-to-conservative influence. The South, Plains, and Rocky Mountains had 30 per cent of the 1968 delegates, but cast only 20 per cent of Humphrey's vote, whereas the liberal big-city states of Massachusetts, New York, Pennsylvania, Michigan, California and Ohio had only 28 per cent of the delegates but cast 43 per cent of Humphrey's November ballots.

A delegate reapportionment of this magnitude would put the Democratic Party in the hands of left-liberals whose stance would injure party candidates in the South, Border, Plains, and Rocky Mountains. (Direct election would also promote this liberal bias by dispelling Democratic electoral vote concern with eking out three-way pluralities in Texas, say, or Missouri or Georgia.)

If electoral reform shifts the Democrats to the left, pushing conservatives and Wallaceites into the GOP, the Republicans would probably remain conservative-oriented. However, if Electoral College abandonment were to cause GOP delegates to be apportioned by votes cast for the last party Presidential candidate, this would sharply reduce the convention power of the low turnout and now bonus-weighted South, Plains, and Rocky Mountains.

Under present idealogical circumstances, now that American politics is no longer divided by the Civil War, the Electoral College favors a Republican coalition based in the South Midwest, West, and small states. GOP Senators from these areas would be foolish to abandon a system that has a built-in bias toward such a coalition in favor of one which, at best, sacrifices these regional advantages.

For these reasons, Southern, Farm Belt, Rocky Mountain, and other small states have good reason to oppose abolition of the Electoral College, and if such a constitutional amendment passes the Senate, it will probably not be ratified by the states.

Mr. HOLLAND. Mr. President, without attempting to quote more than a small portion of Mr. Phillips' article, I do want to call attention to two parts.

After mentioning that he hears that there is indecision on the part of some of the farm belt Senators and some of the Senators from small States on the question of support of or opposition to this amendment, he proceeds with this paragraph:

Such indecision is surprising because the amendment in question, pushed by the Senate's leading liberals would operate to reduce the national political muscle of the more conservative South, Farm Belt, Rocky Mountains, and other lightly populated states. The detriment to these areas can be measured in three ways: (1) diminished local power in Presidential elections; (2) reduced representation and influence in both parties; and (3) decreased local orientation of national party platforms and administration.

A second quotation from Phillips' fine article is as follows:

A delegate reapportionment of this magnitude would put the Democratic Party in the hands of left-liberals whose stance would injure party candidates in the South, Border, Plains, and Rocky Mountains. (Direct election would also promote this liberal bias by dispelling Democratic electoral vote concern with eking out three-way pluralities in Texas, say, or Missouri or Georgia.)

And a third quotation from Mr. Phillips' thoughtful article:

For these reasons, Southern, Farm Belt, Rocky Mountain, and other small states have good reason to oppose abolition of the Electoral College, and if such a constitutional amendment passes the Senate, it will probably not be ratified by the states.

Mr. President, I appreciate the patience of the Presiding Officer and of the Senate, and I shall simply say that in my judgment, the electoral college as it exists should be changed by amendment; that in my judgment, the fractional system to be proposed during this debate in a substitute to be offered by the distinguished Senator from North Carolina (Mr. ERVIN), which has long had my support, much better meets the situation and does not jeopardize the position of the States, and particularly the position of the small States; and that I hope that will be the path adopted when the Senate finally acts in his matter.

Mr. President, I yield the floor.

Mr. HOLLAND subsequently said: Mr. President, earlier in the day I spoke in opposition to Senate Joint Resolution 1, suggesting a radical change in the constitutional method for the selection of President and Vice President.

Since that time, I have noted in the Washington Star of today a very fine column by David Lawrence entitled "Election Plan Would Hit 'Statehood.'"

I ask unanimous consent that this article be printed in the RECORD as a part of my previous remarks, and added to the group of columns and editorials which I placed in the RECORD at the time of my original appearance on this matter.

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

ELECTION PLAN WOULD HIT "STATEHOOD"

(By David Lawrence)

The Senate is struggling with a proposed amendment to the Constitution to abolish the Electoral College and conduct all presidential elections hereafter by direct vote of the people. The plan is to let the candidate who receives the largest number of votes be declared elected if this is at least 40 percent of the total votes cast. If no candidate gets that percentage, a run-off election would be held between the top two.

But the states would not hereafter cast their ballots in the Electoral College and would thus lose a power they have held since the republic was founded. It would be incredible if the three-fourths of the states of the union necessary should ratify any such amendment because it certainly could mean a diminution of the influence of the smaller states in the election of the national administration.

Under the proposed amendment, a plurality of the votes could be obtained almost entirely from one section of the country, and the new president could cater to the demands or desires of that region. But, with the Electoral College, even the most populous states have a relatively small number of electors, and these can be offset by a combination of electors from smaller states. Some presidents, for example, have been elected by a substantial number of electoral votes by getting majorities in states of large and small population in different sections of the country. Yet their total popular vote was close to that cast for an opponent.

President Wilson was reelected in 1916 with the support of the South, which was usually Democratic, and the West, which was usually Republican. But the two areas in combination produced enough Democratic electoral votes to offset the heavy electoral vote for the Republican candidate in the Eastern states.

There have been other elections, too, in which sectional problems have influenced the outcome of elections. The Electoral College has performed a service in such instances, because it has protected the interests of smaller as well as larger states concerned with certain questions.

In some elections, such as that in 1920, when there was a Republican landslide for Warren G. Harding, virtually all the states outside the South went Republican. Results in elections were decided by popular vote. The Electoral College comes in as the decisive factor when elections are close and when sectional issues in different parts of the country produce wide differences of opinion and sometimes split parties.

The proponents of the suggested amendment keep emphasizing that election of a president would be by "direct popular vote," and imply that the Electoral College doesn't satisfy such a requirement. A group of senators, both Republican and Democrat, in opposing the amendment, make this comment:

"Direct election of the president, we believe, would—

"Destroy the two-party system and encourage the formation of a host of splinter parties;

"Undermine the federal system by removing the states as states from the electoral process;

"Remove an indispensable institutional support for the separation of powers;

"Radicalize public opinion and endanger the rights of all minorities by removing incentives to compromise;

"Create an irresistible temptation to electoral fraud;

"Lead to interminable electoral recounts and challenges;

"Necessitate national direction and control of every aspect of the electoral process."

But how, it will be asked, does such an amendment as is being proposed get widespread support? The answer is that the phrase "popular election" implies that the people will have a much more positive voice in choosing the president and will exercise a direct responsibility. The truth is a direct-election plan could lead to the destruction of the two-party system and could weaken both political parties in their state and local operations as well.

Members of the two major parties are divided in their support of the new amendment. Even if it does pass the Senate and is submitted to the states—since it has already passed the House—the big question is whether three-fourths of the states will ever ratify an amendment which will, in effect, impair "statehood."

AMENDMENT NO. 711

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. SAXBE), I send to the desk an amendment to Senate Joint Resolution 1 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRIFFIN. 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 will be printed in full in the RECORD.

The amendment reads as follows:

Beginning with line 1, page 5, strike out all to and including line 7, page 5, and insert in lieu thereof the following:

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of the votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both House of the Congress, such persons shall be declared elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President can be declared to be elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the first Monday of December of the year in which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be declared elected President and Vice President. Immediately after such declaration, the special session shall be adjourned sine die.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section."

On page 3, line 16, immediately after the period, insert the following new sentence: "No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the third Tuesday after the first Monday in November of the year in which the election occurs.".

Mr. GRIFFIN. Mr. President, it is my hope that there might be a vote on this amendment sometime early next week, perhaps Tuesday. Whether such an agreement to vote can be reached, I do not know. But I want to indicate, on behalf of myself and the Senator from Maryland (Mr. TYDINGS), that that would be satisfactory from our point of view.

Nearly 150 years ago, Senator Thomas Hart Benton of Missouri stood on the floor of the Senate and proposed what we are considering here today—the direct, popular election of the President and Vice President of the United States.

Speaking in the florid rhetoric of his day, Senator Benton said:

The evil of a want of uniformity in the choice of presidential electors is not limited

to its disfiguring effect upon the face of our government, but goes to endanger the people, by permitting sudden alterations on the eve of an election, and to annihilate the rights of small states, by enabling the large ones to combine, and to throw all their votes into the scale of a particular candidate.

In the political hurly-burly of his times, Senator Benton perceived ample reason even then for changing the electoral college system provided for in the Constitution. Then the Constitution was less than 50 years old, and had not become embossed by the traditions which we now face in considering changes in an antiquated, in creaky election machinery.

While he was unsuccessful, Benton never changed his mind about the urgent need for changing the electoral college system in favor of a direct vote by the people. Writing much later in his voluminous memoirs, "Thirty Years' View," the Missouri Senator said:

From the beginning these electors have been useless, and an inconvenient intervention between the people and the object of their choice, and in time may become dangerous . . .

Benton went on to point out that the idea he proposed was not new, that it had been advanced in the Constitutional Convention of 1787, and had been supported by Benjamin Franklin and others. He noted that it was not adopted because it was thought that "the mass of the people would not be sufficiently informed, discreet, and temperate to exercise with advantage so great a privilege as that of choosing the chief magistrate of a great Republic." He expressed the hope of "obtaining for it a better success at some future day."

Surely we have now reached that point in time. Various proposals for electoral reform have been before Congress periodically for many years. Out of a long period of consideration and debate concerning the various proposals I believe a clear consensus has emerged—a consensus that the election of the President ought to be by direct, popular vote of the people.

Mr. President, I share the view expressed earlier in this debate by the distinguished Senator from Tennessee (Mr. BAKER), who made the point that it is not districts and not States that elect a President—it is people.

If there were dangers which beset our electoral system in Senator Benton's day, they are certainly magnified now in this age of instant communication and increasing concern over the processes of Government.

I am convinced that the ideal system for electing a President is one that permits the most direct participation by the people that is feasible. It should be a system that does not encourage candidates to write off segments of the population or geographical areas of the country.

Such a system should permit individual voters, wherever they live, to vote directly for candidates for President and Vice President rather than for faceless electors responsible to no one. This is the kind of an election system the people want—and the kind they are entitled to have.

Mr. President, at a time when there seems to be so much distrust of Government and when so many people, for whatever reasons, feel removed too far from their elected leaders, it is particularly appropriate, I believe, to move toward more direct participation in the processes of government.

It would also be wise to remove an anachronism in our system which recognizes the "faithless elector" and which enables the popular will to be overridden by an electoral college count.

As a number of witnesses before the Judiciary Committee pointed out, several elections have occurred where, despite a relatively comfortable popular vote majority, the electoral vote margin was extremely narrow. For example, in the 1884 election, a shift of 575 votes in New York would have elected James Blaine over Grover Cleveland; and in both the 1900 and 1908 elections, William Jennings Bryan would have been elected if there had been a shift of a total of 5,000 votes in several States, despite the fact that the Republican candidates in both years had a popular vote majority of nearly 1 million. Of course, it is well known that a small shift in the popular vote in the 1948, 1960, and 1968 elections would have elected candidates who were not the popular vote winners.

Another reason for favoring the direct election plan is that it would remove the disproportionate advantage in the electoral system now enjoyed by one-party States with low voter turnouts. This plan would give all groups a greater incentive to participate politically, for they could be sure their votes would be counted.

A few statistics will illustrate the point I wish to make with regard to encouraging greater participation in the election of a President.

In 1968, for example, in my home State of Michigan which has 21 electoral votes, 3.2 million people voted. In Texas, with 25 electoral votes, only 2.5 million people voted.

Connecticut has eight electoral votes, and 1.25 million people voted in that State in the 1968 election. By contrast, South Carolina has eight electoral votes but only 651,000 total votes cast in the same election.

I realize, of course, there may be other factors which affect the total vote in any particular election, but I am also sure that the existence, or lack of existence, of a strong two-party system is an important factor.

I suggest that, to the framers of the Constitution, the equal representation of every State in the Senate was of more importance than the electoral college system in preserving the interests of the States. In their eyes this equal voice in the Senate was "at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residual sovereignty." The permanence of these State interests rests in article V of the Constitution, which provides that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." This is a virtually unamendable section which requires unanimous consent by all the States for any change.

Of equal importance today along with the Senate is the need for a viable two-party system in each of the 50 States. As pointed out earlier, this is where direct election, if properly structured, can provide a greater inducement for total political participation. Nothing can enhance federalism more than a vigorously competitive two-party structure—a structure whose foundation is in State and local government.

Mr. President, as a long-time advocate of electoral reform, I believe the time has come for action. Understandably, there is little patience with still further delay.

I am concerned that a constitutional amendment may not be ratified and become operable for the 1972 presidential election. The longer we delay, the more hazards we run into relying on a system fraught with many inadequacies and inequities.

For these and other reasons, I support Senate Joint Resolution 1 which is now before the Senate and I intend to vote for the resolution.

At the same time, I would be less than frank if I did not acknowledge that I am disturbed by some features of the pending resolution. As I have indicated in the past, and as the distinguished Senator from Maryland (Mr. TYDINGS) and I expressed in our separate views which accompanies the report on Senate Joint Resolution 1, I am concerned particularly about the runoff provisions in the proposal before us at this time.

As we pointed out in the separate views:

The limitations of even solid regional support of third party's efforts are strikingly demonstrated by going back to the 1860 election. Although the Southern Democratic candidate, John Breckinridge, polled 72 electoral votes and John Bell of the Constitutional Union Party polled 39, Abraham Lincoln won a majority of the electoral votes with only 39.9 per cent of the popular vote.

On the other hand, under the 40 percent plurality required for direct election (under S.J. Res. 1), a minor party or combination of minor parties need only approach 20 per cent of the popular vote in order to reach a strong bargaining position. The prospect of two minor party candidates, one regional and one ideological, amassing 20 per cent of the vote is quite realistic in the near future of American politics.

Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runnerup in the initial contest wins the runoff by wooing third-party support. In such a case, the question of the legitimacy is sharpened even further if the turnout in the second election is substantially lower than in the first election.

Mr. President, I believe the amendment now at the desk will strengthen Senate Joint Resolution 1. It will make the resolution more acceptable and will enhance its chances of being ratified by three-fourths of the States.

Moreover, it would avoid the awkward, time-consuming runoff election contemplated by the pending resolution now provides, and would remove some uncertainty which now surrounds the present proposal. In this respect, I share con-

cern that was voiced earlier on the Senate floor by the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. President, the amendment offered retains the feature of Senate Joint Resolution 1 with regard to a candidate receiving 40 percent of the popular vote. However, our amendment would provide that if no candidate polled the required 40 percent, the popular vote winner would still be elected provided he obtains a majority of the electoral vote—but without the intervention of electors. Unlike the present system the popular vote runnerup could not be elected even if he had a majority of the electoral vote. Selection of the President by a joint session of the Senate and House would occur, as I have indicated, only if prior requirements were not met.

Of course, it may also be asked what are the chances of a popular vote winner who gets less than 40 percent of the vote obtaining a majority of the electoral vote. If we examine the 26 Presidential elections between 1868 and 1968, we find that the winning candidate received on the average of 52 percent of the popular vote and 71 percent of the electoral vote.

During this same period, eight Presidents were minority Presidents—that is, they were elected with less than 50 percent of the popular vote. In three of these elections where some type of major third-party challenge occurred, the average percent of the electoral vote received by the winner was 67 percent, while in the other five contests where no third-party candidate received any electoral vote the average percent of the electoral vote obtained by the winner was 55 percent.

According to these statistics, the results of past elections would indicate two things: The popular vote winner is usually blessed with a fairly comfortable electoral vote cushion and third party challenges have frequently widened the margin of electoral victory by drawing votes away from one of the major candidates. The clearest example of this is the 1912 election where Theodore Roosevelt's Bull Moose Party split the Republicans and enabled Woodrow Wilson to be elected with 82 percent of the electoral vote but only 42 percent of the popular vote. Furthermore, in the 1860 election, the only election where the winner got less than 40 percent of the popular vote, Abraham Lincoln was elected with 39.9 percent of the popular vote but garnered 59 percent of the electoral vote. This 20 percent margin is consistent with the average margin between the popular vote—52 percent—and the electoral vote—71 percent—during the 100 years between 1868 and 1969.

Mr. President, I believe our amendment would appropriately discourage the entrance of minor splinter parties on the political scene and would, under direct election, thereby increase the likelihood that a direct popular election by the people would be decisive in the first instance.

Mr. President, in conclusion, I wish to call attention to the message of the President of the United States, entitled "A Call for Cooperation," addressed to Congress today, and in particular I wish to focus on a part of that message to Congress which deals with the subject of electoral reform now before the Senate. I refer to the following words of President Nixon in his message:

ELECTORAL REFORM

No one subject more profoundly involves the issue of popular sovereignty than the method of electing the President. For almost two centuries the system of the Electoral College has somehow worked, albeit just barely at times, and at other times even doubtfully. Every four years the American democracy places a large, unacceptable, and unnecessary wager that it will work one more time, that somehow an institution that never in any event functioned the way the framers of the Constitution anticipated, will somehow confer the Presidency on that candidate who obtains the largest number of votes. The Electoral College need not do so. Indeed on occasion it has not done so. But far more importantly—whatever the popular vote—it need not confer the Presidency on any candidate, if none has a majority of the electoral vote.

Our ability to change this system in time for the 1972 elections is a touchstone of the impulse to reform in America today. It will be the measure of our ability to avert calamity by anticipating it.

As I stated in my October 1969 message, I originally favored other methods of reforming the electoral college system, but the passage by the House of a direct popular election plan indicated that this thoroughly acceptable reform could be achieved, and I accordingly supported it. Unfortunately, the Senate has not completed action. Time is running out. But it is still possible to pass the measure and to amend the Constitution in time for the 1972 elections.

I read those words of the President with some degree of pleasure and also to emphasize again the support of the President for electoral reform in general and the direct election plan in particular.

I hope that the Senate will heed the President's words.

Mr. President, I repeat that I hope it may be possible that the amendment now pending as the order of business before the Senate will be voted on early next week. I look forward to that vote with the anticipation and the hope that the Senate will adopt this amendment, thus increasing the chances in my opinion of the Senate adoption of the direct election proposal and also substantially increasing, in my opinion, the hopes that such a constitutional amendment could be ratified by three-fourths of the States.

