tivities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PEPPER:

H.R. 19570. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. ANDERSON of Tennessee, Mr. MATSUNAGA, Mr. O'NEILL of Massachusetts, and Mr. SISK):

H.R. 19571. A bill to promote the public welfare; to the Committee on Rules.

By Mr. ROGERS of Florida:

H.R. 19572. A bill to amend the Public Health Service Act to prohibit the discharge of elemental mercury and its compounds into any waters of the United States which directly affect the public health; to the Committee on Interstate and Foreign Commerce.

By Mr. SHIPLEY:

H.R. 19573. A bill to amend section 9 of the Postal Reorganization Act to grant the retroactive pay increases provided for postal employees by such section to persons on the rolls at any time in the period beginning June 30, 1970, and ending immediately before the date of enactment of such act but who left the service before such date of enactment; to the Committee on Post Office and Civil Service.

By Mr. BOLAND (for himself and Mr. CONTE):

H.R. 19574. A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GRAY:

H.R. 19575. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. LENNON (for himself, Mr. MOSHER, Mr. GARMATZ, Mr. MAILLIARD, Mr. PELLY, Mr. ASHLEY, Mr. KEITH, Mr. DOWNING, Mr. DELLENBACK, Mr. ROGERS of Florida, Mr. POLLOCK, Mr. RUPPE, Mr. GOODLING, Mr. HATHAWAY, Mr. MCCLOSKEY, Mr. FREY, Mr. HANNA, Mr. LEGGETT, and Mr. JONES of North Carolina):

H.R. 19576. A bill to establish the National Advisory Committee on the Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

By Mr. OLSEN:

H.R. 19577. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen; to the Committee on Education and Labor.

By Mr. ROGERS of Florida (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, Mr. SKUBITZ, Mr. HASTINGS, and Mr. BROWN of Ohio):

H.R. 19578. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON:

H.R. 19579. A bill to improve education in the United States; to the Committee on Education and Labor.

By Mr. TALCOTT (for himself and Mr. SISK):

H.R. 19580. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce; to the Committee on the Judiciary.

By Mr. VANIK (for himself, Mr. BUTTON, Mr. FASCELL, Mr. HECHLER of West Virginia, Mr. PODELL, Mr. PRICE of Illinois, Mr. SCHEUER, and Mr. SCHWENGEL):

H.R. 19581. A bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.J. Res. 1389. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day of Support of United States Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 1390. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H. Con. Res. 766. Concurrent resolution regarding persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. BROWN of Michigan:

H. Con. Res. 767. Concurrent resolution expressing the sense of Congress with respect to an international Conference on the creation of an International Environmetal Agency; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Res 1234. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WILLIAMS introduced a bill (H.R. 19582) for the relief of Paulina Medrano Martinez, which was referred to the Committee on the Judiciary.

SENATE—*Monday, October 5, 1970*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. RUSSELL).

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

O Thou, in whom we live and move and have our being, we thank Thee for Thy providential care which has brought us to this new day. We thank Thee for work and that it may be done in concert with men and women guided by high ideals and committed to the making of a better Nation.

Accept our dedication this day and grant that we may so follow the selfless ways of the Master that we may have a measure of His divine mind and heart and will.

In times of peril and uncertainty help us to lay hold of the eternal truth that underneath are the everlasting arms and Thou art our refuge and our strength.

And to Thee shall be the praise and the glory now and evermore. Amen.

THE JOURNAL

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

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

ORDER FOR THE RECOGNITION OF SENATOR EAGLETON TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, pending the arrival of the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Parks and Recreation of the Department of the Interior be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

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

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

AMBASSADORS

The assistant legislative clerk proceeded to read sundry nominations of ambassadors.

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

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

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The assistant legislative clerk proceeded to read sundry nominations in the Inter-American Social Development Institute.

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

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

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the distinguished Senator from New York (Mr. JAVITS) today, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Missouri (Mr. EAGLETON) is now recognized for not to exceed 15 minutes.

GOVERNMENT OF THE RICH, BY THE RICH, AND FOR THE RICH?

Mr. EAGLETON. Mr. President, over a century ago, a great Republican President questioned whether government of the people, by the people, for the people would perish from this earth. Abraham Lincoln had the courage and foresight to do what was right, and that government survived.

Over a hundred years later, another Republican President faces a decision which could, once again, bring that fundamental goal into question. For if, as is currently rumored, President Nixon vetoes the campaign spending bill which curbs excessive political spending on media, he will have taken a giant step toward insuring government of the rich, by the rich, for the rich.

Campaign financing has always been a problem. But with the advent of television and its enormous costs, that problem has become a threat to our form of government. The television blitz has become a new and expensive campaign phenomenon which threatens to exclude citizens of modest means from running for public office.

As Representative TORBERT H. MACDONALD, chairman of the House Interstate and Foreign Commerce Communications and Power Subcommittee, noted, campaign costs have increased 100 percent between 1952 and 1968, and by a whopping 50 percent between 1964 and 1968—and the growth is due almost entirely to media costs.

When private citizens need enormous sums to run for public office, they must either possess extreme wealth or know where the big money is found and how to bargain for it.

Apparently, Vice President AGNEW knows. In the Maryland gubernatorial race, the Vice President of the United States reportedly asked the Chairman of the Federal Maritime Commission, Mrs. Helen Bentley, to solicit contributions for his old friend, C. Stanley Blair. According to the September 22 edition of the Washington Post:

> Mrs. Bentley acknowledged to reporters over the week-end that she had called officials of about 10 shipping firms that her agency regulates to tell them Agnew "was personally interested in the election of C. Stanley Blair."

Is it acceptable in this country—dedicated to fair play and equality of opportunity—to force candidates of moderate means to depend on either extremely rich men or enormously wealthy companies? I think not. The implications of unlimited spending are grave.

Each of us must ask if an America, where more and more taxpayer money goes to build SST's and unneeded weapons, while less is allocated to education and our other pressing domestic needs is the America of the future?

Do we want an America where Government subsidizes the oil industry through oil import quotas and turns its regulatory back if large companies contribute as generously to political parties as to pollution?

Schoolteachers, concerned parents, and deprived children cannot buy elections, as can 46 of the wealthiest people in America, whose campaign contributions in 1968 came to $1.5 million—or as can officers of defense contracting firms who contributed $1.2 million.

Mr. President, this bill is not perfect. There is still much to be done. But, as Representative SPRINGER, the ranking Republican member of the Interstate and Foreign Commerce Committee, noted on August 11 of this year:

> All of the laws intended to curb political spending have seemed to accomplish little. Campaign spending has spiraled out of sight and the largest increase has been in radio and TV. This bill could do something about it. Our committee is not legally charged with a general overhaul of campaign practices. It has authority only with oversight and legislation dealing with communications. To this extent we have the most effective handle on the problem of mounting campaign costs and the overwhelming of a political opponent by drowning him in money.

Mr. President, this is not and should not be a partisan matter unless President Nixon chooses to make it one by vetoing the TV spending bill. Is it partisan to—

Allow the major networks to carry debates between presidential and vice-presidential candidates?

Require broadcast stations to provide candidates with time for the lowest fee charged commercial advertisers for the same time?

Limit TV and radio spending by candidates for President and Vice President, U.S. Senator and Representative, and Governor and Lieutenant Governor, to 7 cents per voter in the preceding election?

Include party primaries in the spending limitation as well as general elections?

Allow States to impose similar restrictions on spending for other States and local offices?

It affects Democrats and Republicans alike and goes a long way toward dealing with a major question, indeed a major challenge: How will we, this country, decide who governs?

It is, I believe, an important first step toward solving a national problem, which was eloquently stated by the distinguished Republican Senator from Kansas (Mr. PEARSON):

> We were all raised in the belief that any boy in America could eventually become President. Today, we know that belief, which used to be nearly true, is now a myth, unless the boy in question is extremely wealthy or has the support of well-heeled interest groups.
>
> Unfortunately, it has also become necessary to have or obtain the support of considerable wealth to successfully seek most important public offices ranging from county commissioner to U.S. Senator. This offends not only our sense of ethics but also threatens the basic premise upon which our representative democracy is founded: namely, equality of competition.

Mr. President, I ask unanimous consent that selected articles from the Washington Post, the St. Louis Post-Dispatch, and the Congressional Quarterly be printed in the RECORD at this point.

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

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

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

AGNEW HITS WALL STREET FOR FUNDS

(By Philip Greer)

NEW YORK, Sept. 17.—Vice President Agnew made an unannounced visit to Wall Street today, addressing a luncheon of more than 60 financial executives in a search for campaign funds for Republican congressional candidates.

Surrounded by Secret Service agents, plainclothes detectives and city police, Agnew arrived at the Marine Terminal at LaGuardia Airport shortly before noon. From there he drove to the Bankers Club in the financial district, where the luncheon, arranged by the Republican National-Committee, was hosted by New York Stock Exchange chairman Bernard J. Lasker, a long-time friend of President Nixon.

There was no advance word of the vice president's appearance. Even some members of his own staff were apparently unaware of his plans, although one Wall Streeter who attended said he had been invited nearly a month ago.

Sources at the luncheon said Agnew reviewed his trip to Asia, reportedly saying American forces "are making great progress." He said, sources reported, that the Vietnamization plan is working in all parts of the country "except for one area near the demilitarized zone," where progress is slower.

Agnew reportedly asked for contributions to GOP war chests, but there was no solicitation at the luncheon. One source said Agnew told the group that "Bunny (Lasker) will be in touch with you later." He said he

hoped the businessmen would help elect a Republican Congress which would give President Nixon money to support governments such as South Korea as American troops are withdrawn.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 18, 1970]

AGNEW, BANKERS MEET IN NEW YORK

NEW YORK, Sept. 18.—Vice President Spiro T. Agnew made an unannounced visit to New York yesterday and dined with Wall Street bankers and brokers before returning to Washington late in the day.

The Vice President checked in at the Waldorf Astoria and it was expected that he would spend the night there.

[From the Washington Post, Sept. 22, 1970]

NO PROBE SET ON MARITIME CHAIRMAN

(By John Hanrahan)

The Justice Department said yesterday that it is not investigating allegations that the Federal Maritime Commission chairman violated federal law by soliciting campaigning contributions from executives of the shipping industry she regulates.

"We have received no complaint," a Justice Department spokesman said. "We have nothing before us." He said that newspaper articles were not enough to cause an investigation to be initiated.

Allegations of violations of federal law were first made Saturday in Jack Anderson's syndicated column in The Washington Post. Anderson said Helen Delich Bentley, the commission chairman, "was asked by no less than Vice President Agnew to pass the hat in shipping circles for C. Stanley Blair. . . ."

Blair, a former aide to Agnew, is the Republican nominee for governor of Maryland against Democratic incumbent Gov. Marvin Mandel.

Mrs. Bentley acknowledged to reporters over the weekend that she had called officials of about 10 shipping firms that her agency regulates to tell them Agnew "was personally interested in the election of C. Stanley Blair."

The Anderson column and subsequent news reports prompted Lawrence F. O'Brien, the Democratic national chairman, to ask for a White House and Justice Department investigation.

O'Brien said the allegations, if true, violated the Federal Corrupt Practices Act. Anderson's column said that Mrs. Bentley's activity "would appear to violate federal laws which prohibit commissioners from soliciting or accepting favors from anyone in the industries they regulate."

$1.2 MILLION GIVEN '68 RACES BY OFFICERS OF DEFENSE FIRMS

(By Wayne Kelley)

Although federal law forbids corporations to donate money to presidential, vice presidential or congressional candidates, officials of 49 top defense, space and nuclear contractors in 1968 gave more than $1.2 million to political campaigns during that presidential election year. The gifts favored the Republicans nearly 6 to 1.

Seven officers and four directors of Litton Industries, Inc., for example, donated a total of $151,000 to Republican candidates. They gave nothing to the Democrats.

The donations were legal because the Corrupt Practices Act of 1925 does not prohibit corporate executives from contributing to political campaigns as individuals.