Mr. INOUYE. Mr. President, it was nearly 2 years ago during the 1968 presidential election that our Nation faced, at various points in the election process, the distinct possibility of electing a minority President, the prospect of wheeling and dealing among the electors, and the possibility of a contingent election in the House of Representatives. Fortunately, we were spared in that election the chaos which would surely have ensued had none of our candidates received a majority of the electoral votes. We may not be as lucky in 1972.

I am convinced that our present electoral system is archaic, unfair, inaccurate, ambiguous, discriminatory, and undemocratic. Archaic, because it was developed almost 200 years ago in a day of limited and extremely slow communication—in a day when it was believed that the ordinary voter would be subject to deception and inclined to vote only for someone from his own State. This would, of course, have permitted the most populous State to always elect its own candidate. Unfair, because a presidential candidate which loses a State by only one vote forfeits all of that State's electoral votes. Inaccurate, because in most elections the electoral votes are so seldom accurately proportional to the popular vote. Ambiguous, because under the present system some presidential electors are not bound to vote for the candidate who received the majority of the popular votes in their States. Discriminatory, because voters in large States hold an excessive amount of voting power. They have the potential for influencing a far larger block of electoral votes than voters in small States like Hawaii. Consequently, voters in small States are generally ignored by a presidential candidate who knows he can win by carrying only the 11 most populous States in the Union and the District of Columbia. And the electoral system is undemocratic, because should no one receive a majority of the electoral votes, the election is thrown to the House of Representatives where each State delegation, regardless of its size, casts only one vote for the top three candidates.

History has, in fact, recorded elections in which the elected President actually received fewer popular votes than his nearest opponent. In 1824, John Quincy Adams received fewer popular votes than Andrew Jackson. However, because neither received a majority of the electoral votes, the election fell to the House of Representatives which elected Adams. In 1876, Samuel J. Tilden received 250,000 more popular votes than Rutherford B. Hayes. However, returns from four States were contested and an Electoral Commission created by Congress decided in favor of Hayes. In 1888, Benjamin Harrison polled fewer popular votes than Grover Cleveland, but received more electoral votes and was elected to the Presidency. I do not need to remind you that history repeats itself. If we are to insure that the events of 1824, 1876, and 1888 not happen in 1972 we must act immediately to initiate long overdue reforms in our present electoral system.

After studying the problem, I have come to the conclusion that only the direct popular election of our President will resolve the problems I have discussed. Only the direct popular election of our President will eliminate the wheeling and dealing inherent in our current system. Only a direct popular election will allow every citizen's vote to count equally. And only a direct popular election will prevent the election of a minority President who fails to receive the largest popular vote.

I, therefore, intend to vote for legislation which would amend the Constitution and provide for the direct popular election of the President and the Vice President.

THE DIRECT ELECTION BOONDOGGLE

Mr. GOLDWATER. Mr. President, the Senate has before it one of the most far-reaching schemes that has ever been

considered by the Congress. It is being put forward by its sponsors as a simple idea that will correct all the hidden dangers in the present electoral system. But, Mr. President, speaking as one who has engaged in a presidential campaign as the candidate of one of the two major parties, I must declare my view that this simple idea is fraught with so many terrible problems that it will, in all likelihood, shake the very foundation of our society.

To my mind, if this proposal is put into the Constitution, it is bound to have such widespread repercussions that it will change the very nature of our presidential campaigns and the nature of the kind of man who will serve as President. Furthermore, I believe it will lead to the most frightful division of our Nation that we have seen since the period of the Civil War. On top of everything else, I predict that the direct election plan, if adopted, will destroy the two-party system in this land and go a long way down the road to the obliteration of our State governments. Finally, I am convinced that the direct election proposal will lead to chaos and confusion after almost every presidential election.

Mr. President, these words do not paint a pretty picture. But witness after witness has testified before the Senate Judiciary Committee to the effect that these dangers are very real possibilities. In a few minutes I shall touch upon them. First, however, I would like to look at exactly what it is the proponents of this election change put forth as the reason and the nature of their proposal.

In essence, the sponsors of direct election tell us it will guarantee a popular choice in every presidential election. The majority report of the Senate's Judiciary Committee concluded:

> Direct popular election is the only system that guarantees the election of the people's choice.

Mr. President, this is a flagrant exaggeration. This claim, which explains much of the plan's appeal to the general public, is a fraudulent promise. The plan that is before the Senate provides that the candidates "having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 percent of the whole number of votes cast for such offices."

Now, here is a scheme that holds itself out as guaranteeing the election of the people's choice and yet it provides that a candidate who is chosen by merely 40 percent of the voters shall be elected. How in the world can the plan's sponsors contend that a person with only 40 percent of the popular vote is the people's choice? By what quality of clairvoyance can they decide that the candidate with 40 percent would have been chosen by the 60 percent of the voters who wanted someone else as their first choice for the Presidency?

What the supporters of the pending direct election plan are doing is substituting for the electoral college a system in which a person who is turned down by 60 percent of the voters can become President. This is said to be fairer than the present method of selecting the President.

Mr. President, the electoral college system may have its faults, but why should we cast it aside for another system that on its face will have an even greater weakness than what we have now?

One of the basic arguments I have heard raised against the electoral college is that it might result in the election of a candidate who will receive a majority of the electoral votes without being the winner of the most popular votes. I admit that this has a certain appeal about it if it means that the person chosen by a majority of the people might lose the election, but this is not what the argument means to the sponsors of the direct election amendment. They have drafted a scheme under which a person with no majority can be elected as President.

At least under the electoral college process the winner must receive a majority of the electoral vote. And, the saving quality of this majority is that it is always widely distributed througnout the country. This is an historical fact, not theory. It seems incredible to me that the proponents of direct election would drop a system which has worked well to elect Presidents who are generally representative of the Nation as a whole for a system by which one region or one polarized faction in the country might be able to elect the President by putting together only 40 percent of the popular vote.

From a philosophical standpoint, if we are going to change the system for choosing a President in order to assure that the final choice will rest with the people and that the selection will reflect the will of the people, then why do it half way? If I may take the liberty of quoting from the Senator whose name appears as the author of the pending constitutional amendment I would like to express the opinion that he was much closer to the truth in March of 1966 when he stated:

> I think that most of us would prefer to have a majority President. Americans would not look on the plurality President as an ideal.

A year later, my distinguished colleague from Indiana repeated the same thought. He said:

> The question I have asked myself and have found answered in my own mind is should we, in trying to amend the Constitution, be satisfied with a step that in my judgment goes only part way as far as some of the shortcomings that exist. I refer to circumstances that permit a minority of the people to elect a President.

Well, if the Senator cannot conceive of a plan that will reach that goal then why make any change at all? This provision for electing a minority President also contradicts the asserted policy of the plan's sponsors that they are correcting a defect of the present electoral system under which all the popular votes cast for the losing candidate in a State are canceled out and counted for the winner. The committee majority was referring to the unit rule practice of awarding all of a State's electoral votes to each State's popular winner.

But, is this not the very same thing that the proponents are doing when they permit a candidate with less than a majority vote to be elected as President? Are they not assuming in effect that in the event of a runoff between the two highest vote candidates the one who had a plurality in the first election would have won in the runoff? This decision is taken away from the voters entirely. Under the direct election plan it is not the people who will decide who is to be chosen as President from among the top competing candidates. The decision is arbitrarily made for them. The direct election proponents have decided that anyone who receives 40 percent of the vote is the choice of the people.

This assumption is as shocking to me as it was to Professor Bickel of the Yale School of Law, who testified on April 15 of this year that:

> It is sheer illusion, a willful suspension of disbelief, to pretend that there is no deadlock when a popular election produces a winner with under 50 percent of the total vote, and with a plurality of, perhaps, 25,000 or 50,000 or 100,000 out of upward of 70 million. That is deadlock, as much deadlock as when there is no absolute majority in the electoral college.
>
> To resolve this deadlock by letting the candidate who has a 50,000 vote plurality win is no less arbitrary, no less unsatisfactory—in my judgment more unsatisfactory—than to have a joint session of Congress make the choice.

Mr. President, while this defect of the direct election plan could be corrected by amending the 40-percent provision, it would not remedy some very basic drawbacks in the proposal.

One of the primary difficulties I have with the direct election idea is its likely destruction of the importance of small States. I am not speaking merely of States as political entities, but rather I am also including in my concept of a State the frame of mind of citizens who consider themselves to be part of one large family or community of local residents.

This feeling was clearly described by Theodore H. White who has written some well-known books about presidential campaigns. Speaking from the position of one who comprehends the practical side and inner workings of our political system, Mr. White said:

> This new proposal would take away an equally vital part of the political system in abolishing the sense of community in our various States. The States vote as communities. They are proud of how they vote. People like to be New Yorkers or Kentuckians or Missourians or Hoosiers. To deprive them of this sense of belonging to a voting unit and being sunk in the electronic dots that go over a tote board, that could be perhaps the gravest political danger that this new resolution invites.

We have often heard the matter discussed of how the abolishment of the electoral vote will deny to the smaller States the slightly extra weight which they have been given in the process of selecting the President. But we have seldom considered the essence of States as communities of people whose importance will be diminished. Let me follow up Mr. White's views with the frank judgments expressed by Richard Goodwin, a former writer for Presidents Kennedy and Johnson, who was closely involved in the conduct of many presidential campaigns. During his testimony on April 16, Mr. Goodwin specifically commented on the

effect which direct elections might have on the relative importance of large and small States.

In doing so, he noted:

> The psychology of presidential campaigns is one in which today's candidates think in terms of States rather than numbers. Most presidential campaigns are concentrated on no more than 20 percent of the vote, the swing vote, on the assumption the rest are pretty well committed. Today, nearly every State has a swing vote which, even though very small, might win that State's electoral vote. Thus, nearly every State is worth some attention. If the focus shifts to numbers alone, then the candidate will have to concentrate almost exclusively on the larger States. This is where the people and where the most volatile vote is to be found.

Mr. Goodwin recognized also that one of the reasons major candidates visit so many States "is the arithmetic of the electoral college, which demonstrates it may be possible to lose a few major States and at the same time win the election."

Mr. Goodwin summarized his position by stating:

> The Electoral College, along with the Senate, is one of the few mechanisms we have to influence those at the center of affairs to visit outlying citizens, so as to learn about them and pay some attention.

Mr. President, I find myself in agreement with much of this analysis. There is no denying that even now a great deal of a candidate's efforts, including television time, is focused on the major metropolitan areas. But the difference is that this is not his exclusive effort. However, if we blot out State lines and eliminate electoral votes, then I believe there is a grave danger that candidates will devote their exclusive time and resources to the heavily populated areas of our country.

As Richard Goodwin described it:

> The fact is that the total number of votes that might swing the State of Idaho, or Montana, may be worth attention if you are going to get the electoral votes in the entire State, but if all it means is you are going to get another 50,000 votes where there is 60 million at stake, it is not worth any effort. When you see that 50 percent of the entire popular vote comes from seven States, that indicates the kind of intensity then that would have to be concentrated not just by the visits of the candidates but in terms of media, talent and in terms of policies.

Mr. President, the belief that direct election will diminish or injure the precarious structure of our federal system was also shared by another witness before the Senate Judiciary Committee. Representative WILLIAM L. CLAY, a black Congressman from Missouri, told the committee that direct election will diminish or eliminate the voice of minorities within our system. While he was addressing himself to the dissipation of power for ethnic groups, he expressly added that "it affects other cohesive groups and it affects small States to the same proportion."

In other words, Mr. President, the same inherent quality of the electoral system that encourages national candidates to listen to ethnic minorities requires that they listen as well to other minorities, including interests in the sparsely populated smaller States.

Mr. President, this leads to two other faults which are wrapped up in direct election. One of these is the serious possibility that the two-party system will be shattered in the United States. Representative CLAY announced his belief that if the proposed change is adopted, "we are going to have many splinter parties in this country." In his view, this will, in turn, "promote and reward the factionalism and sectional movements which now divide this Nation."

Mr. President, these conclusions are valid whether or not the direct election plan includes a runoff provision. Many people believe the chances of winding up with numerous splinter parties would be increased as a result of the runoff feature, but several witnesses took the position that the direct election system itself would bring about a proliferation of minor parties. Representative CLAY testified from his personal experience that the electoral college has helped to maintain the two-party system. In 1967, he was a member of a national steering committee planning to run a third-party candidate. But, as he told it, the main consideration that kept his group from fielding its team was the fact that they felt they could not win any States and thereby become an important factor in denying the votes to candidates of the two major parties. On the other hand, Mr. CLAY stated that if you eliminate the necessity of winning the electoral votes in a State "you are asking and encouraging people to run with sectional appeals."

In this manner, the present system acts to discourage the creation of splinter parties. But, if the popular vote is substituted for the electoral vote, then special interest groups who are highly convinced of the rightness of their own cause might seek to run solely as a matter of vengeance or vindictiveness. Quoting from Mr. CLAY again:

> People who perhaps didn't have their way or didn't get their particular points at the national convention, would strike out on their own and start campaigning in an effort not to win, but just to defeat those within that two-party structure.

And, I would add that this type of bitter attitude might well be the downfall of one of the major party candidates. Remember that the election will not be compartmentalized within State boundaries where far-out voters can influence only a relatively few number of electoral votes, but will be one in which extremist votes from all over the country will be lumped together in one big pool. This might easily deprive a major party candidate of the percentage of votes which he needs in order to come out the winner, or avoid a runoff.

The Senate Judiciary Committee heard similar expressions of concern from other witnesses. For example, Mr. Goodwin stated:

> I do know in 1968 when the people who wanted to organize a party came to those of us who were working with Senator McCarthy and were anixous to start a new party and had actually done studies of ballot and election laws, the principal argument that stripped that movement of its force was that the effect would be simply to throw States into the Nixon column. They could not carry States.

Another example of how direct election would encourage the formation of additional political parties according to Mr. Goodwin is the liberal party and conservative party movements in New York State: He said:

> At a minimum, you would arrive nationally where you now are in New York State, for example, where you have four parties, because a party that can command a million or two million votes only organized in three or four States, has the balance of power in the presidential election or could have the balance of power, just as the liberal party can achieve the balance of power in a governorship or Senatorial fight in New York. And I think that it would be a great incentive for people to form these groups in order, if not to win the election, to maximize their own influence.

As Mr. Goodwin put it:

> You can be very powerful if you have the capacity to make others win or lose . . . even though you can never win yourself.

The result of this possible proliferation of splinter parties could wreck our Democracy. Professor Bickel stated bluntly that in his opinion our democracy would become weaker because compromises would no longer be formed in the two-party conventions, which are relatively open and accessible, but would be relegated to a handful of candidates and their managers.

Prof. Ernest Brown of Harvard Law School testified that as he saw it the splinter party system would feed the atmosphere of prejudices and dogmas that has already grown too strong in this country. Professor Brown said, and I quote:

> The idea that we could do anything that would encourage the spirit of dogmatism and doctrinaire groups in this country rather than the spirit of accommodation is just inconceivable to me.

Mr. President, it is a combination of these several changes in our political campaigns that makes me believe that the nature of the person who is President himself will change under the direct election system. If a candidate knows that he can be elected with merely 40 percent of the vote, and if the numerically smaller groups and States throughout the Nation are considered insignificant, insofar as their impact on the election is concerned, and if doctrinaire and one-issue splinter parties develop, what will happen to the traditional American experience in which the best chance a man has to win the Presidency is to work on bringing together voters of varying interests? I am speaking of the democratic principle of compromise and accomodation in which as many people's views as possible are blended together in a positive and helpful fashion. It is the practical process that has worked well to advance the welfare and strength of all the people of this great land.

Mr. President, to my mind, the various illnesses of the direct election plan that I have outlined today are all too real. I have not even mentioned the horrible thought of vote contests and utter confusion that is likely to follow in the aftermath of every presidential election. Nor have I discussed the incredible network of Federal requirements that would have to be erected in order to put any sem-

blance of reason into the direct election system.

These are among other criticisms I have of the so-called simple direct election plan, and I intend to pursue them at a future time in this debate. For now, I will ask that Senators give deep thought to the crucial decision that each of us will have to reach when the direct election amendment is called up for a vote.

Look at the hard, practical questions that so many experienced working political leaders have raised about the proposal. Look away from the blinding glow of the theoretical principle of achieving a perfect mechanical equality of each man's vote. The symbol is bright and its appeal is quite inviting, but stripped of theory and laid bare along the hard road of political reality the direct election scheme is nothing but a will-o'-the-wisp.

Mr. McGEE. Mr. President, spurred on by the frightening vision of electoral chaos which was so widely predicted 2 years ago, though it failed to materialize, the Congress is moving toward final action on a measure intended to provide for the direct election of the President and Vice President of the United States. Already, the House of Representatives has opted for this plan. Now the Senate is being asked to go along with the proposal that we scrap one of the cornerstones of the federal system of government in the name of reform.

This is not reform, however. It is a complete reversal of the procedures which have, over the years, resulted in the orderly transition of our Government from the hands of one leader or one party to another, without revolution, without bullets being substituted for ballots, without bloodshed. For the most part, the men elected to our highest office through this process have stood far above the rulers of other lands in ability and competence.

The Senate will not be so quick, I trust, to fall in line on this constitutional amendment—an amendment which could have unknown impact on the two-party system of politics which has turned out to be America's most effective rudder through times of turmoil and distress.

Many of my colleagues will agree with me, Mr. President, that it would be folly to vote for a plan that could imperil our Nation's traditional stability.

For a Senator from one of the Nation's least populous States, this proposed amendment to the Constitution raises very practical questions. I will not deny that. My own State ranks 49th in population, so it would be one of the most adversely affected States, winding up with about .17 percent of the popular vote and, thus, with the same proportion of influence in the election of future Chief Executives. Our influence today in national elections is not great—about .55 percent. But it does, at least, reflect the statehood of Wyoming and other of our less densely populated States which bring to the American processes a different outlook.

The electoral college as such is obsolete, Mr. President. I will not argue otherwise. But we do not need to throw out the engine which has run our political machinery, only overhaul and modify it. The pending amendment not only wipes out the electoral college, but abolishes the sovereign States as voting units. In the name of reform it would put all the 70 million or more American votes into a single winner-take-all pool which would overemphasize, I believe, the role of great urban concentrations of population in our system, instead of giving proper weight to the rural and underpopulated regions of the Nation. These areas, too, must have attention if we are to solve the problems facing this country, including the problems associated with over concentration of people in relatively small land areas. Our Constitution was devised to guarantee the States a measure of influence regardless of their population, Mr. President. I cannot be convinced that the guarantee should be abolished in the name of democracy.

To be sure, let us discard the electoral college as such. As a body of individuals, it is not needed, and it offers the so-called faithless elector the opportunity to disregard the wishes of the people of his State and cast their vote as he wishes. But we can reform the system and take away the opportunities for such abuse without casting out a system which has served us well. Direct election of the President is not reform. For some years, I have supported the electoral principle—the formula for assigning electoral votes. But that formula can work without the electoral college itself. Indeed, it is a college that never meets and whose purpose has been outlived I will gladly vote for its abolition.

Mr. President, we must consider this question carefully. There are a number of substitute proposals before us which would do away with the anachronism which is the electoral college and still retain the essence of our federal system. Let us take the time to study and debate these proposals so that it cannot be said we abandoned a basically sound system for an untried, unpredictable arrangement. Let us retain what is good and abolish what is bad. But let us not abandon a system which has helped make democracy work for nearly two centuries of American experience.

SKYJACKING

Mr. LONG. Mr. President, it is my hope that I will have the opportunity at some time soon to fully communicate my views about the skyjacking of aircraft.

I think that for the record it might be well to state my reaction. I think my views are concurred in by a number of other Senators with regard to this matter. My reaction is very firm.

It seems to me that we should proceed together with other enlightened nations of the world to boycott any country which refuses to extradite skyjackers. That being the case, Jordan or any government on whose territory a hijacked or skyjacked plane might land should be under the obligation to return the hijackers or skyjackers, as the case may be, to the nation in which the crime was originally committed.

Furthermore, we should pass a law or engage in reciprocal treaties whereby every nation would agree that any agreement made to grant immunity or to confer any kind of protection whatever to murderers, skyjackers, or kidnapers would be unlawful. It might be well even to agree to a constitutional amendment so that it could not be suspended by an act of Congress.

Accordingly, when a kidnaper or skyjacker threatens the lives of innocent people or demands that the world bow down to terrorist or unlawful demands, any agreement made to offer protection to such criminals would be unlawful so that whenever a person is apprehended he would be punished for his crime.

One would ask, "How would you make that work with regard to a country such as Castro's Cuba which has in large measure brought about the skyjacking precedent to begin with?"

In that case, enlightened powers such as the United States, Britain, and all countries in the Western Hemisphere should agree among themselves that they would not trade with any third party which does business with a nation which gives any aid, comfort, or support to kidnapers, murderers, or skyjackers.

Accordingly, Mr. President, if Mexico wanted to become a port of entry by which Communists go back and forth to Cuba and have their planes fly back and forth between Cuba and Mexico, we should decline to do business with Mexico. We should let Cuba support Mexico with respect to tourist trade that we now afford Mexico and the hotels in Acapulco. We would then see how well they like it.

It seems to me that if this Nation simply takes a strong and firm position that we are for law and order and will not bargain or do business with or bow down to murderers, kidnapers, extortioners, and hijackers, that would put an end to it.

We have the power to make such a policy effective. It is within the power of this great country, which is the greatest trading nation in the world, to use our power to see that no payment is made to the World Bank or to the International Monetary Fund and that no trade is conducted with any such country, that all deals are off and all contracts and treaties stand in abeyance until any country that is encouraging terrorist tactics join with the world community for law and order.

If Jordan does not have a government, then it seems to me that nations which can agree to organize the United Nations have and should have the power to move in and establish a government and, if need be, exterminate that bunch of assassins in Jordan who are holding those planes and establish a government for those people until they are able to establish a government for themselves.

The idea of a trusteeship for people not able to govern themselves is not new. Such a precedent could be followed in this case. But above all, we should not yield to those kinds of demands. As much as I would hate to see any innocent people killed by murderers, assassins, kidnapers, or extortionists, to yield to the

threat of kidnapers, hijackers, extortionists, skyjackers, or other lawless elements of this world would merely set the stage for more lawlessness. There will be no end to this until the world decides to take a stand against this kind of action.

It was this Nation, when a small power, which was known for saying, "Millions for defense, but not one cent for tribute." It was this Nation which put down the Barbary pirates who were in a sense blood kinsmen of the skyjackers of today.

Mr. President, it would seem to me that we could do no less today as one of the greatest powers in the world, certainly the leader of all free countries, than say, "We are not going to let this world be governed by lawlessness or terrorism and will do no business with any such country."

If we do anything, it should be to punish the people responsible for these crimes.

The first thing to do would be to call upon Jordan to capture and to punish those lawless people there and to serve notice on them that if these terrorists should kill any people, every one of that bunch of assassins will be killed and strung up by their heels until the flies eat their flesh.

Being soft or yielding to that kind of lawless element never gets anyone anywhere. It is unworthy of any enlightened government to yield to those kinds of demands. As soon as we do it, we will find more and more of the same kind of terrorism being undertaken throughout this world.

Mr. President, I personally, as one Member of the Senate, will do what I can to see that we outlaw any traffic with the criminal elements. It would seem to me that we should also make it unlawful for any person to knowingly permit a plane under the control of a kidnaper or skyjacker or murderer or assassin to leave the continental United States.

When those people know that the plane cannot take off once it lands, and when they know there is not enough fuel to get the plane to Cuba or Jordan, they will not skyjack it to begin with.

What happened at Dulles International Airport the other day is an example of what should be done. The pilots should be locked in the cabin and the fuel jettisoned the minute the plane is under the control of a man with guns or explosives. At that point the plane must be kept on the ground. It is that simple.

It should be against the law for anybody to make a deal with an assassin or a kidnaper. The deal would be illegal so he would have to stand trial. I think it would be that simple. Amnesty would not be permitted because the law would forbid it. Then, we would see how long those people from Mexico continue to be allies with Cuba. If they want to be Cuba's partner, fine; but they will not be our partner, too.

It was my pleasure to attend the dinner at which the President of Mexico made a fine speech. He spoke of his great alarm about a trend toward protectionism in this country and how disastrous it could be if this Nation decided to protect itself against the further flight of industry into Mexico where wages are lower and labor is cheaper.

I have great sympathy for Mexico if they want to be part of the international law-abiding community; but, if they want to support Castro's Cuba, let them choose whether they want to be a partner of the United States or of Castro's Cuba.

If we do business on that basis, I do not think they will find it too difficult, especially if we approach it in a diplomatic and pleasant way and if it were pointed out that they would be unhappy if someone hijacked one of their planes. My guess is they would see the logic of our position and that they would be glad to join us in supporting law and order around the world.

Sometimes we work awfully hard to think up complicated answers to simple problems. The answer to this problem is very simple. This Nation was confronted with the same problem in 1812, and this Nation met that problem effectively with regard to both large and small powers. We would not permit international bandits to treat our citizens or our Nation with indignity, and we should not permit it now. We should not be in a position of protecting the entire world, but we should make clear we are not going to do business with international criminals or those who do business with them or cooperate with them.

Mr. JAVITS. Mr. President, I want to say to the Senator from Louisiana that his remarks are characteristic of the true American spirit; and so were those of the President yesterday that we are not going to select among American citizens.

We should fashion unilateral legislation. The junior Senator from New York (Mr. GOODELL) and I introduced a bill yesterday which was referred to the Committee on Commerce. He is a member of that committee, and he will do his best to stimulate the bill being reported.

If the Senator from Louisiana has a proposal in the way of legislation, perhaps the Committee on Finance could act promptly. I would like to join in the expression of the Senator from Louisiana that basic American principles must be preserved, and if Congress is going to preserve them we must fashion legislation for the United States, even if we cannot get international agreement at this time.

Mr. LONG. I thank the Senator.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. JAVITS. Mr. President, I am a cosponsor of the joint resolution relating to the direct popular election of the President and the Vice President. I have not heretofore spoken on this issue, so I wish to express my views with respect to it from the point of view of equity and justice, and also—and this is important—because there is a controversy about this matter from the point of view of a populous State like New York. It seems to me, as a Senator from New York, that direct election is considerably preferable to the electoral college system. Basically, it is time that the United States practiced what it has preached in terms of democracy in voting—that as a Nation we should elect the two truly national officers whom we do elect.

Lately, however, certain constitutional law authorities, whose views I respect—among them Prof. Alexander Bickel and Charles Black, of Yale—have offered contrary views. Far from seeing the justice of one-man, one-vote in the presidential election, these scholars hold that the electoral system as it is presently constituted offers certain advantages to minority groups which should be preserved in a democratic society. In short, they advocate a system of proportional representation in voting for President.

They also hold that the electoral college system insures that the large urban "swing States" like New York will continue to exert a disproportionate influence—even considering their size—on the choice and programs of the major party candidates. The opinions of these two professors, which I respect, as I have said, have caused me to review my own reasoning for supporting Senate Joint Resolution 1, and I have not found their objections persuasive, so I remain fixed in my support of the joint resolution.

It seems to me to be contrary in the extreme to support the one-man, one-vote principle set forth in Reynolds against Sims while at the same time opposing the direct election of the President. In effect, this is an admission that one believes the advantage enjoyed by these groups with whom one feels sympathy should be preserved, while the same kind of advantage—disproportionate political strength—should be disallowed if enjoyed by others.

If rural counties enjoy, for example, equal representation in a State legislature having vastly more populated urban counties, most liberals—who generally sympathize with the underrepresented urban interests—would agree that the system is wrong. How, then, can they claim with any consistency that urban interests benefit under the electoral college system—and I do not agree with this premise—and that, therefore, the disproportionate influence of their votes should be preserved? That, in essence, is their argument.

My own view is that while under the electoral college system candidates pay a great deal of attention to important States like New York and California, this attention is not necessarily centered on minority groups in the cities, but may just as effectively be directed at a strong showing in other areas of the States, other areas of a given State, canceling out the voters of the Nation's largest cities. Indeed, that is exactly what happened in the presidential election of 1968, in respect of the more suburban and rural areas countering the large vote total cast in the big cities of many States. Quite the reverse happened in the election of 1960, when the big-city vote swept away the votes coming from rural and suburban areas in the major States.

of which Pennsylvania was an extraordinary example, as President Nixon very well remembers.

Even this strategy is not consistent, for it can ignore the substantial urban vote in relatively safe States, while wooing it in marginal States, the classic example cited in the hearings being the cities of Omaha, Nebr., and Oakland, Calif., of equal size. Omaha was virtually ignored by the candidates since Nebraska is considered safely Republican, while Oakland was courted out of all proportion to its own population because it is considered a swing area whose voters might swing the largest single block of electoral votes in the Nation.

I cannot believe that under any electoral system we choose to adopt—particularly one in which each vote is counted equally—the candidate can ignore the urban and suburban voters. They are simply too numerous, too important to any victory, and their views are becoming more issue-oriented all the time; they do not need weighted voting to show their strength.

Another argument which I feel militates against the approach taken by Professor Bickel is the simple numbers game of the electoral college.

Even a cursory reference to the figures reveals that votes in the larger States are significantly diluted by the minimum three-elector rule. Smaller States have a great advantage in the electoral college because no matter what their population, they exercise at least three votes. This means, for example, that only 75,380 Alaskans are needed to cast an electoral vote, and that 95,093 Nevadans and 110,022 Wyomingites are needed to cast an electoral vote in each State. But in New York, it takes 390,286, and in California 392,930, or, roughly speaking, at a very minimum, three to five times as many votes to exert the same measure of power in respect to our national election. The more populous States cannot help being benefited by a system under which each individual vote is counted equally. If that is to be counted an advantage, the vote must be according to the one-man, one-vote concept.

There are many reasons why the electoral college should be abolished and the direct election system adopted. They have been covered extensively in the hearings, the reports of the hearings, the studies of bar associations, and the proposals of many civic groups. Indeed, it is very interesting to me that the attitude of the American Bar Association is so greatly in support of direct election.

It seems to me that among the most persuasive of these arguments are the following:

First, direct election would discourage corruption by eliminating the possibility that a few "stolen" votes in a large State could swing an election—and charges have been made that elections went exactly that way.

Next, it would insure without doubt the election of the ticket winning the greatest number of popular votes and, therefore, popular support. As I said when I began, the Offices of President and Vice President are the two truly national offices in our country; therefore, those two offices should be elected nationally.

Third, direct election would encourage voter participation by making each vote count, instead of automatically allocating a fixed number of electoral votes to each State regardless of voter turnout.

Fourth, direct election would promote the two-party system in States which traditionally have only one party of great strength.

Finally, it would do away with the injustice of weighted voting in the electoral college, which favors the small States, as I have described.

While each of these reasons is important and has affected my decision on this proposal, I have weighed the effect of the amendment on my own State, on the Nation, and on the future of the Presidency, and I reaffirm my support of it, as reflected by the report of the Committee on the Judiciary.

Mr. STENNIS. Mr. President, I was temporarily called away from the floor when the Senator from Florida finished his very fine speech on this subject today. Had I been in the Chamber, I would have had a chance to ask him some questions and also to compliment him highly for his fine presentation. I have been present during a good number of debates, and I have heard the Senator from Florida speak often. As always, he has a fine contribution to make. He speaks from great experience as the Governor of his State, as a member of his State legislature, as I recall, and long years in the Senate of the United States. As one who is vitally concerned about the subject, I also thank him for the very fine presentation he has made. I was privileged to hear most of it.

STATUS OF UNFINISHED BUSINESS WHEN TEMPORARILY LAID ASIDE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senator from Mississippi (Mr. STENNIS) who is to be recognized now, completes his statement and yields the floor, the pending business—Senate Joint Resolution 1—be temporarily laid aside and that it remain in that status until the close of morning business on Monday next.

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

ORDER FOR CONSIDERATION OF PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senator from Mississippi relinquishes the floor, and Senate Joint Resolution 1 is temporarily laid aside today, the Senate proceed to the consideration of Calendar No. 1079, S. 3418. This was announced on yesterday for the late afternoon session today.

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

VACATING OF PREVIOUS ORDER FOR CONSIDERATION OF H.R. 13810

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the conclusion of the vote on Calendar No. 1079, that the previous order, calling for the consideration of Calendar No. 1123, H.R. 13810, be vacated.

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

ORDER FOR LAYING THE FARM BILL BEFORE THE SENATE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the conclusion of the vote on Calendar No. 1079, S. 3418, that the so-called farm bill, Calendar No. 1172, H.R. 18546, be laid before the Senate and made the pending business for consideration during the late afternoon or evening session on Monday next.

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

STATUS OF UNFINISHED BUSINESS WHEN TEMPORARILY LAID ASIDE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, September 14, 1970, not later than 5 o'clock in the afternoon, the unfinished business, Senate Joint Resolution 1, be temporarily laid aside and that it remain in that status until the close of morning business on Tuesday next.

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

ORDER FOR CONSIDERATION OF FARM BILL ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time as Senate Joint Resolution 1 is temporarily laid aside on Monday next, September 14, 1970, the so-called farm bill be made the pending business and laid before the Senate at that time.

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

Mr. BYRD of West Virginia. Mr. President, while I have the floor through the courtesy of the Senator from Mississippi, I should like to put the Senate on notice that it is the intention of the leadership on both sides of the aisle to bring up Calendar No. 1123, H.R. 13810, at some time on Monday evening next. The matter has been cleared with the Senator from Mississippi (Mr. EASTLAND) for action on the bill on Monday evening next. Also, it is the intention of the leadership to try for action on S. 4316, the SBA bill, by Mr. MCINTYRE, on Monday evening next if possible during a late session.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. STENNIS. Mr. President, I have long supported changes in the method of electing the President and Vice President. I believe that electoral reform in this area is long overdue and that no political issue is of greater importance to the Nation. At the same time, I do not believe that we have anything like a crisis that would push us into a system that I believe would bring far more harm than anything that is possible under the present system, and would bring about a fundamental change in the basic structure of our Government and its philosophy—as I will explain later on.

Mr. President, I speak today in opposition to the Bayh proposal which calls for direct election by the people in the Nation as a whole of the President and Vice President.

I believe that adoption of the resolution would be unwise and would bring results which would be mischievous and also unexpected and unweighed for the time being.

I do support what I have supported in the past, what is known as the district plan. On a number of occasions I have joined in introducing proposed constitutional amendments to put this plan into effect. Briefly stated, the district plan would preserve the office of the elector but would provide electors be chosen in the same manner as Representatives and Senators. The presidential candidate with a plurality in each electoral district, the lines of which would be set by the State legislatures, would receive the vote of its electors. The candidate with a statewide plurality would receive the two electoral votes representative of the State's two Senators.

The candidate receiving the majority of the total electoral votes would become President; but if no one received the majority, Senators and Representatives, sitting jointly and voting individually, would choose the President from the three candidates having the highest number of electoral votes.

Mr. President, I referred to this matter in preceding years. I remember it came up for the first time, since I came to the Senate in 1948, in what was then known as the Lodge-Gossett amendment proposal, and that proposal provided not for the district plan but for the retention of the electoral system, that each candidate would receive such a fractional part of the electoral vote allotted to each State as he received percentagewise of the popular votes in that State. That had its merits and it has its supporters and that passed here by more than a two-thirds majority. It went over to the House and failed to pass there. It was said that the influence of the large city States killed the plan.

I refer to it now with emphasis on the other positions I have taken to show that I am not against everything, that I am willing to join in any reasonable proposal that sets forth a bringing up to date and the better workability of the electoral college system.

But I am certainly not in favor of abolishing it.

The present system of electing the President and Vice President is governed by article II, section 1, and the 12th amendment to the Constitution. These sections provide that the President and Vice President shall be chosen by electors appointed by each State in the manner directed by its legislature, each State having the same number of electors as it is entitled to Senators and Representatives in Congress.

This system was agreed upon by the writers of our Constitution for two basic reasons: first, in order to protect the smaller States, each State, regardless of size, was given two electors in addition to the electors based on its population; second, the electors should actually choose the President and Vice President because it was thought that they would have a greater knowledge and public understanding than the mass of citizens. The growth of political parties soon after the adoption of the Constitution and subsequent popular trends have had a profound effect on the manner in which this system actually operates.