Moreover, although the act makes it illegal for any individual to donate more than $5,000 to any one national political campaign committee, the Republicans set up 46 committees and the Democrats 97.

So it was possible for Henry Salvatori, a Litton director, and his wife to contribute $90,000 to the Republican Party coffers during the presidential election year.

Political contributions by executives of the 25 top contractors in each of the three fields—defense, space and nuclear energy—were surveyed by the Citizen's Research Foundation of Princeton, N.J. Because some companies operate in more than one field, there were duplications of names that brought the total to 56 companies, of which seven made no discernible donations.

Republicans received $1,054,852 compared to only $180,550 for the Democrats, according to the study. A total of 294 corporate officials from the 49 companies contributed an average of $4,202 per person.

LITTON AIDES LED LIST

Donations by officials of Litton Industries put that company at the top of the list of contributors. Ford Motor Co. was second with 19 of 47 executives giving a total of $140,100—$87,100 to the Republicans and $53,000 to the Democrats.

Henry Ford II, chairman of the board of Ford, gave the Democrats $30,000 and the Republicans $7,250. But Benson Ford, vice president of the company, gave all his contributions, totaling $41,000, to the Republicans.

Litton ranked 14th on the Defense Department contractor list in 1968 and Ford was 19th, Philco-Ford., a subsidiary of Ford Motor Co., placed 16th on the list of National Aeronautics and Space Administration contractors.

The 10 companies with the largest total contributions from executives, and the amounts given to Republicans (R) and Democrats (D), were: Lifton Industries, Inc., (R) $151,000; Ford Motor Co., (R) $87,100, (D) $53,000; International Business Machines Corp., (R) $104,250, (D) $32,000; General Motors Corp., (R) $114,675, (D) $1,000.

Also: Atlantic Richfield Co., (R) $65,000, (D) $1,000; Olin Mathieson Chemical Corp., (R) $58,300, (D) $3,000; Trans World Airlines, Inc., (R) $45,200, (D) $2,500; E. I. du-Pont de Nemours & Co., (R) $42,000; Westinghouse Electric Corp., (R) $38,500, (D) $1,500; Lockheed Aircraft Corp., (R) $38,880, (D) $1,000.

Savatori, a wealthy California oilman who supported Sen. Barry Goldwater (R-Ariz.) for the Presidency in 1964, was the top individual contributor.

2ND HIGHEST CONTRIBUTOR

Placing second among the executive donors was the late Richard King Mellon of Pittsburgh, a director of General Motors Corp. Mellon and his wife gave $65,000 to the Republicans and nothing to the Democrats.

Arthur K. Watson, vice chairman of the board and a director of International Business Machines Corp., was third among the individual givers. He contributed a total of $54,875 to the Republicans and ignored the Democrats.

However, Thomas J. Watson, IBM board chairman, gave the Democrats $21,000 and the Republicans only $7,875.

The reported total of $1,235,402 in contributions is only a minimum figure. The Citizens' Research Foundation made its compilation from reports to the clerk of the U.S. House and the secretary of the Senate as well as partial scrutiny of reports to secretaries of state in 15 states.

Many executives included in the study may have made other contributions that did not have to be reported under Federal law. The Corrupt Practices Act does not apply to state elections, primary campaigns or committees operating within one state.

Furthermore, the study covered only the top 25 DOD, AEC and NASA contractors and therefore represents only a portion of the total political donations by officials of all contractors in these fields. Hundreds of other companies also received sizable DOD, AEC and NASA contracts in 1968.

DISRESPECT FOR LAW LAID TO AGNEW

(By Jack Anderson)

Vice President Agnew, who condemns "disrespect for law" in almost all his speeches, has shown his own disrespect for the laws governing regulatory agencies.

In his eagerness to install his former administrative assistant C. Stanley Blair, as governor of Maryland, Agnew at least has encouraged illegal conduct. He asked Federal Maritime Commission Chairman Helen Bentley to put the arm on shipping executives for contributions to Blair's campaign. It happens to be against the law for her to solicit favors from the industry she regulates.

Yet in an interview with my associate Brit Hume, as this column reported last weekend, Mrs. Bentley admitted checking the shipping rosters for the names of possible contributors and asking some of them for political donations—all at the Vice President's behest. She also flew to a Blair fund-raising meeting in the New York office of shipping magnate Spyros Skouras.

AGNEW CHANGES PLANS

Here are our latest findings:

Mrs. Bentley invited shipping executives to meet with the Vice President last Thursday at New York City's Metropolitan Club. Agnew also got on the phone himself to urge some executives to attend. Among those who received a personal call from the Vice President was John Lambros, one of the executives of Bethlehem Steel's Baltimore shipyard. Bethlehem Steel, of course, does a multimillion-dollar business in defense contracts. When Agnew heard we were checking into the shipping solicitations, he abruptly called off the Metropolitan Club meeting. He showed up in New York City on Thursday to talk to other GOP fatcats, but he carefully avoided the shipping executives.

The Vice President authorized his pal, J. Walter Jones, to solicit contributions in his name for the Blair campaign. Campaign workers, hired by Jones, identified themselves with the Vice President's office in calls to prospective contributors around the country.

Jones also mailed letters to a blue-chip list, soliciting contributions in the Vice President's name.

Agnew not only approved the use of his name but is personally directing the Blair campaign from behind the scenes. He is still smarting over his failure to deliver his home state in the 1968 presidential election. Therefore, say insiders, he is fiercely determined to restore Republican rule in Maryland.

NIXON'S VACATIONS

President Nixon is perturbed over Democratic criticism of his frequent vacations in California and Florida.

He recalled ruefully to a recent visitor that he had encouraged the late President Kennedy to relax from the awesome burdens of the presidency and had promised to intervene with any Republicans who criticized him.

The truth is that the President usually puts in an arduous day even at his vacation homes in San Clemente and Key Biscayne.

He has carefully divided every 24-hour period into two working days, separated by a rest period. He crowds as much work in each segment as any other executive would expect to complete in a full day. In other words, he literally accomplishes two days' work every day and his staff handles each segment as if it were a separate day.

When he is in Washington, the President sticks rigorously to this double-duty work schedule. But at the seashore, he tries to hold his schedule to one "work day" and one "rest day" every 24 hours.

During each "work day" of the President's two-in-one White House day, he handles a separate set of papers and gives his staff a separate set of instructions. He likes to have problems reduced to writing in "option

papers," setting forth every possible course he could take. However, he is beginning to adopt former President Johnson's old telephone habits.

FUEL SHORTAGE

Industry officials have told Paul McCracken, the President's chief economic adviser, that coal, gas and oil prices should be permitted to rise sharply. Otherwise, they warned that producers would not have enough incentive to prevent fuel shortages across the country this winter.

McCracken heads an interagency task force which is investigating the threat of fuel shortages. This threat has been aggravated by the Middle East crisis and the anti-pollution campaign.

There's pressure upon building owners, for example, to burn low-sulfur fuel oil. The main source is the Middle East where Arab-Israeli tensions have disrupted shipments. Utility companies have also held back construction of fuel plants because of the clamor over pollution.

Meanwhile, our natural gas reserves are dropping low. Gas producers are petitioning the Federal Power Commission for huge price increases, which they claim are necessary to encourage them to explore for more reserves.

A major strike or transportation tieup or severe winter could leave a lot of homes and buildings short of heat during the cold months ahead.

THE RICH STILL FAVOR GOP WITH GIFTS

(By Robert E. Cuthriell)

The adage that the Republican Party is the party of the rich has been reaffirmed by a study of 1968 presidential election campaign contributions. America's richest donors favored the GOP 13 to 1.

Forty-six of the wealthiest people in America contributed nearly $1.5 million to political campaigns during the 1968 election year. Each was estimated to have a fortune of $150 million or more in 1968.

Republican candidates received $1,377,313 to only $106,488 for the Democrats from the total $1,494,502 in campaign contributions. The average individual contribution was $32,489.

Gov. Nelson A. Rockefeller of New York made the largest single contribution in 1968 among the multimillionaires. He and his wife provided $483,500 to Republican causes in that year, $350,000 of which was for his own unsuccessful bid for the GOP presidential nomination.

Insurance executive W. Clement Stone of Chicago, a strong backer of Richard M. Nixon in 1968, made the second largest contribution, giving at least $200,000 to Republican committees. Stone's contributions may actually have amounted to more than three times the reported figure, according to estimates in Fortune magazine.

Because of loopholes in the Federal Corrupt Practices Act of 1925, these totals must be considered the minimum contribution for each individual. Reports are not required for primary election campaigns or from political committees operating within one state.

Placing third behind Rockefeller and Stone among the super-rich contributors was the late Richard King Mellon of Pittsburgh, a director of General Motors, and his wife who donated $65,000 to Republican candidates.

John Hay Whitney of New York, former publisher of the now defunct New York Herald Tribune and former Ambassador to Great Britain (1956–61), and his wife gave $57,000 to the Republicans.

Based on reported donations alone, the top four contributors proved to be a special bonanza for the Republicans in 1968—they all gave exclusively to the GOP.

Data on the campaign contributions of the 66 Americans estimated by Fortune to be the "richest of the rich" were compiled from federal and, where available, state records by Citizens' Research Foundation of Princeton, N.J.

Gifts by very wealthy donors to Democrats were small compared to those given the Republicans.

Xerography inventor Chester Carlson of Rochester, N.Y., gave the Democrats their largest contribution—$30,700. However, Carlson also contributed $1,000 to the Republicans.

William Clay Ford of Detroit, a Ford Motor Co. vice president, was second among contributors to Democrats with $20,000 while his wife gave $1,000 to Republicans.

The third largest donor for the Democrats was Jacob Blaustein of Baltimore, a director of Standard Oil Co. of Indiana. He and his wife gave $17,000 to Democratic committees and $1,000 to Republican ones.

Neither of the country's two billionaires, Howard Hughes or J. Paul Getty, was recorded as having contributed to political campaigns in 1968.

Of the families of great wealth in America, the Mellons stand highest in the rankings of political contributors. And, each of its five richest members gave only to the Republicans.

In addition to the $65,000 gift by Mr. and Mrs. Richard King Mellon, other donors in the family were: Mr. and Mrs. Richard Mellon Scaife ($55,462); Mrs. Cordelia Scaife May ($52,000); Paul Mellon ($47,000); and the late Ailsa Mellon Bruce ($30,000).

Close behind as Republican party patrons were the five Rockefeller brothers. Not counting Nelson Rockefeller's contributions to his own presidential primary campaign, the Rockefeller donors to Republican coffers were: banker David Rockefeller of New York ($20,500); businessman John D. Rockefeller III of New York ($17,500); Nelson Rockefeller ($133,500); and Gov. Winthrop Rockefeller of Arkansas ($6,500).

Other multimillionaires who contributed in 1968 included Deputy Secretary of Defense David Packard and comedian Bob Hope. Packard, then chairman and chief executive officer of the electronics firm Hewlett-Packard, and his wife gave $11,000 to Republican causes. Hope and his wife provided $16,000 for Republicans.

TV CAMPAIGN SPENDING LIMIT: VETO IN STORE?

The Republicans who are trying to induce the President to veto the bill limiting radio and television campaign expenditures are playing a very risky game. If the President should follow their advice, the veto would undoubtedly become a major issue in the congressional campaigns, with possibly highly damaging results for the GOP candidates. For it would suggest that the Republicans are more interested in giving wealthy candidates an advantage at the polls than in fair limitation of campaign spending in the area where it is needed most and where it can be made effective.

No one would be deceived by the argument being offered to the President—that the bill is not a comprehensive attack on the problem of excessive political spending. Its sponsors candidly acknowledge that it is half a loaf. The fact remains, however, that it is the most promising reform in the area of campaign spending since the passage of the Corrupt Practices Act nearly half a century ago. The remedy for an inadequate reform is not to reject what has been done and start afresh but to accept the first installment and build upon it.