One of the longstanding evils of our present electoral college system is that it makes possible the election of a President who did not receive a majority—or even a plurality—of the popular vote. I emphasize that it makes that possible. I do not think there has been any real or injurious effects. Thus, it is that on 15 occasions we have elected the President by a minority vote, and on three occasions candidates were elected who did not even receive a plurality.

As a matter of historical interest, until about 1800 approximately half of the State legislatures chose electors themselves. However, a gradual change came about in the method of choosing the electors, and, by 1804, the majority of the State legislators had provided for direct popular election of electors.

I think it is historically significant that, at first, most of the States provided that electors should be elected from districts similar to congressional districts, under which one elector was chosen by the voters of each congressional district, and two were elected by those of the State at large. Thus, the electoral votes from a State were split if the various districts differed in their political sentiments. This is basically the plan which I support today.

The district plan eventually was abandoned due largely to the desire on the part of State political leaders to deliver the State's entire electoral vote to one presidential candidate. The unit vote system evolved under which all of the State's presidential electors went to the party with a plurality of the popular votes statewide. By 1832 the district plan had virtually vanished from the scene with only isolated instances of its use since then in certain States. Since 1892 the present unit vote system has been used by every State in the Union.

As I have said, under the existing system there have been 15 occasions when we have elected as President by a minority vote and three occasions in which the candidate elected did not even receive a plurality of the popular vote. Even when the winning candidate did receive a majority of the popular and the electoral vote as well, disparity between the two has been very great.

For example, in 1960 the late President Kennedy's popular vote exceeded that of Vice President Nixon by only .2 of 1 percent of the total vote, but he received 300 electoral votes to 223 for Mr. Nixon.

However, it does not follow that direct popular election is the way to solve the problem and eliminate the evils of the existing system. Indeed direct elections might produce even more evils than exist at present. I will mention only a few of the dangers which might result.

Mr. President, with our tremendous increase in population, which is now beyond 200 million people and soon after the turn of the century will exceed 300 million people and, of course, will increase more rapidly after that time to the point that we will have 400 million people, the very concept of this plan, without having them broken into some units by means of some kind of a plan, makes a topheavy electorate so large, so big, and so vast that I shudder to think about what would happen if all those people are to be considered as one group and undertake by direct vote to choose a President of the United States.

I believe that the increase in the population will increase the soundness of some kind of a system that will preserve some entity and some voice in the Government by the lesser populated areas, the rural areas, the villages, the small towns, and the so-called rural States.

I am thinking in terms now of just a few decades away, not something way out in the far-distant future.

In the first place, direct election would end any role for the States in the election of the President and Vice President and completely upset the balance of political forces upon which our system has come to be based.

I think that it would not only upset the balance of political forces, but I also believe that it would tend to destroy the great school of political training. That has been one of the great sources of strength in our Nation—the participation by the people in smaller units of government, from the rural areas to the villages, the small towns, the small cities, and the county concept included, the participation by countless thousands of people of all ages in these elections, these political conventions, and everything that goes to make up the activities of our electorate in every election, not just presidential elections. I look upon that as one of the great sources of strength of our country.

We are now going to come up with a proposal for election to the two most important offices in all the Nation and sweep aside this participation, which this amendment would do, and create at the unit level one massive body politic and say, "Everything goes to the high

man in this popular election." I think we would take a great deal of the spirit and substance as well as the great arsenal of training in citizenship away from our Government.

The sweeping changes in the legislative representation which have been made under court direction make the electoral vote system even more important as a bulwark of the federal system. It could, I believe, strike a fatal blow to the concept of federalism.

Direct election would deprive the small States of the advantage they now enjoy through the two electoral votes accorded each State regardless of size corresponding to the equal representation accorded the States in the U.S. Senate.

It would jeopardize the control of the States over voting for State and local offices and constitute a blow to State power. In addition the relative weight of each State's vote would depend, not on its population, but on the number of votes cast and counted.

It would encourage the major political parties to concentrate their campaigns in large cities containing large numbers of voters in small geographical areas. This would work against the interests of the rural communities and the smaller States. As a result nominees for the Presidency would most likely come from the larger States or from larger ideological groupings.

Mr. President, I say this with all deference to our cities and the people who live in our cities. However, we already know that one of the great growing pains and problems in connection with our Government now is the problem of the large cities. Many of them are becoming larger and more troublesome to govern. I speak with all deference to them. Someone said to me, "Why, Mayor Lindsay is not doing any good as mayor of New York City." I am not criticizing Mayor Lindsay. My point is that no one in these large cities has a chance to be successful or a chance to carry out his program or the program his advisers might suggest. I am not downgrading the citizenship at all. It is the problems that mount and become impossible.

With respect to the popular election of the President, to concentrate more power in the larger cities, where the problem has already become more and more difficult to solve, would be another step. The people out in the other areas, away from the larger cities—in Government at least—have tremendous blessings that are denied to other people.

Finally, I believe direct election is the least likely of all proposed changes to be accepted—and I mean accepted by the States. Because of the opposition of the small States, the direct popular election amendment in my opinion could never be ratified. It is a statistical fact that about two-thirds of the States would lose the built-in advantage that they now enjoy in the electoral college through the two electoral votes accorded to the States regardless of size equivalent to their U.S. Senators. I believe it would be better for us to pursue a more realistic goal.

On the other hand, Mr. President, I believe that the "district plan" presents a fair, just and workable alternative to the system under which we now select our President and Vice President. As I have said, under this proposal each State would continue to be entitled to a number of electors equal to its Representatives and Senators in Congress. The people of each State would be guaranteed the right of choosing these electors, two of whom would be elected from the State at large, and the number equal to its Representatives in the House would be elected within single electoral districts.

To me it seems that no plan could be fairer, taken from the point of view of the Nation as a whole, and fairer to every area. The cities would have their representation, large and small, and the rural areas would have their representation, as they have in the House and Senate. In turn, the district plan would tie this matter up so that would insure the choice of these districts and these States; and, if that should fail, then there would be a choice by all Members of Congress, which is the body which makes the choices as a whole on the major policies and questions that confront the people of our Nation.

I believe that a more accurate reflection of the popular vote would be forthcoming if electoral votes are divided within each State so that the electoral vote in each district designated for that purpose is determined by the popular vote result in that district alone. At the same time the electoral-vote concept itself would be preserved.

I think it is significant that the district's election process would be retained and be in harmony with the present system of district election of representatives, so it would not create a precedent for proportional representation as would the automatic division of electoral votes in exact proportion to the popular vote in each State.

We have accumulated a lot of experience in almost 200 years, the life of our country, and the problems have become greater. This involves a plan that is still as sound as it was when it was originally used, in my opinion, in the very threshold years of the operation of our Government.

As I stated in my earlier remarks, this district selection system was the one actually used and it proved to be right by the people and Congress in the early decades of our existence. It was the political system, the politics, the political parties that changed the use of that district system and in that way we got away from it. They were within the law.

Now, however, this district plan would go back to that plan which worked so well and put it into the hard language of the Constitution and permit it to be worked out under circumstances where it could not be altered.

The district electoral plan would promote establishment and maintenance of an effective two-party system in every part of the Nation inasmuch as party success in any district would be worthwhile. Thus, it would strengthen the minority party in strongly one-party States.

I know, as do all Senators, our situation at the present time. We must go and campaign and we must go where the people are in the search for votes and what time there is to be used is used largely at the place where it is thought contact can be made with the most people. That is somewhat a rule of necessity. But if we freeze this into just a couple of votes by the entire Nation, that would mean we are leaving out of attention the great areas of this country that we call the rural areas, the villages, the small towns, and the small cities.

When there is not a feeling of obligation to areas, not a political sensitivity to those areas, they are forgotten after the election; not only during the campaign are they neglected but they will be neglected and largely forgotten after the election. That is attributable to human nature.

We should be trying to put together a plan that would put them into a position of responsibility for themselves and accountability.

The district plan would reduce the present disproportional influence of the large population doubtful States in presidential elections by ending the bonanza that comes with the winner take all approach. In addition, the district elector plan would encourage greater voter participation, especially in one-party States by making the individual's vote seem more important in the selection process because one vote in a district would have much greater impact than the same vote in a statewide count.

The district system would give every voter an equal voice in the selection of a President by giving his vote the same weight everywhere. Every voter in the country would be voting for three electors rather than some voting for three while others were able to vote for eight or 25 or 43, depending on the State in which they may live. This is in harmony with the Supreme Court's one-man, one-vote decision.

The district system would minimize problems which trouble the unit rule system, such as voting frauds and efforts at political boss control, by reducing the likelihood that total victory for one party could be achieved in any State under any set of circumstances.

Awarding electoral votes by districts would maintain a fair balance between rural and urban forces and allow minorities to make their weight felt where they have strength, without giving excessive influence to one group.

The single elector districts which the district plan contemplates, would be established by the State legislatures and would be required to be composed of compact and contiguous territory containing as nearly as practical the number of persons which entitle the State to one Representative in Congress. The electors should be pledged in advance to specific candidates for President and Vice President.

I am aware of the argument that small States have a disproportionate number of electoral votes because of the fact that each State has two electoral votes regardless of the size and population of the State. However, this objection applies to any system which retains the electoral vote principle, and I strongly believe that the writers of the Constitution were wise in adopting this principle and that it should be retained. In any event, as I

have already said, I am confident that neither the Congress nor the respective States would ever agree to eliminating this principle which is basic and essential to the preservation of our federal system of government. We should be realistic and recognize that it is very doubtful that the States would ever adopt the direct vote amendment.

In addition to the basic purpose of establishing a district plan for casting electoral votes, there would be a very important change in the method of choosing the President and Vice President in the event no candidate for these offices received an absolute majority of the total number of electoral votes. The 12th amendment now provides that, in such event, the House of Representatives shall choose the President from the three candidates having the highest number of votes. In this election each State has only one vote. A similar procedure is followed in the Senate if no candidate for Vice President receives a majority of the electoral vote.

The district plan would change this procedure to provide that the House and Senate, meeting jointly, with each member having one vote, would select the President and Vice President in the event that no candidate for either office received a majority of the electoral vote. It is certainly more democratic to allow each State one vote for each of its members of Congress rather than giving each State only one vote regardless of its population.

I want to state that these remarks are addressed, with such emphasis as I may have, to the district plan, but I really spoke in the Senate today not only to explain that plan, but to say that everything I have said here in favor of the district plan is an argument, as I see it, against the massive election, as I call it—direct election—for President and Vice President of the United States that would bring in far more problems and evils than it could possibly solve.

Mr. President, I believe that most of us agree that there is a need to reform the electoral college system. This need has been recognized for many years. The Library of Congress reports that hardly a session of Congress has passed since 1797 without the introduction of one or more amendments of this character. These proposals have taken several different approaches. It is recognized that each of them has certain advantages and disadvantages. No one plan presents a perfect and complete solution to the problem. I believe, however, that it is admitted that the adoption of the district plan would bring about great improvements in the methods by which the President and Vice President are selected.

As I have said, Mr. President, I believe that this question of electoral reform is one of the most urgent problems facing the Congress. I believe that it is our responsibility to present to the States for ratification a constitutional amendment to correct the defects in the electoral college system which now exists. However, I cannot support and will not vote for the direct election plan as proposed by the distinguished Senator from Indiana.

I would favor, as I have already said, a situation in which we could really give consideration to the district plan and debate it on its merits.

In summary, Mr. President, I agree with Theodore H. White, the political journalist and author, who in his testimony before the Senate Judiciary Committee called the direct election system "a direct invitation to chaos" and said that while he believed "the country needs to reform its election laws and reform them immediately," he did not think that this should be done by direct popular election.

My remarks are not in distrust of the electorate. They are not in distrust of the people. I have been in public life a good long while and have a basic faith in the people, but I know there are times when emotional matters sweep our Nation, or sweep great, major parts of it. I know there are times when people can be aroused when there is insufficient cause, or no cause, for an emotional state, when for the time being they do not exercise their best judgment, not present their best thinking, nor use their minds in an analytical manner.

I believe one safety of our present system is in the fact that those events seldom happen nationwide at the same time, and the more mature judgment of one area will help to offset another, under our present system, where there may be an emotional or even irrational wave of sentiment in that area. But if we put all of the votes into the same hopper, we are going to find, as the years come and go, and there will be a greater and greater percentage of them in the congested areas, that the sentiment that prevails there will more likely prevail in the result.

For that reason, even though I think this problem is grave, I do not think we have to be in an extra hurry. I do not think we have tried hard enough to work something around the district plan. Therefore, for the time being, in this crowded time, when we are trying to finish before the elections, I think we ought to direct our attention either for or against the proposal by the Senator from Indiana, because that is the one that has the real danger.

Mr. President, I yield the floor.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The PRESIDING OFFICER. In accordance with the previous order of the Senate, the Chair lays before the Senate S. 3418, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicines.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments at the top of page 2, insert "TITLE I—FAMILY MEDICINE"; at the beginning of line 2, strike out "That part D of title VII of the Public Health Service Act is amended to read as follows:" and, in lieu thereof, insert:

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

In line 15, after the word "instruction", insert "(including continuing education)"; on page 3, line 9, after the word "programs", insert "(including continuing education)"; in line 11, after the word "interns," strike out "or residents;" and insert "residents, or practicing physicians;"; on page 7, line 7, after "(a)", strike out "A grant under this part may be made only if the application thereof is recommended for approval by the Advisory Council on Family Medicine and is approved by the Secretary upon his determination that—" and, in lieu thereof, insert "The Secretary, upon the recommendation of the Council, is authorized to make grants under this part upon the determination that—"; on page 10, line 1, after the word "Planning", insert "And Developmental"; at the beginning of line 4, insert "or develop programs or"; in line 7, after the word "planning", insert "and developmental"; in line 14, after the word "of", strike out "$5,000,000" and insert "$10,000,000"; in line 15, after the word "planning" insert "and developmental grants"; on page 12, line 8, after the word "for", insert "and of the amounts of"; and on page 13, after line 12, insert a new title, as follows:

TITLE II—MALNUTRITION

SEC. 201. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 310c. (a) In order to reduce the incidence of malnutrition in the United States, to advance medical knowledge in the causes and effects of malnutrition, and to encourage and facilitate the provision of early detection and effective treatment of malnutrition and the conditions which result therefrom, the Secretary is authorized, out of the funds available for carrying out the purposes of this section, to:

"(1) make grants-in-aid to and enter into contracts with medical schools, appropriate graduate schools, and nursing schools to assist such schools in establishing courses dealing with malnutrition, it causes and effects, means for its early detection, and effective treatment of malnutrition and conditions resulting therefrom;

"(2) make grants-in-aid and enter into contracts with universities, medical schools, hospitals, laboratories and other public or private institutions, and individuals and groups of individuals for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom;

"(3) establish special projects designed to provide to students of courses in malnutrition practical training and experience in the field of malnutrition; and

"(4) provide fellowships and otherwise financially assist students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

"(b) In selecting schools and institutions to carry out the purposes referred to in paragraphs (1) and (2) of subsection (a), priority shall be accorded to those schools and institutions which are located in poverty areas.

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $32,000,000 for the fiscal year commencing with the fiscal year ending June 30, 1971, and for each of the next four fiscal years thereafter."

So as to make the bill read:

S. 3418

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

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 781. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(2) construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grants enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the ten-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (2) shall be deemed to be satisfied if, (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Council, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility 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–276a5). 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; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1975) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated for any fiscal year (prior to the fiscal year ending June 30, 1975) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $10,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be

physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, and four of whom shall be representatives of the general public. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy 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 the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, 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 Government service employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for and of the amounts of grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 310c (a) In order to reduce the incidence of malnutrition in the United States, to advance medical knowledge in the causes and effects of malnutrition, and to encourage and facilitate the provision of early detection and effective treatment of malnutrition and the conditions which result therefrom, the Secretary is authorized, out of the funds available for carrying out the purposes of this section, to:

"(1) make grants-in-aid to and enter into contracts with medical schools, appropriate graduate schools, and nursing schools to assist such schools in establishing courses dealing with malnutrition, its causes and effects, means for its early detection, and effective treatment of malnutrition and conditions resulting therefrom;

"(2) make grants-in-aid and enter into contracts with universities, medical schools, hospitals, laboratories and other public or private institutions, and individuals and groups of individuals for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom;

"(3) establish special projects designed to provide to students of courses in malnutrition practical training and experience in the field of malnutrition; and

"(4) provide fellowships and otherwise financially assist students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

"(b) In selecting schools and institutions to carry out the purposes referred to in paragraphs (1) and (2) of subsection (a), priority shall be accorded to those schools and institutions which are located in poverty areas.

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $32,000,000 for the fiscal year commencing with the fiscal year ending June 30, 1971, and for each of the next four fiscal years thereafter."

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

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

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that members of the staff of the committee and the staff of the Health Subcommittee be permitted to be present in the Chamber to assist us during the consideration of this bill.

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

Mr. YARBOROUGH. 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. YARBOROUGH. 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. YARBOROUGH. Mr. President, this bill, S. 3418, the family medical practice bill, is cosponsored jointly by myself and Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. JAVITS, Mr. PROUTY, Mr. SCHWEIKER, Mr. ALLEN, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. EASTLAND, Mr. ERVIN, Mr. FULBRIGHT, Mr. GOODELL, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. INOUYE, Mr. JORDAN of North Carolina, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MONTOYA, Mr. MURPHY, Mr. MUSKIE, Mr. PASTORE, Mr. PERCY, Mr. RIBICOFF, Mr. SCOTT, and Mr. SPONG.

That was as of the date reported, Mr. President, on the 5th of August. Since then the Senator from Mississippi has joined in cosponsoring the bill.

The bill has widespread support on both sides of the aisle. Mr. President, in 1931, three-fourths of all physicians in private practice were general practitioners. In more recent years, the demand for specialists and the preference of many doctors to specialize, has reduced the percentage of general practitioners to one-fifth of all doctors.

In the years between 1963 and 1967 alone, general practitioners decreased 7.3 percent while the specialists increased as follows: Surgical specialists by 15.9 percent, medical specialists by 13.6 percent, and others 19.4 percent. The growth of the specialists was dictated by the dramatic advances in medical science that make it impossible for one man to master all the fields of medical knowledge. Surgery, pathology, internal medicine, psychiatry, pediatrics—all deserve the exclusive attention of great numbers of doctors. Today, 80 percent of the graduates from medical school prepare themselves for a specialty practice.

The result has been a growing gap between the family needing generalized health information and care for its men and women, babies, teenagers, and grandparents, who may suffer from time to time from a great variety of maladies and injuries.

Fortunately, medical practice has begun to recognize the need for new training programs for the general practitioner. In some medical schools, courses are now being offered which lead to a new "specialty"—the practice of family medicine, because there are so few general practitioners.

The family practice doctor is trained to consider and to treat persons in the context of their family and surroundings. Preventive health is one of his major objectives.

A second function is to refer patients needing specialty care or treatment to the right person and place. In that respect he is the single contact where an entire family may go for comprehensive medical care. There are 30 million Americans who today have no access to a family physician whereby they can enter into the medical care system.

The importance of the family practice physician is evident when we remember that the Americans most lacking medical care are those of low and modest incomes who lack the means and the family tradition of looking for the kind of medical care they need. The rural poor, the ghetto dweller, the elderly, the migrant—these are the people who have suffered most from the decline of the general practitioner.

They have become so completely up-

rooted from where they were reared. The families have moved to areas where they do not know where to get a doctor. It is the rural families and the migrant workers who have suffered the most from the decline of the general practitioner.

In February 1969, the American Medical Association approved an American Board of Family Practice with powers to conduct examinations and grant certification to family physicians. A few medical schools are offering or developing courses leading to certification in this field.

I am glad to say that, although there are not many of them, one is the University of Texas Medical School at Galveston. It is one of the four medical schools in my State. The avowed purpose of the University of Texas medical branch at Galveston is, as it has always been, to train good practitioners of medicine for the State of Texas. Almost 45 percent of the practicing physicians in the State of Texas are products of the medical branch, and in the 80 years since its founding our school of medicine has graduated approximately 6,000 physicians.

Under the leadership of Dr. J. M. White, vice president for academic affairs and dean of medicine, and Dr. M. L. Ross, director of family medicine, a program for specializing in family medicine has been developed in the school of medicine.

Texas is known for its wide-open spaces. About one-third of the population lives in small, isolated areas which are a considerable distance from the large medical centers located in the metropolitan areas. Texas will always require family practice physicians in spite of the great specialization in the medical centers. To give special emphasis on this type of training to young physicians will require extra support for the programs being developed in medical schools. And Senate bill 3418 will be of great value in insuring the success of the program from its beginning.

Briefly, Mr. President, title I of the bill would authorize a 5-year program of grants to medical schools:

First—and this is the key part of the bill—to operate separate departments devoted to teaching and instruction in all phases of family practice;

Second, to construct facilities appropriate to carry out family practice training programs whether as a part of a medical school or as a separate outpatient or similar facility;

It was shown at the hearings that nearly all the teachers in medical schools are specialists, such as in surgery or some other branch of medicine. So without this provision in the bill, the bill would be meaningless.

Third, to operate or participate in special training programs for paramedical personnel in the field of family medicine; and

Fourth, to operate or participate in special training programs for medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

It would also authorize grants to public or private nonprofit hospitals which train medical students, interns, or residents:

First, to operate special professional training programs in family medicine for medical students, interns, or residents;

Second, to construct facilities appropriate to carry out these programs whether as part of a hospital or as a separate outpatient or similar facility;

Third, to provide scholarships, fellowships, or stipends to interns, residents, or other medical personnel who are in need of such assistance to participate in accredited training programs in the field of family medicine and who plan to specialize or work in the practice of family medicine; and

Fourth, to operate or participate in special programs for training paramedical personnel in the field of family medicine.

For the purpose of making the grants to medical schools and to hospitals, the bill would authorize appropriations of $50 million for fiscal year 1971, $75 million for fiscal year 1972, and $100 million each for fiscal years 1973, 1974, and 1975.

Finally, Mr. President, I would like to draw my colleagues' attention to the other major aspect of S. 3418. Title II of the bill authorizes a new program to begin to effectively deal with the vexing problems of malnutrition. The programs authorized in title II will greatly assist in continuing the battle against malnutrition. It is a tribute to the diligent efforts of the distinguished Senator from New York (Mr. JAVITS), the ranking minority member of the Committee on Labor and Public Welfare, that the programs encompassed in title II are now before the Senate for its consideration.

I shall not go further in discussing the programs; I am sure that the Senator from New York will want to elaborate further on the bill's provisions. He did very effective work in presenting them as a separate bill, and finally as an amendment to this bill.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be treated as original text for the purpose of considering further amendments.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. DOMINICK. In the event the committee amendments are adopted en bloc, will that have any effect in my offering amendment No. 886 later?

The PRESIDING OFFICER. None whatever; it will not have any effect.

Is there objection to the unanimous consent request of the Senator from Texas? The Chair hears none, and the committee amendments are agreed to en bloc.

Mr. JAVITS. Mr. President, this is the second of two bills that have come before the Senate in the last 2 days dealing with health problems of the country, both of them reported by the Committee on Labor and Public Welfare. The Senator from Texas (Mr. YARBOROUGH) is the principal author of the first title of this bill, which relates to a subject very dear to his heart, and on which he has worked indefatigably for a very long time.

Whatever may be the fate of the amendment of the Senator from Colorado (Mr. DOMINICK), in my judgment it does not go to the very heart of the bill. Therefore, I think it is fair and safe to say that it is the peculiar capstone of the service of Senator YARBOROUGH in the Senate that this bill should have been brought to fruition in this Congress. I know of no measure which would be more uniquely adapted to his philosophy of life and his representation of the people of Texas than one which relates so directly to the practice of family medicine. Indeed, this is one of the great, pioneer traditions of our country, and we are bringing it up to date and demonstrating that modern practice does not eliminate basically the fundamental concepts of life.

I remember, as a child—as I think many of us remember—a picture, in color, in the windows of drugstores. The picture depicted a child ill, upon a bed of pillows mounted on chairs alongside a lamp. Obviously, it was a rural setting. The mother was in the background; the doctor was the central figure of the piece. Obviously, he was a country doctor, making his rounds, and saving the life of the very sick child. He was working under primitive circumstances and with limited medical facilities.

To me, this has always epitomized the Hippocratic oath and the romance and beauty, as well as the healing power, of the American doctor. So I think that in this particular measure the Senator from Texas has given us an opportunity to support, with modern techniques, one of the most basic and appealing aspects of all American medicine.

In addition, Mr. President, as he has pointed out, we may have somewhat outrun ourselves. We do have grave deficiencies in the number of doctors in this country. We generally estimate the immediate shortage to be at least 50,000 and we have a shortage in sight of 150,000 more. I must say that must be compared with the figure at the most of 500,000 doctors available for any kind of active medical practice—more nearly 350,000. This poses grave problems for our country. We are trying to meet it with certain types of clinical practice, group practice units, which concentrate heavily upon specialization. In this measure we will be attacking the other end of the scale which is the broadest kind of a generalist; namely, the doctor who practices family medicine. I believe that both forms of approach are equally essential. Certainly the testimony taken before our committee clearly indicated that.

Another aspect of the bill which is very important to me is its effort to improve the supply of para-medical personnel, personnel who are not doctors. The Russians have an interesting system in that regard, from which we can probably learn something, called the Felcher system. Under that system, they have all kinds of assistant doctors, highly specialized personnel, who do not have the full training of a doctor or a physician but are well able to handle many specialties, as for example, the setting of broken bones or some other specific matter of that kind.

Our experience with medical corps-

men in the armed forces, who are not doctors, indicates a wide range of assistance to the medical profession which can be rendered in this way.

I am hopeful that in the new Congress we may be able to move into this area in a far more effective way than we have so far, in attracting medical corpsmen to the health services and giving professional recognition to some of these paramedical personnel not trained to be fully a doctor yet able to carry a good deal of the load.

All of this, Mr. President, including the romantic vision of the country doctor called out of bed at 3 or 4 o'clock in the morning and, in his horse-drawn buggy, driving through the rain or snow to attend a sick patient, which was as characteristic of the American scene as delivery of the mail, is invoked by this particular measure. I hope very much that the Senate will approve it.

As I say, discussion with the Senator from Colorado (Mr. DOMINICK) on his amendment is a matter of methodology rather than the substantive trust of this measure. I am sure that the Senator, very much like the rest of us, feels the same way about the basic element involved here, which is the encouragement of the practice of family medicine.

I congratulate the distinguished Senator from Texas (Mr. YARBOROUGH) for once more bringing a very fine, high-minded and desirable health measure to the floor of the Senate.

I take but another few minutes to discuss at this time a title of the bill which is my own, but if the distinguished Senator from Texas would like me to yield to him now, I shall be happy to do so.

Mr. YARBOROUGH. Mr. President, I am grateful to the distinguished Senator from New York for his kind words. I have had the privilege of working with him on this committee now for a great many years. We have worked in harmony on the Health and Education Subcommittees during which a great body of health and education legislation has been passed. Without his assistance and leadership, and his amendments on many of these bills, we would never have enacted so much education and health legislation.

It has been a great privilege to have worked with a Senator of his astuteness and mental acuity, his great knowledge of the law, and his knowledge of these problems.

I want to thank the Senator from New York for his cooperation. He has never been an obstructionist. He has always cooperated to improve our work, to add improvements to it, if he could. We have a good bill here.

Mr. JAVITS. I thank my colleague from Texas very much.

Now, Mr. President, I shall deal briefly with title II of the bill, which sets the seal of urgency in establishing a national commitment to put an end to malnutrition in America by authorizing grants-in-aid to assist medical schools, graduate schools, universities, hospitals, and other public or private institutions in more effectively dealing with the problems of malnutrition; by advancing medical knowledge in the causes and effects of malnutrition, providing for the early detection and effective treatment of malnutrition, and enhancing student assistance programs in the field of malnutrition.

The malnutrition title of this bill was originally introduced by me as a separate bill, S. 1865, and cosponsored by Senators MCGOVERN, BAKER, BROOKE, COOK, DOLE, GOODELL, HATFIELD, PERCY, and SCOTT.

Testimony before the Select Committee on Nutrition and Human Needs, of which I am ranking minority member, has indicated that our medical schools have not been adequately preparing their students for detecting and treating malnutrition and its related illnesses. Even though many of our medical schools do have courses in which some attention is given to malnutrition, few make the study of malnutrition an identifiable part of their curriculum. We have learned that too few doctors have a background which equips them to recognize and treat malnutrition as it exists in our poverty areas. For too long the study of malnutrition has been given secondary attention in our medical, graduate, and nursing schools, to the shame and dismay of us all.

Provisions of this title are designed to rectify the situation and respond to the criticism of the final report of the White House Conference on Food, Nutrition, and Health, which stated:

> The teaching of nutrition in schools of medicine, dentistry, and nursing is most inadequate at the present time; in some schools it is almost nonexistent.

This title of the bill also authorizes assistance for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom, and meets a White House Conference on Food, Nutrition, and Health task force recommendation that funding be provided for: "continued research, both basic and applied, on specific nutritional needs of the population and the fundamental causes of malnutrition."

To achieve the objective cited in the White House Conference on Food, Nutrition, and Health report—

> More emphasis should be given to applied nutrition, not only in the classroom but through field experience in hospitals, clinics, and community.

Funds are provided for special projects designed to provide students in courses in malnutrition with practical training and work experience and with fellowships to encourage such students to work in poverty areas to help combat conditions of malnutrition and its related illnesses.

There is substantial evidence to document the effects of poverty and the enhanced risks to mental and physical development from severe malnutrition during the first few years of life. This enhanced risk extends into the period of pregnancy when the expectant mother is unable to provide the infant with sufficent nutrients.

To meet this need a section of the title authorizes the provision of fellowships and other financial assistance to students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

I believe this title of the bill will be a major step forward in the war against hunger and malnutrition and is responsive to President Nixon's 1969 congressional message which said:

> I am asking the Secretary of HEW to:
> —initiate detailed research into the relationship between malnutrition and mental retardation;
> —encourage emphasis by medical schools on training for diagnosis and treatment of malnutrition and malnutrition-related diseases.
>
> The teaching of nutrition and one problem of malnutrition in schools of medicine, dentistry and nursing is most inadequate at the present time and in some schools it is almost nonexistent because specialists in nutrition among physicians, dentists and nurses is limited. A few hundred persons would be an optimistic estimate.

They end up, Mr. President, with a finding which is contained in appendix C, panel 4, or the final report of the White House Conference on Food, Nutrition and Health. I ask unanimous consent that the whole of the appendix be printed in the RECORD.

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

APPENDIX C—PANEL IV–2: NUTRITION TEACHING IN MEDICAL SCHOOLS

ADEQUACY OF NUTRITION TEACHING IN MEDICAL SCHOOLS

Only a few formal studies have been made of the adequacy of nutrition teaching in schools of medicine. Such studies have disclosed that:

1. A need for improvement in nutrition teaching is readily acknowledged by many medical schools.

2. Only a few schools have a separate division or department of nutrition.

3. Special courses in nutrition are rare and nutritional material is commonly incorporated in courses in biochemistry and physiology and in the teaching of clinical specialties such as medicine, surgery, pediatrics, and obstetrics.

(*a*) At the preclinical level, nutritional subject matter is often displaced by more "basic" topics such as enzyme kinetics, and membrane theory. In addition, instructors in biochemistry and physiology not infrequently emphasize their own research interests out of proportion to their relevance to the overall subject and to clinical problems. Often, little attempt is made to provide the student with the basic information about nutrition upon which "clinical nutrition" is necessarily based.

(*b*) In the clinical department and subspecialties of medicine there has been little or no correlation of nutrition teaching; thus, the student has been offered only a fragmentary selection of aspects of nutrition having particular relevance to various clinical subjects. Such fragmentation inevitably has led to appreciable gaps in nutrition education.

4. A few medical schools offer elective courses on therapeutic diets (medical dietetics), experience in a "nutrition clinic," and in nutritional investigation.

5. Many medical students only learn about florid malnutrition in man when they take electives involving participation in overseas programs based in countries where protein-calorie malnutrition and vitamin deficiencies are common.

6. In medical schools with a good program in nutrition there is usually either a strong

division or department interested in nutrition, or professors with a special interest in clinical nutrition or nutritional research.

7. A thorough and definitive survey of nutrition teaching in American medical schools remains to be done.

(a) No objective assessment of the nutritional knowledge acquired by medical students has been made.

(b) Sufficient nutritional questions do not appear on National or State Board examinations to provide a fair test of nutritional knowledge.

(c) Current knowledge of the extent and effectiveness of nutritional teaching necessarily is based in large part on the results of questionnaires distributed to various medical schools and on the impression, observations, and opinions of a relatively few faculty members. These sources give a useful preliminary indication of the state of nutritional teaching in American medical schools; however, the information they contain does not provide a sufficiently strong foundation upon which a national policy with respect to nutritional teaching at the medical school level can be based.

(d) (See addendum No. 1.)

I. OPPORTUNITIES FOR NUTRITION TEACHING TO MEDICAL STUDENTS

No plan designed to improve nutrition teaching to medical students can overlook the striking changes introduced into the curriculums of most medical schools during the past 5 years. These include:

1. Reduction of time spent in laboratory exercises in anatomy, biochemistry, physiology, pharmacology, and other preclinical sciences.

2. Strong efforts made to coordinate teaching of basic science material so that biochemical, physiologic, pharmacologic, and clinical information about the various organ systems of the body is presented to the student in an integrated fashion.

3. Increased emphasis on interdisciplinary teaching with some beginning dissolution of departmental boundaries.

4. Introduction of the student to clinical problems earlier than previously; often in the first year, or early in the second year.

5. More emphasis on elective opportunities for students after they have completed a "core curriculum," usually during the last 18 months of medical school. These elective opportunities include:

(a) Assignments to medical facilities in technically underdeveloped countries and to poverty areas in the United States.

(b) "Clerkships" in community medicine where problems in the delivery of medical care by the hospital center are given special attention.

II. NUTRITION TEACHING DURING THE PRECLINICAL YEARS

In considering how nutrition teaching can be fitted into and articulated with the medical school curriculum, it must be kept in mind that the time available for basic science courses is being increasingly compressed. Thus, it would seem difficult to add a required course on basic aspects of nutrition during the so-called preclinical years, even though establishment of such a course has been recommended on a number of occasions. However, since there is an increasing emphasis on integration of basic science material, it is possible that the presentation of what is ordinarily considered to be nutritional subject matter can be used to organize biochemical or physiological information. For example, a discussion of the factors affecting nitrogen balance could be used to pull together a great deal of material on protein biochemistry that otherwise might not be related readily to human health problems. A discussion of calorie requirements in man might serve to give relevance to the subject of energy transformations at the cellular level.

It has been pointed out that some medical schools offer courses in clinical correlation or pathophysiology, in which an attempt is made to bridge the gap between basic science and clinical training. In such a course nutritional information can help the student understand the relationship between the clinical picture and the underlying physiologic or biochemical disorder. For example, the symptoms that accompany growth-onset diabetes mellitus can be best understood in terms of the conditioned malnutrition that results from inability to utilize carbohydrate properly.

III. NUTRITION TEACHING IN THE CLINICAL SPECIALTIES

The importance of nutritional considerations in medicine, surgery, pediatrics and obstetrics is acknowledged. Unfortunately (as mentioned previously), the nutrition teaching provided by the various medical specialties is necessarily fragmented, and sometimes superficial. For example, the student may be taught a rule-of-thumb approach to nutritional therapy without being given an understanding of the principles upon which such treatment is based.

It has been suggested that a properly qualified member of the faculty with a strong interest in nutrition could help to coordinate and strengthen the teaching of nutrition in the clinical specialties and, by means of lectures, conferences, clinics, or teaching rounds, fill in any important gaps that remain.