If the President should veto this bill, regardless of what he might say in a veto message, everyone would assume that he acted for two reasons. The first is that the Republicans have been remarkably successful in filling their campaign coffers and will presumably have far more to spend in 1972 than the Democrats, who are still staggering under their big debt left over from 1968. The second reason that would be read into a veto of the bill is that Mr. Nixon does not intend to debate with his 1972 opponent and is therefore unhappy about the repeal of the "equal-time" provision of the Federal Communications Act (also included in the bill), which would put him under pressure to argue with his opponent face to face on the tube. But these are wholly partisan objections to the bill that have no bearing on its merit as a device for preventing the purchase of public office.

Actually the bill would not even the spending score between wealthy and poor candidates, except in the use of television and radio. Candidates would still be free to spend without effective limits for travel, mailing, telephone solicitation and printed advertising, because Congress has found no reliable way of limiting expenditures in these areas. In regard to the other partisan argument that is being made, the President would not have to debate his opponent in 1972 in order to take advantage of the "equal time" repealer. He could use some other format, if the broadcasting companies and his opponent would agree, for presentation of the issues on both sides to national audiences during free time. This section of the bill is a great asset to the cause of democratic government, and the President could not sacrifice it without a serious loss of public prestige.

The blow to the Republicans would be especially severe if the President should veto the bill and Congress should pass it over the veto, as well it might. Both houses passed the bill by more than the two-thirds vote needed to override a veto. Most of the members who favor the bill would doubtless stand firm because they fear unlimited TV spending by opponents in their own races. With the merits of the bill as strong as they are, a veto would be a terrific price to pay for a little partisan advantage.

CAMPAIGN '70: A RECORD TV BARRAGE

(By Bernard D. Nossiter)

NEW YORK.—On television here the other night, an earnest, sober, concerned Nelson Rockefeller stood in an empty classroom, said that the state had taught 10,000 teachers about drugs and urged parents to do their bit. The Republican Governor was neatly dressed in a business suit and wore glasses.

On another channel, an earnest, sober, concerned Richard Ottinger stood on a hill while some ships passed in the background. He said that the vessels bring in narcotics and promised to fight this in Washington. The Democratic Senate aspirant was neatly dressed in a business suit, his hair blowing a little in the wind.

In Detroit, an earnest, sober, concerned Philip Hart appeared on television film in a police station, confronting officers complaining of assaults. He said that only massive amounts of money in the neighborhoods could cure slum-bred crime. The Democratic senator was in shirtsleeves, his collar open and the knot of his tie loosened beneath it.

In home screens across the country, other candidates are doing much the same thing in what is almost certainly the greatest television campaign spending splurge in any off-year election. For congressional races alone, the candidates are laying out $100 million, according to a liberal fund raising group, the National Committee for an Effective Congress. Of this, between $40 million and $50 million, it is estimated, will go to produce

and buy air time for television (and to a minor extent radio) commercials.

Rockefeller, it is said, is laying out at least $2.5 million to win his fourth term. Ottinger, in a three-way race, acknowledges plans to spend $750,000 but twice that figure is not regarded as improbable. And this after spending nearly $2 million to win his primary. The Senate campaigns by both parties in California, Texas and Ohio are likely to run around $4 million.

Of each dollar spent in the large states, 60 to 70 cents flows into television. The prevailing style this year is an incessant barrage of 30-second or 60-second "spots" sandwiched in between pitches for chewing gum, detergents, tires, hair sprays and breakfast foods.

"I prefer the discipline of 30 seconds," says Chester L. Posey, the New York advertising man who is manufacturing the Rockefeller ads. "It forces you to be specific, terribly clear, terribly simple. It takes you away from rhetoric in an arena fraught with too many words."

David Garth, a Gothamite who proclaims himself as a specialist in politics and media, says "a minute is pretty good."

Garth, director of the media campaigns for Ottinger and such other Democratic hopefuls as John Tunney in California, Adlai Stevenson III in Illinois and John Gilligan in Ohio, insists that "most political people have two paragraphs of meat and the rest is filler."

It has now become an article of faith that political success turns on such subtle distinctions, that an ample television budget and a skilled media man can rescue the obscure from darkness and corral the voters on election day.

In "The Selling of the President," Joe McGinnis quotes Roger Ailes, a Nixon television producer, as saying: "This is the beginning of a whole new concept. This is it. This is the way they'll be elected forevermore. The next guys will have to be performers."

The fact that Mr. Nixon went into his campaign with a comfortable margin, spent liberally on television and ended up with a thin seven tenths of one per cent edge is all but forgotten.

Indeed, politicians' enchantment with the little screen has reached such heights that a new craft of specialists like Garth, Harry Treleaven and John Deardourff for Republicans, Joseph Napolitan and Charles Guggenheim for Democrats earn handsome fees from every big campaign.

Most of the practitioners, naturally enough, have few doubts of their importance. Garth, a stocky, aggressive intense man who favors purple striped shirts and chocolate trousers, boasts of having "a whole methodology of organization that I paid for with my blood."

Posey, slender, silver haired, with a taste for white button-down shirts and conservative, pin-striped suits, insists that limits on television spending "would prevent anybody from doing a good communications job . . . it would diminish your effectiveness."

But even at the summits of the craft, a note of skepticism sometimes intrudes and outside it, the unbelievers multiply.

Guggenheim, a slim, expensively tailored maker of prize-winning documentaries, says in his Washington office that "the whole success" of the carefully plotted media campaigns "has been greatly exaggerated."

In special circumstances, he argues, it can be potent indeed. But the spectacular cases, he thinks, are largely limited to primaries "where the opposition is asleep or feels he has no race."

In some campaigns on which Guggenheim has worked, Milton Shapp scored a dramatic primary upset in 1966 but lost the Pennsylvania gubernatorial race; Gilligan similarly upset Frank Lausche two years ago in Ohio but lost the general election for the Senate.

Ottinger in New York and Howard Metzenbaum in Ohio (another Guggenheim client) spent heavily to become known and win primaries this year. Whether they succeed in November is another question.

Guggenheim observes that in a primary, a candidate can, to the extent that he commands money, largely control his appearance. In a general election, he and his opponent are followed by the media as a news story and his ads no longer monopolize the messages transmitted.

One of the few certified experts on voting behavior and the media is Paul F. Lazarsfeld, the Columbia sociologist. His studies of radio and the electorate were pioneering efforts and he deplores as "scandalous" the large claims and the absence of research into the consequences of television.

In his cramped office on Morningside Heights, Lazarsfeld, puffing away at a cigar, complains "that very little is really known."

But from his earlier work, he suspects that the little screen's influence has been oversold.

"Everyone projects into TV what he wants to see," Lazarsfeld said. "Thus, to liberal Democrats, Ottinger comes across as elegant. For hard hats, he's probably a slick Jew. There is a self-selective perception at work. Television tends to reinforce the stereotypes we already carry around in our heads."

Since most elections are decided by a few percentage points, Lazarsfeld attempted to determine the influences at work on the small group usually labeled "undecided." He found they are generally the unconcerned rather than the thoughtful, swayed more by friends than by anything they see and hear of candidates.

"If television has influence," he argues, "it's circuitous, on those able to persuade the undecided."

Lazarsfeld suspects that politicians generally are misusing the medium with brief ads, broadcast at large to lonely viewers in living rooms. The emotional effect of films, he says, is heightened when they are viewed by a compact group.

"Probably the most effective television," he suggests, "would be on a closed circuit to a small group that could then discuss what they have seen."

After all, he points out, this is the way the young are taught.

A reporter standing at the corner of 59th Street and Lexington Ave., a plausible Manhattan crossroads because of the low and medium-priced department stores nearby, finds that a thoroughly unstructured, unscientific poll of passersby supports Lazarsfeld's views. The poll was taken the morning after a television evening that displayed 10 spots for Ottinger, nine for Rockefeller and several more for their various, less well-heeled opponents.

Of 20 persons who acknowledged watching television the night before (in Fun City, there is some reluctance to acknowledge staying home before the little screen, most admitting to two-and-a-half hours viewing, fully half—10—said they never noticed a single political ad.

Six of the remaining 10 came away with a favorable impression of a candidate for whom they already intended to vote. One received neither a favorable nor an unfavorable impression. One disliked the candidate pictured in the ad. Two, who said they hadn't made up their minds, gained a favorable impression of a candidate.

Another 18 said they hadn't turned their sets on at all.

In other words, the enormous effort left a favorable impression on only two undecided voters in 38 and this was partially offset by the unfavorable impression reported by another. The net persuasive effect, then, was one in 38 and whether this would persist and be translated into votes is far from clear.

Posey, the chief at Jack Tinker & Partners, a firm that picked up the Rockefeller account because it is an offshoot of an agency started by a former advertising manager for the family's old Standard Oil company, would dismiss all this.

His firm also advertises cosmetics, aspirin and seeds among other things and this, he asserts, gives him insight into motivation.

"People successful in advertising," he says, "have proven they can sell highly competitive, mass produced products, generally packaged, in a national arena."

"Our primary skill is understanding what makes a market move and for that, you have to understand people, what makes them tick. The studies you make in a consumer market, how mothers feel about babies, how people feel about cars and drugs, for that you dig pretty deep."

"The techniques for finding out what makes them (consumers and voters) move are pretty similar, although I'd be the last to say that you package a candidate like a product. With a product, you try to pick a single characteristic. You plant one idea about it you think is most persuasive. You can't do that with a candidate. In politics, there are many different pockets of interest."

In fact, there appears to be less method than Posey and his fellow practitioners suggest. At least, there is a large gap between words and deeds.

Posey, for example, says that one of his objectives is to get across the impression that "The Governor is a very dynamic personality." In practice, Rockefeller appears in only four of the twelve TV commercials Posey has produced so far.

Garth, whose Fifth Avenue office walls are lined with "Andy Awards" from the Advertising Club of New York, says that "set pieces come across terribly phony" and he tries for "reality."

But one of Garth's ads poses Ottinger against a background of ships and planes, another against crowded subways and so on.

It is not clear how this fits Garth's conception that political commercials should show "the candidate doing his thing . . . you make it a very personal thing."

Guggenheim favors "confrontation," filming his client in "groups that disagree with him rather than agree. It tests the man's logic, commitment, ability to express himself."

Guggenheim is careful about the lengths to which confrontation shall go. A Hart, thought to be well out in front, can be turned lose in a suspicious police station. An Albert Gore, thought to be behind in his bid for re-election to the Senate in Tennessee, is "confronted" by polite business and professional men at a reception setting.

President Nixon is now deciding whether or not to sign a bill that would limit future outlays on political television to seven cents for each vote cast in a general election and three and a half cents in primaries. Republicans, usually better financed, are mostly against the bill and Democrats traditionally with somewhat leaner wallets, are for it.

In Lazarsfeld's view, they would all benefit by allocating more for precinct workers and other devices.

One small portent hinting that the point of diminishing returns has been reached came this past week in Florida. There, a relative

unknown, Lawton Chiles, swamped former Gov. Farris Bryant in their primary race for the Senate Democratic nomination. The relatively fundless Chiles had hiked 1,000 miles across the state to dramatize his lack of money for the television spots liberally employed by Bryant.

CONTRACTORS' OFFICERS FAVOR GOP 6–1 IN CONTRIBUTIONS

Officials of companies ranking among the top 25 defense, space and nuclear contractors in fiscal 1968 contributed at least $1,235,402 to political campaigns during the 1968 Presidential election year.

Officers and directors of these companies favored the Republicans over the Democrats by almost 6 to 1 in their donations, according to data gathered by the Citizens' Research Foundation of Princeton, N.J.

Republicans received $1,054,852 compared to $180,550 for the Democrats. The figures are based on a tabulation of contributions from 294 officials.

The Federal Corrupt Practices Act of 1925 forbids corporations from making political contributions. Officers or directors of corporations may make contributions as individuals.

The survey, one of the most comprehensive ever made of political contributions by corporate executives, covered the top 25 contractors in fiscal 1968 for the Department of Defense (DOD), Atomic Energy Commission (AEC) and National Aeronautics and Space Administration (NASA).

Because several companies appear on two or all three lists of the 25 top contractors, and two companies are subsidiaries of larger corporations, fewer than 75 separate contractors were included in the survey.

The study was based on 56 companies. Available records showed 49 companies had officials who made political donations. The average contribution was $4,202. No donations were reported for officials of seven companies.

The reported total of $1,235,402 in contributions is a minimum figure. Many executives included in the study may have made other large contributions that did not have to be reported because of loopholes in the Federal Corrupt Practices Act.

The Citizens' Research Foundation did not include all state reports on campaign contributions in its survey, and some information was not readily accessible for inspection.

Furthermore, the study covered only the top 25 DOD, AEC and NASA contractors and therefore represents only a portion of total political donations by officials of all contractors in these fields. Hundreds of other companies received sizeable DOD, AEC and NASA contracts in 1968.

DEFENSE CONTRACTOR DONATIONS

Twenty-four of the 25 top DOD contractors had officers or directors who made political contributions in 1968. Hughes Aircraft, number 24 on the list, was the lone exception.

Of the 856 officials serving in administrative positions or on boards of these 25 defense contractors, 178, or about 21 percent, showed up as contributors in available records.

Republicans got more than six dollars for every one received by the Democrats. The military contractor executives donated $671,252 to Republican party coffers and $110,000 to the Democrats. Another $5,501 went to miscellaneous committees without formal party ties.

Litton Industries, which ranked 14th on the DOD contractor list in 1968, led the givers with a total of $156,000. Eleven of Litton's 29 officers and directors made donations. The Republican party got $151,000. Democrats got nothing, and miscellaneous committees received $5,000.

Litton also supplied the most generous donors, Mr. and Mrs. Henry Salvatori, who contributed a total of $90,000 to the Republicans and $5,000 to miscellaneous committees. Salvatori, a Litton director, is a wealthy California oilman who supported Sen. Barry Goldwater (R Ariz.) for the Presidency in 1964.

Nineteen of the Ford Motor Company's 47 leading officials donated a total of $140,100 to political candidates in 1968. Republicans got $87,100 and Democrats received $53,000.

Henry Ford II, chairman of the board, gave the Democrats $30,000 and Republicans $7,250. On the other hand, Benson Ford, vice president of the company, gave all his contributions totaling $41,000 to the Republicans.

The Ford Motor Company ranked 19th among DOD contractors in fiscal 1968. A Ford subsidiary Philco-Ford was 16th on the list of NASA contractors in the same year.

LARGEST DEFENSE, AEC AND NASA CONTRACTORS FOR 1968–69

The following lists show the top 25 Defense Department, AEC and NASA contractors as they ranked in fiscal 1968. Numbers in parentheses indicate the company's rank in fiscal 1969. Companies appearing in these lists but not in the chart on p. 2292 did not have officers or directors who reported 1968 campaign contributions. (*List of top 100 defense contractors in fiscal 1969, 1969 Weekly Report p. 2388*).

Defense

1. General Dynamics (3).
2. Lockheed Aircraft (1).
3. General Electric (2).
4. United Aircraft (5).
5. McDonnell-Douglas (4).
6. American Telephone and Telegraph (6).
7. Boeing (9).
8. Ling-Temco-Vought (7).
9. North American Rockwell (8).
10. General Motors (10).
11. Grumman Aircraft (17).
12. Avco (13).
13. Textron (16).
14. Litton Industries (21).
15. Raytheon (11).
16. Sperry-Rand (12).
17. Martin Marietta (25).
18. Kaiser Industries (45).
19. Ford Motor (19).
20. Honeywell (18).
21. Olin Mathieson (20).
22. Northrop (36).
23. Ryan Aeronautical (22).[1]
24. Hughes Aircraft (14).
25. Standard Oil (N.J.).

AEC

1. Union Carbide (1).
2. Sandia Corp. (2).[2]
3. General Electric (5).
4. duPont (4).
5. Reynolds Electrical (3).
6. Westinghouse Electric (8).
7. Bendix (6).
8. Holmes and Narver (7).
9. Douglas United Nuclear (10).
10. Dow Chemical (11).
11. Goodyear Atomic (13).
12. Idaho Nuclear (9).
13. Aerojet-General (17).
14. Atlantic-Richfield (14).
15. E.G. and G. (12).
16. Gulf General Atomic (25).
17. Monsanto (15).
18. Kerr-McGee (21).
19. National Lead (22).
20. Mason and Hanger (19).
21. North American Rockwell (20).
22. Homestake-Sapin (24).[3]
23. United Nuclear (23).
24. Pan American (26).
25. Phillips Petroleum.

NASA

1. North American Rockwell (1).
2. Grumman Aircraft (2).
3. Boeing (3).
4. McDonnell-Douglas (4).
5. General Electric (5).
6. IBM (7).
7. Bendix (6).
8. Aerojet-General (8).
9. RCA (10).
10. Chrysler (12).
11. General Dynamics (16).
12. TRW (11).
13. General Motors (17).
14. Ling-Temco-Vought (23).
15. Lockheed Aircraft (13).
16. Philco-Ford (21).
17. Sperry-Rand (15).
18. Martin Marietta (9).
19. TWA (14).
20. Federal Electric (18).
21. Catalytic-Dow (22).
22. United Aircraft (19).
23. Brown Engineering (27).
24. Honeywell (35).
25. Control Data (38).

NASA CONTRACTOR CONTRIBUTIONS

Twenty-four of the 25 leading NASA contractors in fiscal 1968 had officials who contributed to 1968 political campaigns, according to the records. The exception was Brown Engineering which ranked 23rd on the list.

There were 856 officers and directors for these 25 companies of whom 165, or 19 percent, gave money to candidates in the Presidential election year.

But considerable duplication occurred between the top NASA contractors and companies on the DOD and AEC lists. Fourteen of the NASA contractors also ranked among the top 25 DOD contractors and two were on the AEC list.

If all 24 NASA companies with campaign contributors are counted, the Republicans received $502,102 compared to $129,000 for the Democrats.

Officials of the eight contractors appearing only on the NASA list donated a total of $300,750 with the Republicans getting $201,750 and the Democrats $99.000.

Of the eight companies appearing only on the NASA list, International Business Machines Corporation (IBM) registered the highest total in contributions—$136,250 from 12 of the company's 44 officers and directors.

Republicans got $104,250 from IBM officials and the Democrats received $32,000.

Arthur K. Watson, vice chairman of the IBM board of directors, made the largest donation—$54,875 to the Republicans. Thomas J. Watson, chairman of the board, gave the Democrats $21,000 and the Republicans $7,875.

Officials of Trans World Airlines Inc. (TWA), also among the group of eight NASA contractors not on the other lists, donated $47,700 to the candidates. Eight of 65 TWA executives contributed a total of $45,200 to the Republican party and $2,500 to the Democrats.

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[1] 1969 ranking is for Teledyne Inc., which now owns Ryan Aeronautical if still listed separately Ryan would have ranked 54th in fiscal 1969.

[2] Subsidiary of Western Electric, the manufacturing unit of A.T. & T.

[3] Now known as United Nuclear-Homestake Partners.

SOURCES.—Department of Defense, NASA, AEC.

CONTRIBUTIONS BY OFFICIALS OF FEDERAL CONTRACTORS

Company	Number contributing	Republicans	Democrats	In millions of dollars: Net value prime military contract awards, fiscal years 1967	1968	1969	Total costs AEC prime industrial contractors, fiscal years 1967	1968	1969	Net value NASA direct contract awards,[1] fiscal years 1967	1968	1969
Aerojet-General Corp	2	$8,000	$15,000				$40.0	$34.8	$25.9	$95.7	$67.1	$64.9
American Telephone and Telegraph Co	9	16,500	1,000	$673.0	$775.9	$914.6	[2] 202.8	[2] 197.9	[2] 214.3	[2] 6.7	[2] 5.5	[2] 5.8
Atlantic Richfield Co	12	65,000	1,000			54.3		32.2	31.6			
Avco Corp	6	3,000	13,000	448.6	583.6	456.1				3.0	5.3	3.9
Bendix Corp	2	2,000		296.1	223.6	184.4	79.1	73.8	85.0	120.0	123.8	127.6
Boeing Co	4	5,000		911.7	762.1	653.6				273.5	296.7	228.7
Catalytic-Dow [4]	1		2,000								18.8	19.4
Chrysler Corp	20	30,550	5,500	164.7	146.6	121.8				76.6	62.6	42.5
Control Data Corp	3	4,000	1,000		56.8	56.9				7.1	15.5	7.2
Douglas United Nuclear Inc	1	1,000					39.4	52.8	44.8			
Dow Chemical Co	3	3,000	3,550	67.0			35.9	40.2	42.8	6.5		
E. J. duPont de Nemours and Co	11	42,800		179.6	170.6	212.0	105.8	90.2	99.1			
Federal Electric Corp	2	1,500	500							12.3	22.0	27.0
Ford Motor Co	19	87,100	53,000	403.8	381.3	396.3				[3] 32.1	[3] 32.0	[3] 22.4
General Dynamics Corp	9	17,265	1,000	1,831.9	2,239.3	1,243.1	13.7			61.0	54.4	34.0
General Electric Co	17	27,600	1,000	1,289.8	1,488.7	1,620.8	111.4	103.0	95.1	179.3	190.7	150.1
General Motors Corp	29	114,675	1,000	625.1	629.6	584.4				65.2	46.8	30.9
Grumman Aircraft Engineering Corp	4	6,500		487.7	629.2	417.1				481.1	394.1	369.2
Gulf General Atomic Inc	3	2,800						29.6	14.6			
Honeywell Inc	4	6,000	3,000	313.7	351.7	405.6				22.6	15.7	8.1
Idaho Nuclear Corp	1	2,000					27.9	36.5	48.4			
International Business Machines Corp	12	104,250	32,000	194.9	223.7	256.6				186.4	147.7	112.5
Kaiser Industries Corp	3	8,000	25,000	305.7	386.3	142.4				2.0		
Kerr-McGegg Oil Industries, Inc. [5]	3	2,500	1,000				24.5	24.2	20.9			
Ling-Temco-Vought, Inc	4	7,500	1,500	534.7	735.5	914.1				[7] 46.3	[7] 42.7	[7] 20.4
Litton Industries Inc. [8]	11	151,000		180.3	465.7	317.1						
Lockheed Aircraft Corp	5	38,880	1,000	1,807.2	1,870.2	2,040.2				42.0	40.5	39.8
Martin-Marietta Corp	5	3,500	4,500	290.2	393.5	264.3	1.21	9.0		12.8	26.8	56.0
McDonnell-Douglas Corp	5	26,432		2,214.6	1,100.8	1,069.7				243.9	209.0	207.5
Monsanto Co	4	4,500	2,500				27.8	27.4	30.4			
National Lead Co	2	6,000					23.2	23.8	20.6			
North American Rockwell Corp. [9]	8	20,500	2,000	[10] 688.1	668.6	674.2	[10] 29.2	21.1	23.2	[10] 983.8	838.7	680.9
Northrop Corp	2	23,500		306.4	310.3	178.9				8.8	15.4	12.4
Olin Mathieson Chemical Corp	7	58,300	3,000	154.3	329.4	354.4						
Pan American World Airways Inc	11	34,500		115.1	205.7	167.4	15.3	16.4	10.3			
Phillips Petroleum Co	1		500				10.6	13.5				
Radio Corporation of America	6	7,000	5,500	268.4	255.0	299.0				57.5	63.2	51.6
Raytheon Co	3	6,000		403.3	451.1	546.8						
Ryan Aeronautical Co	2	10,000		290.1	293.2	[11] 121.2						
Sperry Rand Corp	6	7,000		484.1	447.2	467.9				38.7	31.8	34.1
Standard Oil Co. of New Jersey	6	12,000		235.1	274.3	291.1						
Textron Inc	5	6,000		496.6	500.7	428.3					2.1	
Trans World Airlines Inc	8	45,200	2,500							25.1	25.3	35.4
TRW Inc	1	1,000		120.5	127.5	170.4				52.6	52.4	50.0
Union Carbide Corp	6	8,000	1,000	46.8			265.8	284.0	317.4	12.6	15.3	8.9
United Aircraft Corp	6	9,500		1,097.1	1,321.0	997.4				40.0	18.1	26.2
United Nuclear Corp	1	2,500					17.5	16.8	15.9			
United Nuclear-Homestake Partners	3	1,000	1,000				[12] 17.3	[12] 17.2	14.9			
Westinghouse Electric Corp [13]	14	38,500	1,500	453.1	251.0	429.6	65.6	73.8	75.9	10.4	7.4	6.9
Total	312	1,089,352	186,050	18,379.3	19,072.5	17,452.0	1,164.9	1,198.2	1,230.8	3,205.6	2,887.4	2,484.3
Less duplications [14]	18	34,500	5,500									
Adjusted total	294	1,054,852	180,550									