IV. NUTRITION TEACHING IN ELECTIVES

1. Electives that involve participation in programs designed to deliver medical care in poverty areas in the United States or abroad often bring the medical student into direct contact with patients who exhibit florid deficiency states, including protein-calorie malnutrition. Such experiences are far more effective than slides or textbook pictures in convincing the student that malnutrition remains a major world health problem and that clinical nutrition is a subject providing many challenges for the young physician.

2. Clerkships in community medicine are increasingly offered by the various divisions and departments of community medicine that are developing in medical schools and teaching hospitals throughout the country. In such programs, the medical student can work in a nutrition clinic, participate to nutrition surveys, study the role of nutrition in disease prevention or retardation and learn to work effectively with other members of the "health care team," including the public health nutritionist. This type of training can lead logically into a career in public health nutrition or to a program of graduate training in comprehensive medicine designed to train a new type of specialist for whom the designation "primary physician" has been suggested.

3. An elective in a division where nutritional and metabolic research are conducted can serve as an introduction to a career in academic clinical nutrition. Medical students who participate in such electives may be motivated to obtain 2 to 4 years of postdoctoral training in nutrition and metabolism after completing 1 or 2 years of residency work in a medical specialty.

V. RECRUITMENT

Recruitment of young physicians into clinical nutrition has been extremely difficult and there is a critical shortage of trainees and of teachers and investigators in this field.

Some of the reasons for this situation have been identified. These include the following:

1. A lack of identity for clinical nutrition.

2. Lack of a subspecialty status for clinical nutrition.

3. Dearth of superior training programs in nutrition designed to meet the needs and interests of young physicians.

4. Lack of recognition by medical schools and teaching hospitals of a need for clinical nutrition programs.

5. Debilitating effect on the image of nutrition as a respectable scientific discipline of food faddists, commercially motivated pressure groups, and widespread pedestrian nutritional research.

The problems of an identity for nutrition seems to be inherent in the scope and diffuseness of the word "nutrition." For example, there are no satisfactory terms in the vocabulary of nutrition to distinguish the clinical investigator of nutritional problems from the home economist who is concerned with applied nutrition. A professor of nutrition can be either a dietitian or a medical scientist. Such semantic difficulties have not helped to dispel the cloud of confusion that hovers over the subject as it relates to clinical medicine and medical research. Indeed, many otherwise sophisticated medical school faculty members and administrators tend to identify nutrition inherent in the standards for certification in this field promulgated by the American Board of Nutrition.

Lack of a subspecialty status for clinical nutrition has been an important factor in discouraging many young physicians from entering the field. While hematology, cardiology, gastroenterology, etc., are recognized subspecialties, clinical nutrition is not. This distinction has important financial implications for the house officer who is considering entrance into a subspecialty.

As Mueller has pointed out (Fed. Pros. 167, 1967): "At the present time there is no clear career future for the young physician in nutrition." He goes on to say that "* * * it is a well-established truism that the quality of undergraduate training is proportional to that of graduate training. In other words, if the science of nutrition lent itself to a residency training program it would automatically improve the facility for undergraduate teaching."

It must be recognized that there has emerged in medicine a growing number of medical students and young physicians who are placing the concept of service well above considerations of financial remunerations and "success" as it is conventionally viewed. Such individuals are very likely to be attracted to careers in clinical nutrition if they can be shown the enormous benefits to mankind inherent in the prevention and treatment of all forms of malnutrition. However, the exposure that medical students usually receive to serious nutritional problems in their present medical school setting is ordinarily so minimal that the chances of stimulating their interest in the subject seem small.

ADDENDUM No. 1

It is recommended that funds be made available to permit appropriate voluntary agencies (AAMC, AMA, etc.), to conduct a thorough and definitive survey of nutrition teaching in medical schools. The results of such a survey should be evaluated by an expert panel selected by NAS–NRC in consultation with other national groups concerned with medical education, to determine the adequacy of nutrition teaching in American schools of medicine.

Mr. JAVITS. Mr. President, the need for improvement in nutritional teaching is readily acknowledged by many medical schools. Also we have the testimony of Harvard University School of Public Health which in a letter to me dated July 15, 1970, states as follows:

DEAR SENATOR JAVITS: We who are interested in the nutritional problems of this country appreciate your efforts and I thank you for your letter of June 23, 1970. With specific reference to Section 411 on Fortified

and Enriched Foods, I would like to raise two questions.

It should be clear that the objective is to supply "nutritious food" and this may be achieved with natural products without specific additions of nutrients which would ordinarily be considered under "fortified or enriched foods." I am uncertain as to the legal interpretation of the current wording.

Secondly, I have been told that OEO has, in fact, funded a few projects of this kind although I have no specific information. The usual response of industrial people to this kind of suggestion has been that while they could prepare cheaper and sometimes better products than those they now market, they see no way to sell such products without cutting into their present markets. So, I have some skepticism about how realistic the industry would be in attempting to develop this entire concept although the need for some kind of activity to develop cheaper nutritious products that are acceptable would seem quite clear.

The Food and Nutrition Board expects to begin activities very shortly under contract with the Food and Drug Administration to develop some nutritional guidelines for various classes of foods. As you are probably aware, the fortification of some foods is limited by certain standards for specific foods. At the same time, some limitations are necessary since excessive additions of vitamin D to foods have produced severe toxic effects in children and caution has to be exercised. I assume that this whole area will be redefined in the next year or two.

Graduate training in nutrition, as in most fields, will probably decrease this year because of limitations in research and training grant funds. Most schools are in trouble and some in very serious trouble. I see little that can be done without increased funds for research and training. We should recognize, of course, that the limitation in funds available across the board does provide an opportunity to direct larger numbers of individuals into nutrition, or other fields, provided funds can be made available.

At the same time it has to be recognized that research support in nutrition and practically all fields of medicine during the past 20 years or more has emphasized the biochemical and physiological aspects with little attention to the social aspects. As is stated in Section 202, "the Nation lacks sufficient knowledge" to solve the nutrition problems we have. The remainder of Title II, however, appears to me to be based largely upon the supposition that the knowledge is more or less adequate and the primary need is to produce new curricula and educate and inform the population. It seems to me that programs of these kinds will not succeed unless a professional core is developed to lead the program. If nutrition is to be introduced into medical schools, it will presumably be through Professors of Nutrition in the medical schools and these will not develop unless specific funding is available. Similarly, means must be found to develop strong and more comprehensive nutrition programs than now exist in universities. The basic core of nutritionists now available are, in general, not prepared to develop the comprehensive programs needed, particularly the need to involve the social scientists. The specific areas identified in S. 2789 as requiring more research effort are sound, I think, but it is not clear to me that these will necessarily lead to the kinds of broad training and research programs which are clearly needed.

I should like to point out also that nutrition in medicine is a far greater problem than dealing with those diseases related to poverty and undernutrition. The nutritional aspects of renal disease, heart disease, malabsorption syndromes, anemias, allergies, etc., are also a neglected field and I feel that these kinds of problems also have to be attacked, particularly if we are to obtain the real interest of the medical profession in nutritional problems of this country.

I certainly agree that priorities must be established from the many recommendations of the White House Conference. One of the major difficulties at the moment is the inability of most of us to find out exactly what is happening in Washington and especially in HEW that relates to nutrition. There is need for coordination and evaluation. I am uncertain how this can be best accomplished.

If I can be useful at any time, I hope you will call on me.

Sincerely yours,

D. M. HEGSTED, Ph. D.,
Professor of Nutrition.

Mr. President, finally, at my request, the medical schools of the State of New York organized for the purpose of surveying the situation in the State. This was also followed in other States on the issues of hunger and malnutrition. They have made a report, which we will be issuing in due course, but I should like to state now that they, too, flay the inadequacies of medical training and the facilities for medical training in the field of nutrition as one of the most urgent needs before them. This relates both to research and actual treatment and other problems of a medical character which arise in connection with malnutrition.

I see the Senator from Virginia (Mr. SPONG) in the Chamber. I should like to pay my tribute to him and to the Senator from South Carolina (Mr. HOLLINGS) who both helped to explode the notion that Southern Senators are necessarily reactionary. These Senators were frank and direct enough to go into their own States and acquaint the country with conditions there of which, had they been smaller men, they would have been ashamed and covered up. However, because they are men of size, they revealed them in order to bring about a national concern and a national correction.

I congratulate them. They are truly of the character that Senators ought to be.

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

Mr. JAVITS. I yield.

Mr. SPONG. Mr. President, I thank the Senator from New York. I had intended to rise to commend him for his leadership insofar as title II of the pending bill is concerned.

I introduced a bill seeking the same objectives. I am very much aware of the leadership that the Senator from New York, working with the Senator from Texas (Mr. YARBOROUGH), has shown in this important field.

I urge passage of this legislation, and predict that, through our medical schools, we will go a long way toward knowing more about malnutrition and in our efforts to alleviate hunger and malnutrition.

I commend the Senator from New York (Mr. JAVITS) and the Senator from Texas (Mr. YARBOROUGH).

Mr. JAVITS. Mr. President, I thank the Senator from Virginia very much. No analysis of title II of the bill could be concluded without a reference to the work which is being done by the select committee dealing with the subjects of hunger and malnutrition. That committee is headed by the Senator from South Dakota (Mr. MCGOVERN). I happen to have the honor to be a ranking minority member of that committee.

There the evidence, it seems to me, is conclusive with reference to the need for a medical answer to the problems of malnutrition and hunger. These problems are most awful in respect of mothers who are bearing children because we are learning that the effects of malnutrition in the mother may cause a retarded child even before the child is born.

I could think of nothing worse. We are all accustomed to a bloody world—and it is. Yet, there are some things which touch the human heart peculiarly, even though we are accustomed to the tragic suffering and dying in the world. One of those things that touch our hearts deeply is the danger that a child may be completely useless to itself and to the world for all its life because we had failed to deal with the nutritional problems of the mother bearing that child.

With some 20 million Americans at the poverty level, this is a problem of vast magnitude. The medical schools are unable to cope with this problem. A number of the medical schools are in danger of closing their doors. Practically every medical school in the country is in very deep financial trouble.

We passed a bill the other day seeking to bail them out with $100 million of emergency funds. The provision in the bill for authorization for family medical practice and for nutritional education are absolutely essential if we wish to legislate concerning this problem and have that legislation implemented.

I hope very much that the Senate will pass the bill.

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

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I have had the pleasure of serving on the committee dealing with nutrition and human needs along with the distinguished Senator from New York.

Mr. President, the bill which we are considering today establishes two very worthwhile programs.

Title I establishes a program to help medical schools and hospitals educate larger numbers of doctors in the field of family medicine.

This program is designed to answer the very great need to supplement this country's highly specialized medical manpower with physicians who possess a more broadly based medical education. Hopefully, these doctors will provide their patients with generalized and comprehensive health care which takes into account the patient's total social and economic environment.

Title II establishes a program to improve nutrition, education, and research.

As a member of the Select Committee on Nutrition and Human Needs, I am acutely aware of the problem of malnutrition as it affects the poor and nonpoor alike. One of the more disturbing discoveries of our committee relates to nutrition education. Testimony before the

committee has indicated that although some general attention is given to nutrition in some of our medical schools, the study of nutrition is not an identifiable part of the curriculum. This fact, confirmed by the White House Conference on Food, Nutrition, and Health, has resulted in too many doctors, dentists, and nurses who are unable to adequately recognize and treat malnutrition.

This bill will remedy this defect by authorizing grants-in-aid and contracts to medical schools to assist them in establishing courses dealing with malnutrition, its causes and effects, means for its early detection, and effective methods of treatment.

In addition, the bill provides funds for research and for financial assistance to students of malnutrition to provide them with practical training and experience and to encourage them to pursue studies and engage in activities in poverty areas relating to malnutrition.

Mr. President, both of the programs contained in this bill are desirable and both are necessary if we are to continue to meet the health needs of the country. I am proud to support this bill.

We do have many rural communities in Illinois which have no doctors. If those communities could get doctors interested in going there, they would have to be general practitioners. That would require a medical education.

If we look at a city like Chicago, we find that Chicago has fewer doctors today than it had in 1930, but it has a much larger population today.

Many of the doctors do not have a general practitioner's background and would be required to have that kind of background if they are to render the kind of service we require for our people.

I think this bill would help us to make a giant step forward toward meeting a great human need.

I again commend the Senator from New York and the Senator from Texas.

Mr. JAVITS. Mr. President, I am grateful to my friend, the Senator from Illinois, who has been such a fine influence and leader in this field. He has been a fine influence on our select committee.

Mr. President, I ask unanimous consent that a statement on this matter prepared by my colleague, Senator GOODELL, may be printed in the RECORD.

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

STATEMENT OF SENATOR GOODELL

Mr. President, it is appalling to note the decline in the number of physicians who engage in general practice. Since 1940, the number of family doctors in the United States has decreased by nearly 40 per cent. In 1940 there were approximately 110,000 family physicians—today there are less than 70,000. The number of doctors who treat patients as people rather than as collections of organs is rapidly diminishing. We must act now to offset the depersonalization of medical services.

The reversal of this trend depends upon a number of factors—particularly the social conscience of the individual physician and the commitment of the Federal Government to encourage the training of family practitioners.

For the first time, there is an increasing interest among a large number of medical students for medical training relevant to community needs. Today's students work in low-income communities during vacation periods; they are seeking courses in medical sociology and, in increased numbers, they are demanding to be taught methods to treat persons in the context of their family and surroundings.

If we take advantage of growing student interest in family medicine by making Federal grants available to medical schools and hospitals, we can reverse the trend of decreasing numbers of badly needed general practitioners.

The bill before us today, S. 3418, assists medical schools and hospitals in establishing special departments and programs in the field of family medicine. Such Federal assistance will encourage more students to specialize in general or family practice.

This legislation offers us the opportunity to provide delivery of personal health care to millions of people. I am proud to be one of the original co-sponsors of this bill and urge my colleagues to join in supporting the authorization of professional and technical training in the field of family medicine.

Mr. YARBOROUGH. Mr. President, the Senator from New York has commented on malnutrition and mentioned the effect on the fetus of a pregnant woman who is suffering from malnutrition.

In our hearings in the Select Committee on Hunger and Malnutrition—on which I have served since its creation—it has been developed by knowledgeable people in this field that 90 percent of the potential intellectual capacity of a person is formed by the time the child is 5 years of age. If a child suffers malnutrition prior to its birth, that child will always be a slow learner in school and may be mentally retarded. His chances for a full life are gone.

I commend the Senator from New York for adding this language. I commend the distinguished Senator from Virginia (Mr. SPONG), who is one of the coauthors of the bill.

With reference to the first title of the bill, there are 134 counties in the United States which do not have a single doctor. There are many other communities and many counties with only one doctor in the entire county. The need is very great for this measure. If we send a doctor into the rural areas of the country, he has to be a general practitioner.

There is a great need for general practitioners. We do not have them and we will not have them unless we put some money in the medical schools to train them.

The medical schools do not have the money. A number of them are so close to the verge of bankruptcy that about three of them are faced with the prospect of collapsing within a year.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the pending business, prepared by the Senator from California (Mr. CRANSTON).

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

STATEMENT OF SENATOR CRANSTON

Mr. President, I rise in support of S. 3418, the so-called Family Practice bill.

The number of health professionals and paraprofessionals in the field of family medicine will be considerably expanded as a result of this bill, which the Senate Labor and Public Welfare Committee has reported out under the able leadership of the Senator from Texas (Mr. Yarborough). The practice of medicine has shifted dramatically in recent years to specialization with a comparable decrease in the number of physicians providing general family care. Medical students have been attracted to the specialties during their education through exposure to faculty members who are themselves specialists, and by the genuine excitement surrounding research and scientific discovery. This environment tends to draw them away from generalized practice, and the result has been a visible drop in the number of general practitioners, at the very time the need for them is increasing.

The Academy of General Practice has compiled statistics showing that between the years 1931 and 1967, the number of physicians in private practice increased by 73%, while at the same time the number of physicians in family medicine declined by 44%. The number of specialists increased 469%. In 1964 the AMA, concerned with this rapidly developing shortage and the growing imbalance in the medical profession, established an Ad Hoc Committee made up of leaders in the medical community, which after studying the causes and projecting the future effects of this trend on the profession recommended two major approaches to resolving the problem.

The first AMA recommendation was that medical school programs in family medicine be given more emphasis and visibility. In keeping with this recommendation, the Department of Health, Education and Welfare as early as 1968 provided medical schools with funds for family medicine programs. The second AMA recommendation—to enhance the status and prestige of the practice of family medicine by establishing an approved specialty board and recognizing family medicine as a speciality—was accepted in 1969 when the specialty of family practice was established.

S. 3418 expands upon the AMA's first recommendation by providing grants for the establishment of separate and coequal Departments of Family Medicine at medical schools, for the training of medical personnel to become faculty for these Departments and for training programs in the field of family medicine at hospitals. I am persuaded that such Departments are necessary to reverse the damaging trend I referred to earlier and to permit the field of family practice to compete effectively for medical students.

Among the innovative provisions of this bill is the full recognition given to the vital role that paramedical personnel must play in the field of family medicine and the great potential for expanding this role. S. 3418 will support the inclusion, along with training programs for the physician, of programs for the training of such paramedical personnel in medical school curricula as well as in the hospital training programs. Integration of these two levels of training in the academic and clinical setting should have a dramatic influence on the delivery of health care in the future. And it should bring greater efficiency and lower costs to the practice of medicine.

In these integrated medical paramedical programs, the physician specialist and the paramedical support person, by learning together in interrelated courses, will each learn to appreciate fully the scope and the value of the other's function in the treatment of a patient. The greater potential for care which can be derived from a team approach to the treatment of a patient will be apparent to both. They will become accustomed to dealing with medical problems as a team, and

in all probability will seek to establish the same method of delivering health care when they move, perhaps together, into the practice of their professions in the community.

Some exciting new concepts in medical care delivery have developed recently with the creation of programs for the training of the physician's assistant at medical schools and in hospitals. I strongly hope that development of this new type of paraprofessional to his fullest potential as a member of the family medical team will be fostered under the provisions of S. 3418. Thus, I would urge the Secretary of Health, Education and Welfare in administering this grant program to encourage, to the maximum feasible extent, schools and hospitals receiving funds under the proposed Act to undertake at the same time integrated medical/paramedical training and education programs.