[1] Data for individual companies include awards on research and development contracts of $1,000 and over and on all other contracts of $25,000 and over.
[2] Amounts listed are for Sandia Corp., a subsidiary of Western Electric Co., which is the manufacturing unit of American Telephone & Telegraph Co.
[3] Combined amounts for separate contracts let to American Telephone & Telegraph Co., and Western Electric Co.
[4] Joint venture of Catalytic Construction Co., and Dow Chemical Co.
[5] Amounts listed are Philco-Ford Corp., a subsidiary of Ford Motor Co.
[6] 1 officer of Kerr-McGee Oil Industries Inc., also made $700 in miscellaneous contributions.
[7] Combined amounts for separate contracts let to LTV Aerospace Corp., and LTV Electro Systems.
[8] 1 director of Litton Industries, Inc., also made $5,000 in miscellaneous contributions.
[9] 1 officer of North American Rockwell Corp., also made $501 in miscellaneous contributions.
[10] Amount is for North American Aviation, Inc., since merged with North American Rockwell Corp.
[11] Ryan Aeronautical Co., is now a subsidiary of Teledyne Inc. Amount listed does not reflect any Teledyne contracts except those let to Ryan Aeronautical Co.
[12] Amounts are for Homestake-Sapin Partners, since merged into United Nuclear-Homestake Partners.
[13] 1 director of Westinghouse Electric Corp., also made $3,250 in miscellaneous contributions.
[14] 18 individuals were listed as officers or directors of more than 1 of the above companies. The totals next to each company include the duplicate amounts.

AEC CONTRACTOR CONTRIBUTIONS

Twenty of the 25 top AEC contractors for fiscal 1968 showed officials contributing to political races in 1968.

The survey showed no contributors among the executives of five companies on the AEC list: Reynolds Electric Co. (5), Holmes & Narver Inc. (9), Goodyear Atomic Corp. (11), E. G. & G. (15) and Mason & Hanger-Silas Mason Co. (20).

Two of the AEC contractors also appeared on the DOD list. Of the 700 officials with the 25 leading AEC contractors, 106 or 15 percent, made contributions according to available records.

If all 20 AEC companies with contributors are counted, the company officials donated a total of $308,701 in 1968. The Republicans got $272,700, the Democrats $30,050 and miscellaneous committees $5,951.

Executives of the 18 AEC companies not duplicated on the DOD list contributed a total of $257,100 with the Republicans getting $224,600 and the Democrats $27,050 and miscellaneous committee $5,450.

The Atlantic Richfield Company recorded the largest amount of contributions, $66,000, among those 18 AEC contractors not also on the DOD list.

Twelve of 33 Atlantic Richfield executives donated money to political compaigns in 1968. The Republicans received $65,000 and the Democrats got only $1,000.

The top giver from Atlantic Richfield was Robert O. Anderson, chairman and chief executive officer of the company, who sent the Republicans $44,000 and the Democrats nothing.

E. I. duPont de Nemours & Company showed the second highest total for contributions among this group of 18 AEC contractors. Eleven of 35 chief duPont executives contributed $44,300—$42,800 to Republicans, none to the Democrats and $1,500 to miscellaneous groups.

GENERAL CONCLUSIONS OF SURVEY

One obvious deduction to be made from the study is that eight consecutive years in power (1961–1968) did little to sway major Federal contractors to the Democratic party cause in 1968.

From among the 49 top DOD, NASA and AEC contractors, officials of only seven companies donated more money to the Democrats than they did to the Republicans.

In each case these Democratic party financial triumphs were small. Kaiser Industries officials gave the Democrats the largest margin of contributions—$25,000 compared to $8,000 for the Republicans.

The six other companies with officials who gave more to the Democrats than to the Republicans were: Aerojet-General Corporation, Avco Corporation, Catalytic-Dow, Dow Chemical Company, Martin-Marietta Corporation and Phillips Petroleum Company. (*Chart, p. 2292*)

Donations Increase. Contributions from corporate executives to both major parties in 1968 were almost always larger than in either 1960 or 1964.

The top two individual contributors provided dramatic examples of increasing donations. Mr. and Mrs. Salvatori were listed as

contributing $95,000 in 1968 and $6,000 in 1964. The late Richard King Mellon, a director of General Motors, gave $65,000 in 1968 compared to $18,000 in 1964. (*Forty-three top contributors listed below*)

Directors usually gave more money to political campaigns than the officers of companies, according to the data. These directors, many of them wealthy men serving on the boards of several companies, are frequently bankers, lawyers or Wall Street investors.

TOP 43 INDIVIDUAL CONTRIBUTORS

Forty-three officers or directors of companies among the top 25 DOD, NASA and AEC contractors in fiscal 1968 gave at least $5,500 to political campaigns in 1968.

The names of these officials follow in alphabetical order. After each name is the amount of the 1968 donation and the party, Republican (R) or Democrat (D), receiving the money. Donations, if any, in 1964 and 1960 also are listed.

The amounts below represent only those contributions listed on official state or Federal reports.

Robert O. Anderson, chairman and chief executive officer, Atlantic Richfield: 1968, $44,000 (R); 1960, $500 (R).

Roy L. Ash, president, Litton Industries: 1968, $8,500 (R).

Walker G. Buckner, director, IBM: 1968, $9,000 (D); 1964, $6,000 (D).

John S. Bugas, vice president, Ford Motor Co.: 1968, $20,000 (R); 1964, $3,000 (R).

William A. M. Burden, director, Lockheed Aircraft Co.: 1968, $14,500 (R); 1964, $1,000 (R); 1960, $3,500 (R).

Walter S. Carpenter Jr., honorary chairman, duPont: 1968, $7,000 (R); 1964, $6,500 (R); $500 miscellaneous; 1960, $12,000 (R).

Lammot duPont Copeland, president, duPont: 1968, $14,000 (R); 1964, $9,000 (R); 1960, $13,000 (R).

Paul L. Davies, director, IBM: 1968, $8,000 (R); 1964, $1,000 (R); 1960, $1,000 (R).

George P. Edmunds, director, duPont: 1968, $5,500 (R); 1964, $500 (R); 1960, $1,000 (R).

Edward F. Fisher, director, General Motors: 1968, $8,000 (R).

John C. Folger, director, IBM: 1968, $9,000 (R); 1964, $4,000 (R); 1960, $16,100 (R).

Benson Ford, vice president, Ford Motor Co.: 1968, $41,000 (R); 1960, $3,000 (R).

Henry Ford II, chairman, Ford Motor Co.: 1968, $7,250 (R), $30,000 (D); 1964, $3,600 (R); $39,500 (D); 1960, $6,000 (R).

William Clay Ford, vice president, Ford Motor Co.: 1968, $1,000 (R), $20,000 (D); 1960, $6,000 (R).

Amory Houghton Jr., director, IBM: 1968, $19,500 (R); 1960, $900 (R).

David S. Ingalls, director, Pan American World Airways: 1968, $12,000 (R); 1964, $1,500 (R); 1960, $2,000 (R).

Charles S. Jones, director, Atlantic Richfield: 1968, $9,000 (R); 1964, $1,000 (R).

Earle M. Jorgenson, director, Northrop Corp.: 1968, $22,500 (R).

Edgar F. Kaiser, president, Kaiser Industries: 1968, $25,000 (D); 1964, $6,000 (D).

Frederick R. Kappel, chairman of executive committee, A T & T; director, Standard Oil of New Jersey; 1968, $6,000 (R); 1964, $1,000 (R); 1960, $3,000 (R).

Willard W. Keith, director, Lockheed Aircraft Co.: 1968, $19,880 (R); 1964, $4,500 (R); 1960, $1,000 (R).

Dan A. Kimball, chairman of executive committee, Aerojet-General: 1968, $15,000 (D); 1964, $2,000 (D).

Barry T. Leithead, director, TWA: 1968, $17,200 (R); 1964, $500 (R); 1960, $1,000 (R).

Edward H. Litchfield, director, AVCO Corp. 1968, $10,000 (D).

Glen McDaniel, senior vice president, Litton Industries: 1968, $11,500 (R).

Jackson R. McGowen, corporate vice president, McDonnell Douglas Corp.: 1968, $18,700 (R).

Richard King Mellon, director, General Motors: 1968, $65,000 (R); 1964, $18,000 (R); 1960, $20,000 (R).

Andre Meyer, director, RCA: 1968, $1,000 (R), $5,500 (D); 1964, $35,500 (D).

Thomas S. Nichols, chairman of executive committee, Olin Mathieson Chemical Corp.: 1968, $4,000 (R); $3,000 (D); 1964, $4,000 (D); 1960, $7,000 (R).

Spencer T. Olin, director, Olin Mathieson Chemical Corp.: 1968, $12,500 (R); 1964, $11,900 (R); 1960, $24,500 (R).

John M. Olin, honorary chairman, Olin Mathieson Chemical Corp.: 1968, $31,500 (R); 1964, $31,000 (R); 1960, $12,000 (R).

M. G. O'Neil, chairman, Aerojet General: 1968: $8,000 (R).

David Packard, director, Ford Motor Co.: 1968, $11,000 (R).

Thomas L. Perkins, director. General Motors: 1968, $9,000 (R).

Willard F. Rockwell Jr., chairman, North American Rockwell: 1968, $7,000 (R).

Henry Salvatori (and Mrs. Salvotori), director, Litton Industries, 1968, $90,000 (R), $5,000 miscellaneous; 1964, $6,000 (R); 1960 $1,000 (R).

John M. Schiff, director, Westinghouse Electric: 1968, $24,500 (R); 1964, $10,000 (R); 1960, $11,500 (R).

Hugh A. Sharp Jr., director, duPont: 1968, $6,500 (R); 1960, $4,000 (R).

C. Arnholt Smith, director, Ryan Aeronautical Co.: 1968, $8,000 (R); 1960, $1,000 (R).

Vernon Stouffer, director, Litton Industries: 1968, $27,000 (R); 1964, $900 miscellaneous.

Charles B. Thornton, director, TWA: 1968, $19,500 (R): 1964, $3,000 (D); 1960, $1,000 (R).

Arthrus K. Watson, vice chairman, IBM: 1968, $54,875 (R); 1964, $13,000 (D); 1960, $7,500 (D).

Thomas J. Watson, chairman, IBM: 1968, $7,875 (R). $21,000 (D); 1964, $37,000 (D); 1960, $10,500 (D).

TOP CORPORATE CONTRIBUTORS

Following are the 10 companies among top defense, space and nuclear contractors, whose officers and directors were reported to have contributed the largest amount to election compaigns in 1968.

The totals are divided within the parentheses between donations to Republicans (R) and Democrats (D).

1. Litton Industries Inc., $151,000 ($151,000 R).
2. Ford Motor Company, $140,000 ($87,100 R; $53,000 D).
3. International Business Machines Corp., $136,250 ($140,250 R; $32,000 D).
4. General Motors Corporation $115,675 ($114,675 R; $1,000 D)..
5. Atlantic Richfield Company, $66,000 ($65,000 R; $1,000 D).
6. Olin Mathieson Chemical Corporation, $61,300 ($58,300 R; $3,000 D).
7. Trans World Airlines Incorporated, $47,700 ($45,200 R; $2,500 D).
8. E. I. duPont de Nemours & Company, $42,800 ($42,800 R).
9. Westinghouse Electric Corporation, $40,000 ($38,500 R; $1,500 D).
10. Lockheed Aircraft Corp., $39,880 ($38,880 R; $1,000 D).

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Senator from New York is recognized for not to exceed 15 minutes.

Mr. JAVITS. Mr. President, I wish to make some remarks today on the plight of the Jewish minority in the Soviet Union, a situation which is all too often forgotten and which continues to be a festering sore. I want to refer to unpublished documents which have been called to my attention in respect to this matter which I feel deserve the attention of the Senate.

Mr. President, I ask that the clerk advise me when I have consumed 12 minutes.

The PRESIDING OFFICER. The Chair announces that it was in error when it announced a time limitation of 15 minutes. I have subsequently been advised that the Senator from New York was to be recognized for a period of not to exceed 30 minutes.

Mr. JAVITS. Mr. President, I hope I will only take the 15 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JAVITS. Mr. President, I yield to the Senator from West Virginia.

ORDER FOR RECOGNITION OF SENATOR TOWER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the conclusion of the remarks of the Senator from New York (Mr. JAVITS), the able Senator from Texas (Mr. TOWER) be recognized for not to exceed 10 minutes.

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

Mr. JAVITS. Mr. President, I again thank the distinguished Senator from West Virginia for his always unfailing courtesy in waiting for me.

Mr. BYRD of West Virginia. The Senator from New York is welcome.

THE U.S.S.R. AND ITS JEWISH MINORITY

Mr. JAVITS. Mr. President, the Soviet Union tells the world that it does not discriminate against Jews, or any other minority group. The Soviet Union tells us there is no anti-Semitism in Russia. Indeed, it is supposed to be against the law. The Soviet Union tells us that Jews are free to worship, free to study their religious heritage, free to speak their ancient language. The Soviet Union tells that its Jews are anti-Israel, anti-Zionist, and want to stay in the U.S.S.R. Yet we have found that these assertions are untrue. Why does the Soviet Union continue to propagate such falsehoods in the face of overwhelming evidence to the contrary?

Mr. President, I might say that I bear the greatest friendship to the Soviet Union and its people. I have labored for 21 years to bring about agreements and understanding between us. I will continue to labor in that vineyard. I have not been afraid of any labels that might be attached to me as a politician on that account. It is for that reason that I feel I have a right to speak out unequivocally and plainly, especially in view of the additional evidence which has been supplied to me of such a current peril in respect to this very deplorable situation.

Mr. President, I now refer to previously unpublished documents which have been

brought to my attention. These documents reveal that discrimination against Jews continues to be a fact of life in the Soviet Union.

In one case, an engineer from Riga, named David Zilberman—I will be naming names with the permission of those to whom this relates—petitioned United Nations Secretary General U Thant to intercede and help him obtain an exit permit to Israel so that he might rejoin his father, aged 82, who had suffered a paralyzing stroke.

In another plea, an engineer named Peisakovich—Pie-sa-ko'-vich—from Vilna, laments that under present Soviet conditions, he cannot enjoy the fruits of Jewish heritage, and therefore wishes to go to Israel.

The same theme is iterate by A. Vilder, of Riga, in an unpublished letter to Izvestia, the official Soviet Government newspaper in Moscow. A Jew from Riga, named Rapoport, similarly implores the Minister of the Interior in the Latvian SSR to "permit me and my family to depart to my sister in Israel for permanent settlement."

These persons, and countless others, continue to reflect the suffering that is apparently the lot of Soviet Jewry. In June the press reported the alleged attempt to hijack a small airplane near Leningrad. Twelve persons were arrested in connection with the episode; nine of them were Jews. Subsequently there was a wave of roundups, questionings, and confiscations—all focused on Jews in Leningrad and Riga. This month a further alarm was sounded in connection with the hijack case when S. Y. Soloviov was the judge at the so-called trial of economic crimes which focused largely on Soviet citizens of the Jewish faith, and it was Soloviov who, for their alleged "economic crimes," sentenced three of the Jewish defendants to death.

In principle the U.S.S.R. confirms the concept of emigration, a basic human right acknowledged in the United Nations Universal Declaration of Human Rights, article XIII, which the Soviets support. It avows "a man's right to leave any country including his own." In addition, Premier Alexis Kosygin stated on December 3, 1966, in Paris, that "there will be no problem—concerning Jewish emigration. The doors will be open." Three years after Premier Kosygin's statement, on December 13, 1969, the New York Times published a story which said:

> The (Soviet) government newspaper Izvestia said today that Soviet Jews with relatives abroad could leave.

Nevertheless, despite these optimistic pronouncements, only a trickle of the tens of thousands who have had the courage to apply were in fact allowed to emigrate. In addition, requests for emigration were increasingly becoming causes for prosecution and persecution by Soviet Government agencies. I am informed that just an application for a permit is often followed by demotion, loss of job or worse. To date, 32 Jewish petitioners for emigration have gone not to Israel, but to a Soviet jail.

In some cases for the Soviet citizen who has made application to emigrate, simply waiting for a reply from his government is agony enough. For example, I am advised that no one receives a written denial of his emigration request. Instead, a postcard arrives in the mail which tells him to call a certain number. Then, on the telephone, he is curtly informed that his petition has been rejected—no reasons, no details, nothing. This is apparently done so that the rejections will be unrecorded and the petitioning Jews will not be able to send copies of the official rejections abroad where they further embarrass Soviet authorities.

Occasionally the petitioners are told to come to the office of the OVIR—the National Immigration Bureau of the U.S.S.R. Last December a Jewish citizen of Moscow, Dr. David Drabkin, responding to such a request, went to the OVIR office where an official berated him in no uncertain terms. He was told:

> You and others like you, will never receive a permit to leave the Soviet Union. We will not arrest you, we will not make martyrs of you, we will let you perish of hunger here.

Drabkin had carried a sensitive tape-recorder in his pocket and was able to record this tirade. He then sent copies of it to Soviet President Podgorny, President Kosygin, and to the editors of Pravda and Izvestia—but with no results.

Confusion and ambiguity regarding Soviet Jews are not limited to emigration policies. Although officially the Soviet constitution forbids anti-Semitism, high government officials and government propaganda agencies continue to grind out anti-Semitic, anti-Zionist vituperations which in effect are stifling Jewish cultural and spiritual development. Soviet authorities have suggested to me that there is a large, latent reservoir of historical anti-Semitism which might surface if "special treatment" is given to Soviet Jews to emigrate to Israel. My answer is: Is it worse to be discriminated against when you cannot leave or when you can?

A letter sent to Premier Kosygin June 6, 1969, signed by three Moscow Jews, describes the situation better than any words of mine:

> Our families were brought up in the Jewish cultural tradition," the three Muscovites said, "but in the present conditions of Soviet reality, our children are denied any possibility of learning their mother tongue, or becoming acquainted with the great heritage and spiritual values of our nation, because the Jewish nationality, unlike the other nationalities living in the USSR, is subject to cruel discriminations in the USSR. There are no Jewish schools or other educational institutions, no theatres, and . . . no Jewish periodicals with the exception of one monthly.
>
> Indeed, everything Jewish, is ignored . . . An author like (Trofim) Kitchko, a notorious anti-Semite, is allowed to publish a book which is no better than Czarist propaganda. All this injures our national feelings and our dignity as human beings. To remain in this atmosphere of anti-Semitic propaganda and discrimination has become unbearable to us. We regard ourselves as Jews, emotionally and spiritualy attached to the State of Israel.

The mention of Trofim Kitchko's book is just one reminder of how the Soviet Government, which owns and controls all publishing facilities, seems to violate its own prohibitions against anti-Semitism. In his latest anti-Semitic attack, Judaism and Zionism, Kitchko did not merely limit himself to distorting the political struggle in the Middle East, he concentrated on what he said was the intrinsic "aggressive and inhuman" policies of Judaism as a faith.

He said:

> Judaism has always served the interest of the exploiting clases.

He continued:

> In our times, its most reactionary postulates have been taken up by the Zionists, the Jewish bourgeois nationalists.

To offset continuous criticism from abroad—and from within—on the charges in the letter from the three Moscovites, the Soviet Union paraded out more than 50 prominent Soviet Jews at a well-publicized press conference, this past March, and had them denounce Israel and Zionism, and strenuously deny all charges of anti-Semitism in the U.S.S.R.

One of the prominent personalities, who appeared at this March press conference was the Comedian Arkady Raikin—sometimes referred to as the Soviet Charlie Chaplin. His appearance and apparent compliance with the sentiments expressed that day caused David Zilberman—one of the men whose petitions I have—to write a truly heartrending letter expressing his shock and disappointment at what he calls Raikin's "shameful participation."

Zilberman wrote to Raikin on April 10, 1970:

> I had always believed in you fully, considered you one of the most democratic and upright representatives of the Jewish people.

But Zilberman said that as he listened to the rhetoric of the so-called spokesman of his people, his opinion of Raikin changed:

> Neither you (nor the others) have been empowered by anyone to speak in the name of the Jewish people and to "defend our interests."

Perhaps these 50 Soviet Jews were anti-Israel and anti-Zionist and never felt the sting of anti-Semitism. Certainly there are those in every minority group who find it easier to go along than to fight, who prefer identifying with the majority to reaping both the benefits and the problems of the minority.

However, they do not speak for all of the two and a half million Jews in the U.S.S.R. Americans who visit the U.S.S.R. regularly return with documents proving that Soviet Jews suffer discrimination: They are relegated to second-class jobs, they are forced to renounce any right to religious and ethnic development. In addition, the Soviet Jews themselves court great personal danger to send out hundreds of letters and documents such as the ones that have come to my attention. The risks these men and women have taken, as well as our own extensive concern, must impel us to reject the rhetoric of Raikin, Dymshitz and others as the authoritative voice of So-

viet Jewry. Yet our protests must be as humanitarian as our ends; we cannot condone violence and anger here in the effort to condemn it elsewhere. I do not like to see tactics of confrontation politics used to advance so noble a cause as Judaism.

I might point out at this time that the Russians protested, in a protest I would like to make a part of the RECORD, that their representatives in this country have been insulted and shamed by those who would protest the policies which are discriminatory against Jews in the Soviet Union. I deplore such activity and hope it will cease because I think it gives added excuse to the Soviet Union for continuing such policies.

I would like to point out the tremendous mass meetings of youth, like those in New York and other cities throughout the country, one of which I addressed, involving 20,000 young Americans in front of the United Nations. These mass meetings are proper and magnificent examples of the sense of outrage and protest which properly animates these young people, and is properly communicated to the United States, the world, and the United Nations and, hopefully, will have some effect on the Soviet Union.

With the utmost desire to seek peace, nuclear arms limitation in the SALT talks and other instances of detente with the U.S.S.R., it is yet proper and necessary to ask these fundamental questions of the Soviet Government:

First. In the face of such anti-Semitic provocations as Trofim Kitchko, Yuri Ivanov, Ivan Shevtsov and others, is the Soviet Union living up to its own avowed prohibition of anti-Semitism?

I wish to interject at this point that certainly such books are published in this country as well, but also this country leaves open the freedom to publish many other books on different sides of the issue in order to enlighten the public, and to maintain schools and institutions, and other means for apprising the public of the case against the case of these anti-Semitic writers. In the Soviet Union, where the press is controlled by the State, only one side of the case is published. That is the basis for the protest, not the publication; but the fact it is by government dictate and so onesided.

The second question I ask is:

Second. Are the statements uttered at the March 4, 1970, press conference in Moscow concerning the supposed prosperity and happiness of Soviet Jews reliable, or are they a cynical ploy to confuse those in the West who are concerned?