I would also like to draw attention to the importance this bill places on training programs provided by hospitals, through the inclusion of authorizations for grants to hospitals for the development of training programs for medical students, interns, residents and paramedical personnel. The special contributions made to the training of health and allied health professionals by hospital training programs are substantial, and I am delighted that due recognition is provided this fact by S. 3418. The Committee has made clear in its report on the bill that the potential of the hospitals of the Veterans Administration, the Public Health Service, and other federal agencies to establish training programs in the field of family medicine has been recognized. Under the bill, these federal hospitals would be able to compete for grants established by S. 3418 on an equal basis with non-federal hospitals.

Another aspect of the bill deserves attention. This is the emphasis given to the need for medical schools and hospitals to include in their curricula and training programs continuing education for practicing physicians. I am grateful to the Committee for adopting an amendment, which I proposed, to cover continuing education. In this era of rapidly expanding scientific knowledge and technological development, means must be provided for physicians to keep abreast of the newest advances in their field. Thus, the American Board of Family Practice requires recertification of specialists after six years of practice. The provisions in S. 3418 for continuing education programs at medical schools and in hospitals will insure that practicing family physicians have the opportunity and the means to meet this recertification requirement.

Other provisions in title I of the bill provide for the construction of such facilities to carry out a program of training in family medicine—either as part of a medical school, hospital or separate outpatient or similar facility—and for financial assistance—such as scholarships, fellowships or stipends—to interns, residents or other medical personnel following a program in the field of family medicine.

In order to carry out these and the other purposes I have discussed, $50 million is authorized for fiscal year 1971 and an additional $375 million is authorized over the next four fiscal years.

Also included in S. 3418, in title II, are provisions designed to assist in meeting the challenge presented by the existence of malnutrition in our "affluent" society. The bill authorizes the appropriation of $32 million for each of the next five fiscal years, beginning in fiscal year 1971, to encourage the establishment by medical schools, graduate schools and nursing schools of courses dealing with malnutrition, to encourage research into malnutrition, and to provide financial assistance, practical training and field experience for students who are or who wish to become engaged in courses in the field of malnutrition.

The Senate Select Committee on Nutrition and Human Needs, under the able leadership of the distinguished Senator from South Dakota (Mr. McGOVERN), has thoroughly documented the appalling depth of this problem. One of the barriers to its solution has been a dearth of personnel, both professional and paraprofessional, specially trained in nutrition. In addition, doctors in general have not had even the elementary background in nutrition which would enable them to recognize and treat those cases which come to their attention in the course of their daily work. I very much hope that the research and training which would be assisted under title II of this bill will be approved by the Congress, as important in the elimination of malnutrition in America.

Mr. President, S. 3418 should be a strong step to assure the expansion of the practice of family medicine in response to the great challenge facing that medical discipline. I urge my colleagues to vote for this bill.

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 the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 203. An act to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project;

S. 434. An act to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes;

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes;

S. 2264. An act to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance;

S. 2882. An act to amend Public Law 304, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona; and

S. 3558. An act to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting.

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

H.R. 10874. An act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; and

H.R. 17795. An act to amend title VII of the Housing and Urban Development Act of 1965.

HOUSE BILL REFERRED

The bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The Senate resumed the consideration of the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

AMENDMENT NO. 886

Mr. DOMINICK. Mr. President, I call up my amendment No. 886.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

On page 2, strike out lines 12 through 16, and in lieu thereof, insert the following:

"(1) to establish or operate, as an integral part of their medical education curriculums, programs to provide teaching and instruction (including continuing education) in all phases of family practice;".

Beginning on page 8, line 21, strike out all through page 9, line 17, and insert in lieu thereof, the following:

"(1) a school of medicine to establish or operate a program for the teaching of family practice medicine unless the Secretary is satisfied that such school has made adequate administrative provision for such program, through separate departments, administrative units, or other administrative arrangements that emphasize family practice in the education of medical students, interns and residents;".

Mr. DOMINICK. Mr. President, I call the attention of my colleagues to the specific amendment which is printed and on the desk of each Senator.

There is one change made, which the clerk read. It changes the struck portion from line 11 to line 12—that is all it does—in the beginning of the amendment in order to correspond with the amendment I have had printed.

Mr. President, I would like to say several things about this bill after having listened with great interest to the Senator from Texas, the Senator from New York, the Senator from Virginia, and the Senator from Illinois, all of whom commented on the purpose of the bill.

I want to assure everyone that I subscribe to the purpose of this bill, having been delivered into this world by a general practitioner as I am sure many of my colleagues were. I have great sympathy for their work and their assistance with all kinds of family problems that are created by the various illnesses that occur to everyone as we go through life.

I subscribe to the idea that specialties are great but that we can overspecialize in certain areas. Many health situations still require the need of a generalist. I think it is important to say that the so-called practice of general medicine is a specialty in and of itself, accredited and recognized by medical schools and by the medical profession. It is, therefore,

encompassed in the general description of specialties.

The purpose of my amendment, which is based on language suggested by the American Medical Association, is to cure what I consider to be an inflexible approach to the very problem with which the bill is concerned.

That problem, as pointed out in the previous colloquy, is a shortage of general practitioners caused by the increasing degree of specialization within the profession. I think, and I have stated it many times including yesterday on the floor of the Senate, that the method proposed to carry out this worthy objective is too rigid.

As presently written, this bill would require medical schools to establish separate departments of family medicine of equal standing with their other departments in order to qualify for grants. My amendment would give medical schools more flexibility by requiring only that they make sufficient administrative arrangements to satisfy the Secretary that grant funds would, in fact, be used for programs designed to train doctors and other medical personnel in family practice medicine.

Although family practice is itself a specialty recognized by the American Medical Association, it requires training in several of the traditional specialities—internal medicine, pediatrics, surgery, psychiatry, obstetrics, and gynecology. For that reason, an educational program in family practice medicine is adaptable to a diversity of administrative arrangements.

Many medical schools have programs which emphasize the teaching of family practice medicine. But at present, only nine of these schools administer such programs through separate departments of family medicine. The others administer their programs in a variety of ways, depending on what each school determines to be the most effective utilization of its particular resources. Some schools have established divisions of family medicine within one of their departments. Others have administrative arrangements which draw on the resources of several departments.

My staff has contacted representatives of several of the medical schools which do not have full departments of family medicine, and asked them their opinion regarding the requirement in this bill that each school set up a separate department of family medicine which is of equal standing with its other departments. Each school was strongly opposed to the requirement, and several stated flatly that they would not apply for Federal funds which were subject to that requirement.

At this point I wish to inform my colleagues of the colleges and medical schools which were contacted. The list includes my own school, the University of Colorado Medical Center. Others contacted were the University of Oklahoma, Harvard, the University of Vermont, Stanford, Johns Hopkins, Southwestern Medical College in Dallas, Tex., and the University of California Medical School in San Diego. All of these are prominent medical schools. Every one of them strongly oppose that portion of the bill which requires a separate department.

Among the reasons given in opposition were some which I believe to be very illuminating and extremely important in the process of this debate:

First. Congress should not be legislating the curriculums of medical schools.

It seems to me that this principle is basic to the whole argument. Should we or should we not in providing money for very badly needed family practitioners, find ourselves also engaged in determining curriculums of medical schools. I do not think we should. I do not think we should involve ourselves in their administrative business nor in their curriculums.

Second. Each medical school should be permitted to determine how best to administer its family medicine program, based on its particular resources.

Third. It would be difficult to get top flight people to staff separate departments of family medicine. It would be better to utilize top people in existing departments.

Fourth. It would be very expensive to establish and operate separate coequal departments of family medicine. The cost estimates ranged from $250,000 to $600,000 per year.

The family practice specialty requires training in several of the traditional specialties—internal medicine, pediatrics, surgery, psychiatry, obstetrics, and gynecology. Are we going to require the medical schools to set all of those up in a separate department entitled "Family Practice," as well as having people who are engaged in specialties in those fields go through those departments?

The testimony of Dr. William R. Willard, recent chairman of the Council on Medical Education of the American Medical Association, before the committee which considered the bill, of which I am the ranking Republican, indicates he had the same problem with it that I have. He said:

> We are somewhat concerned, however, over the specification in section 761 (a) (1) that there must be "separate and distinct departments" established for those purposes. While new administrative units would be desirable, the requirement of "separate and distinct departments" would render ineligible for Federal assistance many otherwise worthy programs of family practice.

He referred to the report of the ad hoc committee on education for family practice of the American Medical Association, which emphasized that separate departments were only one of several ways of satisfying the need for administrative units responsible for carrying out family medicine programs, and went on to say:

> In the light of this, surely it would be inadvisable to legislate the organizational structure for teaching family medicine, especially since some medical schools are successfully developing programs without separate departments.

The only opposition from the medical profession, I think, to the position I have taken in my amendment—and I ask the Senator from Texas to correct me if I am wrong is the American Academy of General Practitioners. They have been strongly in favor of having a separate and distinct department. They so stated before our committee. We have had contact with them since. They are still of that opinion. But the Association of American Medical Colleges and the American Medical Association are in favor of my amendment on the ground it provides more flexibility in establishing family medicine programs, and makes it far easier to instruct people, at a cost level in keeping with their budgets, and it would not require the unnecessary overhead of a separate department.

After testifying before the committee in the way I have stated, Dr. Willard, in the process of that testimony, referring to the requirement that family medicine departments be of equal standing with other departments, pointed out that such requirement is unclear because, he stated:

> The various clinical departments of medical schools are not equal now in terms of budget, numbers of faculty, patient load, curriculum, or other measurable criteria.

In other words, the other departments are not of equal standing as between themselves in these fields, so with what department are we going to compare this one that has to do with family practice?

After so testifying before the committee, Dr. Willard wrote to Senator YARBOROUGH, the chairman, reiterating his opposition to the separate department requirement. He said:

> It would be administratively inappropriate and unworkable.

He suggested an amendment which would eliminate that requirement, and leave it to the discretion of the Secretary of the Department of Health, Education, and Welfare to decide whether a medical school which applies for funds has made adequate administrative arrangements to assure that the funds will be used for a family medicine program. My amendment is based on his suggestion. I ask unanimous consent that a copy of his letter be inserted in the RECORD at this point.

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

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., July 23, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: You will recall that I had the privilege of testifying for the American Medical Association on behalf of Senate Bill 3418, in support of this Bill, which would assist in developing programs of family practice. You will also recall that I took some exception to Section 765(b), which reads:

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of

family practice by a recognized body approved by the Commissoner of Education; . . ."

Possible language, which would meet my objection, to cover the content might read somewhat as follows:

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate programs of the teaching of family medicine unless the Secretary is satisfied that there is adequate administrative provision for such programs, either separate departments or other administrative arrangements or units that emphasize family medicine in the education of medical students, interns, and residents."

Section 765(b)(1)(A) and 765(b)(1)(B) and Section 765(b)(2) should be dropped. Section 765(b)(1)(A) which specifies that the family practice department must be equal to other departments is not realistic, as my testimony pointed out, and would be administratively inappropriate and unworkable. Section 765(b)(1)(B) is inappropriate because medical students cannot be prepared to meet the standards for specialists in family practice. Their training is more generic and is a basis for practice in any specialty. Hopefully, there will be family practice orientation in the undergraduate program, however. Section 765(b)(2), which relates to the type and quality of program for the internship and residency, is redundant because an accredited program in family practice will, by definition, prepare residents for the specialty of family practice.

I appreciate the courtesy of the hearing which you gave me and the American Medical Association. If we can be helpful in any way, pleace call upon me or Dr. Rube.

Sincerely yours,

WILLIAM R. WILLARD, M.D.,
Immediate Past Chairman, Council on Medical Education.

Mr. DOMINICK. The witness who appeared before our committee on behalf of the Association of American Medical Colleges testified to the same effect. Dr. Robert M. Heysset, associate dean for health care programs, Johns Hopkins University School of Medicine, testified:

The Association would view with great concern approaches which would have the effect of determining departmental organization and the nature of the curriculum in medical schools by statutory action. We join with the American Medical Association in their reservation concerning the specific language of S. 3418. Medical schools are actively changing their educational programs to meet new challenges. Support for specific programs rather than general support will limit the speed, flexibility, and effectiveness of this process of innovation. The objectives sought through S. 3418 could be well achieved if the bill were modified to provide broad support for all programs that will increase the number of physicians qualified to participate in the delivery of primary health care.

Mr. President, in addition to the evidence that I have already cited, the administration, through Dr. John Zapp, who is Assistant Secretary for Health, Education, and Welfare, and who was accompanied by Dr. Endicott, who is Director of the Bureau of Health Professions Education and Manpower Training, National Institutes of Health, and also by Dr. Bucher, Deputy Director, Bureau of Health Professions Education and Manpower Training, National Institutes of Health, objected to this requirement of the bill.

On page 32 of the hearing record, Dr. Zapp is quoted as saying:

I should particularly like to address myself for a moment to the provision of the bill (sect. 761(a)(1) which would authorize grants to medical schools to operate separate and distinct departments devoted to the teaching and instruction in all phases of family practice. There is an implication in this provision that the only way for a medical school to emphasize family practice is to establish and operate a separate department of family practice. We question that implication. . . .

Our experience has shown that some schools are concentrating their educational program on the production of family physicians; other schools are developing family practice or continuity care programs on an interdepartmental basis, so that the concepts of family practice become an integral part of the teaching program of many departments. We feel that such efforts also have great potential and are making major contributions to both concepts and practice of family medicine. These contributions should also be recognized.

So, in summary, I repeat that I am the Association of American Medical Colleges all oppose the separate department requirement which my amendment would delete.

So the administration, the AMA, and in favor of the overall objective of this bill—to increase the number of doctors and other medical personnel who are trained in family medicine. But, I am opposed to the method this bill would adopt to achieve that objective. I think the requirement that medical schools establish separate departments of equal standing with other departments is ill-advised for two basic reasons. The first is that such an approach is too inflexible. It would discourage the innovation and experimentation by medical schools which is necessary in order to find effective solutions to current and future health manpower needs. The second is the Congress should not be in the business of dictating the organization of, as well as the contents of, medical school curriculums. I want to repeat that—in my opinion Congress should not be in the business of determining the organization and the contents of medical school curriculums.

I think that is extremely important.

I think it makes better sense for Congress to establish the overall objective and to leave it to the medical schools, as my amendment would, to decide how best to carry out that objective, restricted only by the discretionary power of the Secretary to determine whether the method chosen would be effective.

It seems to me that makes far more sense than for us to try to set up a whole new administrative unit.

I want to say, in passing, that, although I support the bill, I raised a question in committee on whether or not we needed another separate council. I have discussed this matter with the distinguished Senator from Texas. It seems to me every time we have a bill coming out of that committee another council is established, whether we are dealing with education, medicine, or anything else, except labor, as far as I can ascertain. As a matter of fact, it got so redundant to me, as far as the number is concerned, that I asked my staff to learn—and I hope at some point I will be able to make a brief statement on this—how many advisory committees we have that are in legislative status of some kind. As soon as I ascertain it, I will give that information to my colleagues.

I am not going to oppose this particular council, but I bring up the fact that it is the same old routine: every time we have a bill we have another advisory council. It is all right for people to serve on them, but they can find themselves occupied in a tremendous to-do without accomplishing very much in most cases.

Having said that, let me say——

Mr. HOLLAND. Mr. President, will the Senator yield to me while he is trying to get enough Senators present to have the yeas and nays ordered?

Mr. DOMINICK. I shall be happy to yield, but I want to say one more thing before I yield, if I may. I want to read the list again—if we have that list here—of the schools that were contacted, just for the sake of the record.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, the following universities already have separate departments of family medicine, as shown on page 38 of the hearing record: the University of Minnesota, the University of Nebraska, the University of Oregon, Pennsylvania State University, the University of North Carolina, Upstate University of New York at Syracuse, the Medical College of South Carolina, the University of Texas Medical Branch at Galveston, and the Medical College of Virginia.

Those are the only ones in the entire United States that have separate and distinct departments for family practice. There are divisions, and those are also listed at page 38 of the hearings, at a number of other medical schools.

Yet the language in the bill would require separate and distinct departments. As I have stated, we contacted a number of medical schools and asked them their opinion on the wording of the bill, as opposed to my amendment. The following, all supported my amendment: Colorado, Oklahoma, Harvard, Vermont, Stanford, Johns Hopkins, Southwestern Medical College in Dallas, Tex., and the University of California at San Diego—a pretty prestigious group, all trying to do something, and all saying the wording in the bill was too inflexible, and we were invading the right to determine their curricula and their organization, and that we should not do that.

Mr. YARBOROUGH. Mr. President, this amendment, if adopted, would weaken the committee's bill. I adamantly oppose it and hope it will be defeated. We all know of the increasing specialization which has characterized medical education over the past several decades. That is not necessarily bad. In fact, for the most part, it has been most beneficial. However, an unfortunate by-product of that specialization has been a drastic decline in the number of family practitioners. As reported, the com-

mittee's bill will reverse that unfortunate trend. The proposed amendment would have the effect of neutralizing and rendering meaningless this major purpose of the bill.

The amendment would not have such a catastrophic effect if our institutions of medical education were in reasonable financial shape. However, as we know, the exact opposite case obtains. Many medical schools and their affiliated teaching hospitals are on the brink of financial collapse. In other words, if the requirement for the creation of these needed family physicians is removed, the medical institution will simply utilize the funds under this bill to shore up their existing, highly specialized departments. That, of course, needs to be done. But not under this bill. In point of fact, our committee reported and the Senate recently adopted a special $100 million disaster relief program for medical schools as a part of S. 3586.

I urge the defeat of this amendment in the strongest possible terms.

Mr. President, the bill before us does not propose to dictate anything to any medical school whatsoever. It says, "If you want to, you can establish a department of family practice, and we will grant you some money," but it does not try to force anyone.

There is desperate need for family doctors. The Academy of General Practice has tried for years, and finally got nine schools to establish such departments.

As the President of the Academy of General Practice said:

> We in the general practice area have gone down the blind alley of trying to produce family doctors in a nonspecialty department. We have had much experience showing that it does not work, because the department is set out in a corner in the medical school. It does not work.