Third. Does the Soviet Union adhere to the Universal Declaration of Human Rights, which allows free emigration as put forth in article XIII, or has it rejected this international principle?

Fourth. Is the Paris statement of Premier Kosygin about Jewish emigration actually the policy of the U.S.S.R. or was this simply a release for the Western press?

Fifth. Why do the leaders of the Soviet Union keep us guessing concerning their treatment of and policy toward the Jewish population of the U.S.S.R.?

The case of Boris Kochubiyevsky, a young engineer from Kiev, comes immediately to mind. In 1967, at a union meeting, Kochubiyevsky publicly challenged the allegation that Israel had been the aggressor in the 6-day war. The following year Kochubiyevsky attended memorial services at Babi Yar near Kiev, where 150,000 Jews—including his own father—had been massacred by the Nazis. No word of the Jewish tragedy is evident at Babi Yar and Kochubiyevsky protested this. His protest was overheard and duly recorded. Soon after, Boris and his wife applied for emigration to Israel. Suddenly, while his application was still pending, Kochubiyevsky was arrested and tried for "slandering the State." In May 1969, he was sentenced to 3 years at hard labor. After waiting 1 year in jail, he began, this June, his 3-year sentence in a labor camp outside of Kiev.

Why, on the one hand, are Jews like Boris Kochubiyevsky punished for speaking their minds and, on the other hand, Jews like Benjamin Dymshitz encouraged to denounce Israel and cynically dismiss anti-Semitism in the U.S.S.R. as a mere insinuation?

So the sixth question I ask is:

Sixth. Is petitioning for emigration in the U.S.S.R. now considered a criminal offense? If not—why cannot all those petitioners who are currently in jail be released?

Why cannot the U.S.S.R. permit Jews who have applied for emigration to Israel to leave within a reasonable time?

Seventh. Why cannot ethnic schools in Hebrew and Yiddish be permitted to teach the cultural and historical and heritage of the Jewish people to those who wish to learn, and thereby accord the Jews the rights allegedly guaranteed to them and all ethnic groups in the U.S.S.R.?

Other comparable minority groups do have such schools in the U.S.S.R. Why cannot those in the U.S.S.R. professing the Jewish religion have the same opportunities of expression and organization as the U.S.S.R. allows—even in a limited way—to members of the Christian and Muslim faiths?

Eighth. As a symbol of integrity, why cannot the U.S.S.R. rebuild the monument at Babi Yar so that it properly commemorates the 150,000 Jews slaughtered there during the Nazi occupation?

Why cannot what is seemingly a hate campaign carried on unremittingly—even if intermittently—against Jews, Israel, and Zionism—especially as anti-Zionist propaganda is often a guise for anti-Semitic, rather than only a political disagreement with Zionist philosophy—be discontinued as an act of good faith and as a demonstration of Soviet principles forbidding anti-Semitism? For, whether we like it or not, the nature of a nation's justice and humanity is often determined by the way it treats its minorities—especially the Jewish minority which has been traditionally marked for persecution by societies which are inhuman and unjust?

In short, will the Soviet Union remain "the riddle wrapped in a mystery inside an enigma" as Winston Churchill described it—or concerning its Jewish population—will it set forth clearly and positively its policy for the whole world to examine?

Ninth. At a critical moment in a tortured world, why cannot the U.S.S.R. vindicate the idealistic principle of its founding philosophy by redeeming its Jewish population from the fear, danger, and prejudice under which it has suffered?

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

Mr. JAVITS. I yield to the Senator from Illinois.

Mr. PERCY. Thank you. The Senator from New York has been outspoken for many years against these injustices. On occasion I have been honored to join him.

As he was speaking today I could not help recalling to mind a trip I made a few years ago to Latvia and Lithuania and other Eastern European countries and the experiences I personally had there. One time I remember in a major city in the Baltic States I was accosted by officials who accused me of taking pictures that they thought might be used against the Soviet Union for propaganda purposes, and I was detained several hours in an attempt to prove that pictures taken by an amateur with an 8-millimeter camera in a market could hardly be used against the Soviet Union.

But the intimidation of a tourist, obviously an American, certainly was symbolic to me of what intimidation there must be of many people who would not have the protection that we have when we travel abroad.

Also I cannot forget the fact that I visited the concentration camp in Auschwitz and then went to Moscow and saw the tremendous attempt by the Soviet Union to continue to portray to the people, through exhibits at the Lenin Museum, that Nazism had been overcome by the Soviet Union and, by the force of arms, the terrible tragedies imposed upon people in concentration camps had been stopped. Yet I found, in talking with officials of the Soviet Union, their reluctance to consider what I regarded to be suppression of the same Jewish people who live in the Soviet Union.

It is this riddle I find exceedingly difficult to penetrate.

The distinguished senior Senator from New York has made a powerful and detailed indictment of official Soviet offenses against the freedom and security of Jews in the Soviet Union. We have both been speaking out about these offenses for several years, and today the need for speaking out seems more urgent than ever. I hope that many of our colleagues will join with us in an effort to bring all possible pressure on the Soviet leaders to allow full, first-class citizenship to Jews and other minorities in their country.

Today I will only say this: No matter how much we desire a relaxation of tensions between East and West, no matter how much we wish for agreements to end the arms race, no matter how much we want peace, we cannot foresake

justice. As free men we have a responsibility to speak up for justice for all peoples. In the Soviet Union there is no justice for the Jews, no justice for Ukrainians or Armenians, no justice for Latvians or Lithuanians or Estonians, no justice for millions of Soviet citizens who wish to carry on their own cultural and religious traditions freely and without government restriction and control.

I urge the current leaders of the Soviet Union to review the question of State policy toward nationalities and religious groups. There is no reason why the Soviet Union of the 1970's must continue the short-sighted policies of the past. If the Soviet Union is self-confident enough to negotiate arms limitations with the United States, surely the Soviet Union can afford to allow first-class citizenship for all of its own people.

These are sentiments I have expressed to responsible Soviet leaders both in this country and in the Soviet Union. I am pleased to have the opportunity to do so again today. I thank the Senator from New York for yielding.

Mr. JAVITS. I am very grateful to the Senator.

The PRESIDING OFFICER. The Senator from New York wanted to be reminded of his time. He has an additional 5 minutes.

Mr. JAVITS. I thank the Chair.

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

Mr. JAVITS. I yield to the Senator from Texas.

Mr. TOWER. I thank the Senator for yielding, and I want especially to thank the Senator from New York for again bringing to the attention of the Senate, the American people, and the world the level of persecution of the Jews in the Soviet Union and the fact that anti-Semitism exists there, which I think renders false the contention that the Soviet Union purports to be an egalitarian government.

I do not have much optimism that the Soviet Union will do much about it, because the Soviets have shown themselves to be very slow to respond to moral pressure from any part of the world on any matter, but I think the Senator from New York is right in continuing to bring this situation to the attention of the Senate, the country, and the world.

Mr. JAVITS. I thank both my colleagues for their statements, which are extremely helpful. It is the support which one engenders in a body like this that really makes meaningful such efforts. Therefore, if I have reawakened consciences and given rise to a renewed burst of support, I think it can be very helpful. I do not believe the situation in the Soviet Union is closed at all. I deeply believe our views can have a profound effect upon them.

I repeat what I said before: There is no derogation of friendship or the desire to get together on the multitude of things we have to get together on; but they speak to us very frankly and often very sharply, and I think we have a perfect right to speak to them in the same way where the shoe fits, as I believe it does in this case.

I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I thank the Senator for yielding. I think that the Senate and the country are in the Senator's debt again, as they so often are in matters relating to his people, on these questions affecting Israel and the Jews. The very moderation and the very factual nature of the Senator's statement adds enormously to its strength, not only in this country but I am sure throughout the world, including Soviet Russia. I am grateful indeed for the leadership that he has again given us in this matter.

He is moderate in his statement but relentless in making the factual points that he has made and raising the questions that he has raised, which, by the weight of their rightness, will eventually demand an answer; and I believe help to bring about improvement.

The Senator has made an eloquent statement on the persecution of Soviet Jews. I share his deep concern.

For many years, I have joined with Senator JAVITS and many other Senators in protesting the reprehensible treatment of the Soviet Jews. Through public appearances and resolutions, my colleagues and I have tried to put some measures of pressure on the Soviets to change their policies. Unfortunately, little result has been evident.

Yet we must continue our efforts, for it seems that the Soviets will only alter their behavior when the onus of worldwide condemnation makes the political cost of not changing too great for the Soviets to bear.

Thus, I urge my colleagues here in the Senate, along with all other Americans, to make their voices heard in condemning the persecution of Soviet Jews. Such conduct has no place in the civilized world.

Mr. JAVITS. Mr. President, I thank the Senator from New Jersey for his kind intercession, and I point out that the moderation in my presentation comes out of my real, genuine desire, in the interests of all the people of my State and of the country, to find as many grounds of common agreement with the Soviet Union as possible. But I do feel that they are really perpetrating a great injustice here, and that it will help us, and help them, if it can be corrected.

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

Mr. JAVITS. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, certainly it is most appropriate that the distinguished Senator from New York should lead off, as he has done so ably here this morning, in calling the attention of the world to a continuing injustice that is being visited upon the minorities of Russia. But I join him in saying that when he speaks for that minority, I think he speaks for all minorities everywhere. His voice is one recommending tolerance, urging the recognition of the fact that others can be right and others do have a place, and certainly I think he has made a most significant contribution toward the kind of world we hope someday to be able to live in, in calling for tolerance and recognition of the rights of minorities, as he has done so ably here this morning.

Mr. JAVITS. Mr. President, I am very grateful to my colleague. To hear him speak on this subject is like breathing a breath of the fresh air from his wonderful mountain State, and I thank him very much.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Texas (Mr. TOWER) is now recognized for not to exceed 10 minutes.

Mr. TOWER. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, for how long?

Mr. TOWER. For 3 minutes.

Mr. BYRD of West Virginia. No objection.

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

S. 4434—INTRODUCTION OF A BILL TO DEREGULATE THE WELLHEAD PRICE FOR NATURAL GAS

Mr. TOWER. Mr. President, on July 29, 1970, I introduced Senate Resolution 435. This "Sense of the Senate" resolution, which was cosponsored by eight other Senators, stated, in essence, that shortage of natural gas existed in many areas of the United States and would probably spread to other areas unless corrective action were taken. The resolution continued that the primary cause of this shortage was the unrealistically low price of natural gas regulated by the Federal Power Commission. The resolution concluded that the free market mechanism was the best method for determining the price to be paid to the independent producer for his gas.

The Federal Power Commission has been in the process of redetermining the fair price of gas by normal rulemaking procedures. This is the third attempt in the past 15 years to arrive at a fair price. A decision based on this most recent procedure may result in a somewhat higher price to be paid to the independent producer.

Further, the FPC announced a rulemaking procedure to exempt from all FPC regulations those producers who sell into interstate commerce less than 10 billion cubic feet of gas per year. If enacted as a regulation this rule would exempt the producers of about 15 percent of the natural gas which flows into interstate commerce.

These are steps in the right direction but not a cure.

Since I introduced the resolution, shortages of gas have spread to virtually all areas of the United States and have become more severe.

Recognizing this worsening situation, I began to consider drafting legislation

which would carry out the intent of Senate Resolution 435.

I recalled that the vice commissioner of the Federal Power Commission, Carl E. Bagge, had publicly stated in February and April 1970, that whether or not the FPC officially recognized the forces of the free market, these forces would, nevertheless, affect the domestic price of natural gas. In these statements, he characterized the past 20 years of FPC regulation based on cost analysis as "a regulatory dry hole." His conclusion was that the FPC should cease to regulate the price of natural gas paid to the independent producer and that legislation was the proper method by which to end this regulation.

In an effort to lessen the severity of the shortage, the FPC has approved prices of natural gas to be imported into the United States which were substantially higher than the well-head prices presently received by producers in the United States. For example, the FPC has approved paying 32 cents per thousand cubic feet—mcf—for gas imported from Canada and $1.72 per mcf for liquified natural gas imported from Algeria. Gas produced and transported from Prudhoe Bay, Alaska, is estimated to cost a minimum of 60–65 cents per mcf at the U.S. border.