If we adopt the amendment of the Senator from Colorado, medical schools would be under no requirement to set up a department of family medicine. They have been trying for years, and cannot get general practice departments. The Senator's amendment might be all right, if all medical schools had enough money, but many of them are faced with disasters. I have had letters from the deans of 73 of the medical schools of America in the past week on their financial situations, and many are in desperate straits.

As far as the testimony of Dr. Willard is concerned, as representing the AMA, I challenge his representation of the AMA in support of the Senator's amendment. I have a telegram dated July 29, 1970, from Dr. Francis L. Land, of the University of Nebraska School of Medicine, which reads as follows:

> DEAR SENATOR YARBOROUGH: I have attempted to contact Dr. Bland Cannon, chairman of the Legislative Committee of Council of Medical Education Activities and Dr. William Bodeman, chairman of the Council of Medical Education and they are unavailable due to being on vacation.
>
> As the senior member of the Council of Medical Education I wish to advise you that I and several other members of the council do not agree with ex-member and ex-chairman Dr. William Willard concerning the need for a separate dept. on entity for family practice in a medical school. We feel very strongly and I do particularly since I direct the program that it can only be accomplished by family practice being a separate entity in a medical school. I should advise you that the Council on Medical Education of the American Medical Association authorized Dr. Willard to testify in support of your entire bill including co-equal departments of family practice. However the Council was not supportive of that portion related to the development of allied health program.
>
> Sincerely,
>
> FRANCIS L. LAND, M.D.,
> *Professor of Family Practice, University of Nebraska School of Medicine.*

I submit that Dr. Willard, under that mandate of the AMA, should have been testifying for that provision of the bill instead of fighting it.

I submit that even with the amendment of the Senator from Colorado, to provide the money without requiring the setting up of the Department, the bill would be good. The schools need the money. Many medical schools are about to go broke in the country. But we would still end up without practitioners, and I respectfully submit that the amendment should be defeated.

Mr. DOMINICK. Mr. President, I shall not take much longer, but I simply wish to point out that Dr. Willard's letter to Senator YARBOROUGH was at least a week later than the one he refers to; and secondly, I think I should point out and ask unanimous consent that subparagraphs (5) and (6) of the report of the ad hoc Committee on Family Practice, which points out that there are a number of different ways to go forward with family practice, and which is printed in the Journal of Medical Education of June 1968 over which, as I understand it, Dr. Willard presided, be printed in the RECORD at this point.

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

> 5. Obviously, one of the major academic challenges will be the configuration of the curriculum necessary to educate students, house staff, and practicing physicians in the generalist function as defined above. The reports emphasize the importance of internal medicine, pediatrics, psychiatry, community medicine, behavioral sciences, sociology, and psychology. Each medical school has the responsibility of examining its postulate critically and of bringing its academic resources to bear on the development of an optimum curriculum which can equip the student to perform the generalist function within a new health care matrix. Each medical school should devise a program which will express its own view of the way in which the generalist physician is to be best educated. With increasing experience and the evaluation of various models, the optimum curriculum should emerge.
>
> 6. Inevitably, this vexing question will arise: Which department should teach the generalist function or operate the model of care? A certain amount of psychological entropy will undoubtedly accrue from this discussion. In some instances, a department of general practice might be contemplated; in others, the department of medicine, pediatrics, or community medicine might take the lead. An interdisciplinary program calling upon all departments, but totally dependent on no single one of them, might be the optimal solution. Whatever the pattern, some person must be given responsibility and authority to explore the issues raised in this and the other reports if anything concrete is to be done.

Mr. YARBOROUGH. Mr. President, the ranking minority member of the Health Subcommittee has based his case on four points. Each of those points, while seemingly persuasive, does not lead me to the conclusion that we should emasculate this bill.

First, this bill as reported by the committee in no way legislates medical school curricula. No medical school would be forced to apply for a grant.

Second, within the context of a separate department there is wide latitude for each medical school to determine how best to utilize its resources. Any fair analysis of the structure and function of the existing medical school departments leads me to marvel at their differences more than their similarities. Concern over the rigidity of a separate department is a smokescreen intended to undercut a program which will in fact achieve the purpose of producing more highly trained family practitioners.

Third, of course there will be difficulties in finding top staff for these departments. But that is only a further manifestation of the paucity of family practitioners. The creation and support of separate departments will create the necessary climate in which this deficit can also be remedied. If we continue to place reliance upon medical educators who are forced to give family medicine short shrift because of their more pressing responsibilities to their own department, we make it inevitable that family medicine will remain a second-class profession.

Fourth, yes, there will be administrative costs associated with the programs contained within the committee's bill. They will not vanish even if the Senator's amendment is adopted. In a highly technological society such as ours, administrative overhead is a fact of life. One needs only to look to the military establishment to verify that fact. The important issue is whether these costs are justifiable in terms of the purposes of the program. In this instance, there is little doubt that they are.

Let us not becloud the issue of how we go about fostering the growth of the family practice of medicine with the red herring of "administrative costs."

Mr. President, to further document the necessity of separate and co-equal Departments of Family Medicine, I ask unanimous consent to include in the RECORD appropriate passages from expert witnesses who testified before our committee in support of the bill in general and this important requirement in particular. These portions of the hearing record include testimony from the American Academy of General Practice, the Student American Medical Association, and eminent physicians at medical centers.

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

STATEMENT OF DR. EDWARD KOWALEWSKI, PRESIDENT, ACADEMY OF GENERAL PRACTICE, AKRON, PA.; ACCOMPANIED BY DR. JAMES PRICE, SPEAKER, HOUSE OF DELEGATES, ACADEMY OF GENERAL PRACTICE, BRUSH, COLO.; AND MIKE MILLER, HEADQUARTERS, ACADEMY OF GENERAL PRACTICE

* * * * *

I should state at this point, there are several reasons why there has been a deemphasis on training family physicians. Advances in medical science have opened new medical horizons and made feasible the practice of medicine in many specialized areas. At the same time, medical schools have focused much of their attention on research aimed at discovering new horizons.

The medical school curriculum has been geared to accommodate research, with the result that few, if any, of the medical school faculty have been general practitioners with a primary interest in training family doctors.

It is only natural that faculty surgeons would tend to support programs which would improve the training of surgeons, just as faculty internists would tend to support programs to improve the training of internists. Once the emphasis switched to research, the trend toward limited specialization became self-perpetuating.

* * * * *

It is imperative that funds be made available on a categorical basis for training family physicians.

I have already spoken of the medical school trend toward research, with a resulting emphasis on limited specialization, which has become self-perpetuating. By simply increasing the amount of Federal funds available to medical schools, one has no reason to expect that medical schools will establish departments of family practice. Rather, the supposition would be that medical schools would tend to strengthen those departments and programs already in existence.

* * * * *

We in the general practice area have gone down the blind alley of trying to produce family doctors in a nonspecialty department. We have had much experience showing that it does not work, because the department is set out in a corner in the medical school. It does not work.

But we do have experience in the last 15 months with schools setting up primary areas of family practice. The student interest is tremendous. The interest on behalf of new teachers of family medicine is tremendous.

STATEMENT OF PETER ANDRUS, CHAIRMAN, STANDING COMMITTEE ON HEALTH AFFAIRS, STUDENT AMERICAN MEDICAL ASSOCIATION, HUNTERDON MEDICAL CENTER, FLEMINGTON, N.J.

* * * * *

It is for the reasons I have stated that the Student American Medical Association strongly supports S. 3418. We believe this bill focuses at each of the important levels required to develop a strong program of training in family medicine. By its provision for funding departments of family medicine within the medical schools, a significant positive exposure and influence by family medicine can be provided for medical students at a crucial time in their career decisionmaking process. By providing funds for the development of family medicine residency training programs there will be a strong impetus placed on capitalizing upon the increased interest in and need for the practice of family medicine. Finally, by providing funds for the training of allied health personnel in this area the bill takes the very progressive step of encouraging innovation in developing new patterns of delivering health care in a more effective and economic manner.

THE UNIVERSITY OF NEBRASKA MEDICAL CENTER, DIVISION OF FAMILY PRACTICE,
Omaha, Nebr., July 17, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: I have recently read the testimony concerning your bill S. 3418 and feel called upon to make some comments concerning the testimony that was given before your committee.

First, let me identify myself as the Director of the Division of Family Practice, University of Nebraska College of Medicine, and a senior member of the Council on Medical Education of the American Medical Association, having been a member for seven years. I also serve as a member of the Family Practice Committee of the AMA Council on Medical Education. I was a practicing family physician in Fort Wayne, Indiana, for 15 years.

Dr. Willard, the past chairman of the Council on Medical Education, recommended the deletion of the requirement for a separate department of equal standing in Family Practice. I am certain this is not the opinion of the entire Council. In particular, as a working Director of a Division, I feel that in order for the family practice program to be viable in a medical school, it is absolutely essential that there be a separate *entity* of equal standing in family practice with the Chairman or Director reporting directly to the Dean. I state this because only in this fashion can the director of the program become a member of the Executive Faculty and engage in decisionmaking concerning the entire medical school curriculum, including both undergraduate and graduate. This to me is a very essential element in the development of this movement to provide more clinicians, primary physicians, for this nation. I reiterate that I am fully qualified to express my opinion since I am engaged in this endeavor and, as a matter of fact, would not accept a position as director of a program unless this type of administrative arrangement were present.

A quote from page 30, the penultimate paragraph, of the Report of the Ad Hoc Committee on Education for Family Practice, chaired by Dr. Willard, I think gives further credulence to the concept of the separate entity. "Furthermore the faculty should have the same recognition in terms of rank and prerogatives as afforded the faculty in other major clinical areas. To insure the quality of patient care, the family practice service, both in and out of the major teaching hospital, should be subject to the same kind of surveillance and audit by the faculty of the institution to which other disciplines and services are subject."

With regard to the testimony by HEW's team of Dr. John Zapp, Dr. Kenneth Endicott and Dr. Robert Butcher, I hope that you were able to pose a question to them as to what programs are already in existence that are sufficient to accomplish the aims of the legislation. I know of absolutely none. Our program is financed entirely by State of Nebraska funds because there are no federal funds available at the present time such as you have requested in your bill. I do not know what the Administration people had in mind, but I can assure you that a thorough search of the records of NIH Bureau of Health Professions Education Manpower Training will show that no grants have been given for this primary purpose.

I also do not understand, as a member of the Liaison Committee on Medical Education of the AMA and the Association of American Medical Colleges, that the AAMC would object to some portions of this bill. I would like to quote some parts of the Ad Hoc Committee report, which I think would be helpful for your committee members. This committee, as you are probably well aware, consisted of four members of the Council on Medical Education, two representatives of the American Academy of General Practice, one representative of the AMA Section on General Practice and three representatives of the Association of American Medical Colleges. I particularly call your attention to the statement agreed to by representatives from the AAMC that "The need for family physicians in the United States is viewed by the Ad Hoc Committee to be a major national need which should claim a high priority—comparable to that for research and research training. The realization of more family physicians will require an infusion of substantial and growing sums of money for medical schools and training programs for family practice." (page 46)

The present generation of medical students have a high degree of interest in participating in this program and are most hopeful your bill will be enacted.

Sincerely yours,

FRANCIS L. LAND, M.D.,
Professor of Family Practice.

YALE UNIVERSITY,
SCHOOL OF MEDICINE,
DEPARTMENT OF INTERNAL MEDICINE,
New Haven, Conn., February 17, 1970.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I am writing to extend my enthusiastic support of your proposed amendment to Part D of Title 7 of the Public Health Service Act. Its passage should have an exceptionally favorable impact on the health problems facing the medical profession and the nation. In my opinion, formal assistance of family health care programs is long overdue, and the lack of such assistance has led to misdirection and resultant misuse of our most important medical manpower commodity—the physician. Your bill strikes at the heart of a dire situation, and outlines a pertinent and far-reaching strategy for alleviating the storage and increasing maldistribution of medical manpower.

My personal interest in this bill is particularly great because of the absence of a family health care department at my alma mater (University of Cincinnati College of Medicine), as well as at the Yale School of Medicine where I now serve on the faculty. Indeed, most medical schools and teaching hospitals have been derelict in meeting what should be their preeminent responsibility—the provision of adequate training and service facilities for family health care. A singularly appealing feature of your proposal, in this respect, lies in the provision which would promote the establishment of family health care as a major specialty department, although perhaps this is impossible within our present system of outpatient care in university medical centers.

The overwhelming emphasis in our medical schools has been on basic, disease-oriented research and training, while applied clinical research and training oriented toward comprehensive and continuing personal health care has been almost totally neglected. Most "clinic" care is so fragmented that it has often led to serious omissions or to expensive duplications of clinical procedures. Ambulatory services are on the bottom rung of the academic ladder and are usually so inefficient that unnecessary financial burdens are perpetrated on the patients, as well as on the taxpayers who often have to pay the bill. With priorities so deranged, it is no wonder that physicians-intraining visualize family health care as a particularly unattractive career.

The tired arguments that physicians will instinctively seek careers in family health care and will learn how to practice family medicine through intuition and experience

have lost their credibility in the face of our present manpower problems. May I suggest that a department such as you propose should take advantage of the predilection of many trainees in internal medicine and pediatrics to become primary physician specialists if training opportunities were available. This inclination toward primary care could be supplemented by experience in delivering personalized family health care in an organized setting—with emphasis on continuity, coordination and comprehensiveness of care—within a department dedicated to these principles.

Multispecialty group practice with a strong core of primary physician specialists has demonstrated repeatedly an ability to overcome most of the existing deficiencies in the area of service and manpower, while providing significant cost benefits. I believe that the principles of family care can best be learned in the setting of a medical-school-sponsored multispecialty group practice—which may turn out to be the only feasible framework for training next-generation physicians in the practice and delivery of comprehensive medical care.

I should be most happy to support, in any way I can, your efforts to obtain passage of this bill. Please feel free to call upon me for personal or further written testimony on behalf of your proposed legislation to establish special departments in the field of family medicine.

With high regard for your concern with the health of the nation, I am

Sincerely yours,

GORDON K. MACLEOD, M.D.,
Associate Clinical Professor of Medicine and Public Health.

Mr. DOMINICK. Mr. President, I am ready to vote.

The PRESIDING OFFICER (Mr. SCHWEIKER). The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK). 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 Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), 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 Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), 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 Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "nay".

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California Mr. MURPHY), the Senator from Vermont (Mr. PROUTY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 19, nays 28, as follows:

[No. 289 Leg.]

YEAS—19

Aiken	Fong	Saxbe
Allott	Gurney	Smith, Maine
Case	Hruska	Talmadge
Cook	Jordan, Idaho	Williams, Del.
Cooper	McIntyre	Young, N. Dak.
Dole	Packwood	
Dominick	Pearson	

NAYS—28

Allen	Javits	Proxmire
Anderson	Jordan, N.C.	Schweiker
Byrd, W. Va.	Long	Scott
Eagleton	McClellan	Sparkman
Ellender	McGee	Spong
Ervin	Mondale	Stennis
Harris	Muskie	Yarborough
Hatfield	Nelson	Young, Ohio
Holland	Pell	
Inouye	Percy	

NOT VOTING—53

Baker	Dodd	Jackson
Bayh	Eastland	Kennedy
Bellmon	Fannin	Magnuson
Bennett	Fulbright	Mansfield
Bible	Goldwater	Mathias
Boggs	Goodell	McCarthy
Brooke	Gore	McGovern
Burdick	Gravel	Metcalf
Byrd, Va.	Griffin	Miller
Cannon	Hansen	Montoya
Church	Hart	Moss
Cotton	Hartke	Mundt
Cranston	Hollings	Murphy
Curtis	Hughes	Pastore
Prouty	Smith, Ill.	Tower
Randolph	Stevens	Tydings
Ribicoff	Symington	Williams, N.J.
Russell	Thurmond	

Mr. BYRD of West Virginia. Mr. President, reluctantly, nevertheless I must do it, I ask for the regular order.

The PRESIDING OFFICER (Mr. COOK). The regular order has been called for. On this vote there are 19 yeas and 28 nays. A quorum not having voted, the vote is invalid, the Chair under the precedents, of the Senate, directs the roll to be called to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 290 Leg.]

Aiken	Ervin	Pell
Allen	Fong	Percy
Allott	Holland	Saxbe
Byrd, W. Va.	Hruska	Schweiker
Case	Inouye	Smith, Maine
Cook	Javits	Spong
Dole	Long	Stennis
Dominick	McGee	Williams, Del.
Eagleton	Nelson	Yarborough
Ellender	Pearson	

ADJOURNMENT UNTIL 10 A.M. MONDAY, SEPTEMBER 14, 1970

Mr. BYRD of West Virginia. Mr. President, a quorum not being present, I move in accordance with the previous order that the Senate stand in adjournment until 10 o'clock Monday morning next.

The motion was agreed to; and (at 3 o'clock and 19 minutes p.m.), the Senate adjourned until Monday, September 14, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1970:

UNITED NATIONS REPRESENTATIVES

The following named persons to be Representatives of the United States of America to the 25th session of the General Assembly of the United Nations:

Charles W. Yost, of New York.

Christopher H. Phillips, of New York.

JACOB K. JAVITS, U.S. Senator from the State of New York.

CLAIBORNE PELL, U.S. Senator from the State of Rhode Island.

Glenn A. Olds, of New York.

The following-named persons to be Alternate Representatives of the United States of America to the 25th session of the General Assembly of the United Nations:

Seymour M. Finger, of New York.

Helen G. Edmonds, of North Carolina.

Richard H. Gimer, of Virginia.

Aloysius A. Mazewski, of Illinois.

Gordon H. Scherer, of Ohio.

IAEA CONFERENCE REPRESENTATIVES

Glenn T. Seaborg, of California, to be the Representative of the United States of America to the 14th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be Alternate Representatives of the United States of America to the 14th session of the General Conference of the International Atomic Energy Agency:

T. Keith Glennan, of Virginia.

Clarence E. Larson, of Tennessee.

Verne B. Lewis, of Maryland.

Dwight J. Porter, of Nebraska.

Dwight J. Porter, of Nebraska, a Foreign Service officer of the class of career minister, to be the Deputy Representative of the United States of America to the International Atomic Energy Agency.