Meanwhile, the maximum FPC approved price paid to domestic producers in west Texas is only 16.5 cents per mcf.

Another indication of the unrealistically low price is the disparity between inter- and intrastate prices. The intrastate price is the amount paid for gas which is produced and consumed in the same State and over which the FPC has no control. In west Texas, the intrastate price is substantially higher than the FPC regulated interstate price.

I believe that this unrealistically low FPC regulated price is the primary reason for our present shortage of natural gas. This low price does not afford the economic stimulus necessary to encourage the exploration for new supplies of vast but undiscovered reserves of gas. It is estimated that there remains undiscovered and recoverable approximately 1,200 trillion cubic feet of natural gas—enough to supply our present national needs for about 50 years.

Therefore, recalling Commissioner Bagge's statements, I asked him to submit to me his personal views concerning the specific language of a bill which would deregulate the price of natural gas.

Commissioner Bagge consented to draft such a bill and recently delivered the draft to me.

Before discussing the bill, I would like to stress that this legislation is forthcoming from the personal views of Commissioner Bagge only and not the views of the FPC as a body or from any of the other Federal Power commissioners.

Today, I am pleased to introduce this bill with my distinguished colleague the Senator from Wyoming (Mr. HANSEN) as a cosponsor.

I would be less than candid if I claimed that this bill cures all the ailments of the natural gas industry or that this bill represents the only possible approach to correcting the present pricing situation. I do believe that deregulating the price of natural gas is the essential element to the maintenance of a sound and secure domestic natural gas industry. I believe that maintaining such an industry is in the best interests of the consumer.

It may be that we will be unable to actively consider and debate this measure during the remaining weeks of this Congress. Even so, I believe that real and substantial benefits will be derived by introducing this bill now so that both industry and Government may consider and discuss it.

The major elements of the bill are as follows:

First, prices of new gas contracted for between the independent producer and the pipeline company would no longer be determined or approved by the FPC.

Second, all prices and escalations would be stated in definite prices per unit terms.

Third, provisions of gas purchase contracts other than price would continue to be regulated by the FPC.

I shall introduce at the conclusion of my remarks the letter of transmittal from Commissioner Bagge to me. In this letter, Commissioner Bagge examines in some depth the unhappy results of past FPC price regulation. He states his conclusions that regulation of the price of natural gas is virtually an impossible task.

Another bill has gained wide acceptance in the natural gas industry. Known as the "Sanctity of Contract" bill, I would like to contrast it with the bill I am introducing today. The main difference is that the Sanctity of Contract bill provides that the price of natural gas would continue to be determined and approved by the FPC. Under the Sanctity of Contract bill, the FPC would be obliged to use an econometric model in determining the fair price for gas. This, in effect, would merely substitute economists for cost accountants. Quite possibly, another decade of fruitless, frustrating efforts would pass before this method, too, would be found unworkable.

I firmly believe that the best method for determining the price of natural gas is the free market mechanism without interference from or approval by the FPC.

I believe that enactment of the bill I am introducing today would provide the necessary economic stimulus to encourage exploration for badly needed new reserves of natural gas. In turn, this exploration and the additional supplies which it will provide, will constitute a significant and positive deterrent to future energy crises such as we are now experiencing.

Mr. President, I ask that my bill be printed at this point in the RECORD and that the bill be followed by Commissioner Bagge's letter of transmittal.

The PRESIDING OFFICER (Mr. SPONG). The bill will be received and appropriately referred; and, without objection, the bill and the letter will be printed in the RECORD, as requested by the Senator from Texas.

The bill (S. 4434) to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to new sales of natural gas in interstate commerce for resale by persons engaged solely in the production, gathering, and sale of natural gas, introduced by Mr. TOWER (for himself and Mr. HANSEN), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Natural Gas Act, as amended (52 Stat. 821, 56 Stat. 83, 61 Stat. 459, 68 Stat. 36, 72 Stat. 941, 947 and 76 Stat. 72; 15 U.S.C. 717–717w), is amended as follows:

SEC. 101. Section 2 of the Natural Gas Act, as amended, is amended by adding at the end thereof the following new subsections:

"(10) 'Independent Producer' means a natural gas company solely engaged in the production, gathering, processing, or sale of natural gas in interstate commerce for resale but not engaged in the distribution thereof for ultimate public consumption nor classified by the Commission as an interstate pipeline company.

"(11) 'Indefinite escalation provision' means a provision in a contract covering a sale of natural gas by an independent producer in interstate commerce for resale that provides for any change in price other than to a definite amount on a specific date or other than to reimburse the seller for all or any part of the changes in production, severence, or gathering taxes levied upon the seller."

SEC. 102. The Natural Gas Act, as amended is amended by adding at the end thereof the following new section:

"SEC. 24. Notwithstanding any other provision of the Natural Gas Act, as amended, the price, rate or charge demanded or made for the sale, between nonaffiliates, of natural gas in interstate commerce for resale shall not be subject to Commission consideration or approval when evaluating the present or future public convenience and necessity pursuant to Section 7(e) of the Act: *Provided, however,* That the sale of natural gas in interstate commerce for resale is made by an independent producer, as hereinbefore defined, from acreage dedicated to the interstate market for the first time on or after the effective date of this amendment; the amounts to be charged or demanded for said sale, either initially or pursuant to a subsequent escalation, shall be expressly set forth in the contract of sale in terms of a definite price per unit; any indefinite escalation provision, as hereinbefore defined, contained in contracts executed on or after the effective date of this amendment shall be inoperative and of no effect at law; the contract of sale shall expressly provide that, after acceptance by an independent producer of a certificate of public convenience and necessity issued by the Commission authorizing said sale pursuant to Section 7 of the Act, the definite unit prices specified therein shall not be increased by subsequent amendment to the contract; nothing contained in this Section should be construed as relieving the Commission of the obligation to consider and approve all of the other contract provisions, terms, requirements and conditions or any type of arrangement regardless of the effect they may have, either directly or indirectly, upon the definite unit prices specified in the contract: Furthermore, Sections 4, 5, 6 and 9 of the Act shall not be applicable to said sale if, with respect thereto, a certificate of public convenience and necessity has been issued by the Commission pursuant to Section 7 of the Act."

The letter, presented by Mr. TOWER, is as follows:

FEDERAL POWER COMMISSION,
Washington, D.C., September 30, 1970.
The Honorable JOHN G. TOWER,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR TOWER: With reference to your letter to me of August 31, 1970, I submit for consideration, as an individual member of the Federal Power Commission, and not for the Commission, the enclosed draft of a bill to provide that the Commission's rate determination and review powers shall no longer be applicable to new sales by independent producers of natural gas for resale in interstate commerce. In my judgment, if enacted, the bill would be in the public interest by providing the necessary stimulus to encourage the accelerated exploration and development of this critical domestic energy source in order to meet the future demands of the consuming public. In addition it would provide the degree of certainty with respect to price which has been lacking in almost two decades of producer price regulation.

The concept of the public interest embodied in the regulatory enabling statutes passed thirty or more years ago was premised upon the need to prevent the exploitation of the consumer and, therefore, the price aspects of regulation were emphasized. However, in the intervening decades our national goals have been altered substantially and today extend more deeply and pervasively to include the preservation of our environment and a concern for the "quality of life." Indeed, there are many who urge corrective measures regardless of the price that must inevitably be borne by the ultimate consumer in a relatively affluent society. Regulation must today, therefore, assume a far broader perspective if it is to remain relevant to the attainment of these contemporary national goals.

It is particularly applicable to the regulation of natural gas which provides a unique weapon in the battle to combat air pollution and, through the technological development of the fuel cell, also provides a potential alternative to central station power generation with its long distance transmission lines. The need and the potential uses for this clean burning fuel is especially critical now and during the next two decades pending the operational development of the fast breeder reactor or other technological breakthroughs in power generation. In my opinion it is essential to the national interest that the gas industry now be stimulated to serve as an aggressive energy force during this transitional period.

Unfortunately, at the present time the natural gas industry is beset with gas supply problems. In a recent unanimous opinion in the Hugoton-Anadarko case,[1] the Commission pointed out that interstate pipelines have been unable to obtain desired gas supplies and in both 1968 and 1969 the national findings of natural gas have, for the first time, fallen below production. In many areas the intrastate market has successfully outbid interstate purchasers for such gas reserves as are available. As a result, some interstate gas pipeline companies have been forced to turn to substantially higher cost increments of gas from Canada and imported liquefied natural gas (LNG) from various foreign sources. Other pipelines who are not so favorably located have simply been unable to acquire additional new supplies in sufficient quantities to permit expansion to meet either the increased requirements of their existing customers or the demands of potential new market areas. The situation appears incongruous in view of the fact that the undiscovered potential reserves of natural gas in the United States are estimated at over 1,200 trillion cubic feet—enough to supply our present national needs for about fifty years.

The Commission itself in 1961 abandoned as unworkable the determination of producer prices on an individual company basis and turned to the present cost based area rate approach in order to fix the price of natural gas for each of the nation's major producing areas. In my judgment the area rate methodology that has developed is procedurally cumbersome and functionally unresponsive and, consequently, has contributed immeasurably to the problem in its present dimensions. If we are candid it must be acknowledged that the Commission has apparently failed the practical test which was established in the *Permian*[2] case, the first area rate determination, wherein the Commission stated:

"The separate price we fix herein for new gas-well gas in the Permian Basin should serve to furnish a practical test of whether in fact it will result in bringing forth additional supplies."[3]

Since the issuance of the *Permian* Opinion, less and less gas has been committed to the interstate market until now the interstate pipeline companies report that they have been unable to contract at the existing area prices for any significant quantities of gas in this prolific producing area.

What occurred in the Permian Basin was the intrusion of dominant market forces over which the existing regulatory scheme was unable to exercise effectve control and, thus, permitted the available reserves to be diverted to the intrastate market. The emergence of these market forces were again evident when, just a few months ago, the Commission, in recognition of the interstate market's need for new supplies, authorized the importation of significantly higher priced Canadian gas into the Midwest and West Coast markets. It has also certificated imports of even higher priced gas in liquid form to the East Coast and New England. Several major LNG import proposals are now also pending before the Commission and several vast projects to obtain gas from Prudhoe Bay and the Northwest Territory of Canada have gone far beyond the conceptual stages. All of these projects, both pending and projected, involve substantially higher prices than those which presently are permitted to domestic producers of gas.

In view of the crucial period of transition which confronts us, it is most important that we do not ignore the admonishment of the Court of Appeals in reviewing the Commission's *South Louisiana* Area Rate Opinion. Justice Thornberry clearly indicated that blind adherence to the existing area rate methodology without giving consideration to market forces is unrealistic. I am in full agreement with the Court's reasoning but the question that still must be answered is how these market forces should be considered. Indeed the Commission has recently taken constructive action in this regard with respect to its proposed Permian Basin and nationwide rulemaking proceedings. I have joined without reservation in these efforts to repair the present regulatory scheme so that at least a responsive pricing method can be achieved. For regardless of any legislative amendments to the Natural Gas Act that might be proposed, we agency members are, of course, obliged to continue to work within the present statutory framework and should, therefore, take every step necessary to make it as effective as possible.

However, in my judgment the problem of producer price uncertainty and the problem of the protracted delays inherent in area rate regulation can be most effectively remedied by legislation. One approach to remedial legislation has been characterized as "sanctity of contract" which assures the producers that once a contract is approved and the sale certificated by the Commission there can be no rollback in any contract price, whether it be an initial or permissible escalation price. The benefits of such assurance in eliminating uncertainty to the producing industry would be substantial.

Protracted area rate proceedings extending over a period of five to seven years have created an unprecedented regulatory lag which has prolonged and therefore added to the existing uncertainties regarding price. These long delays and uncertainties also tie up funds collected by the producers which could be used for exploration and development. All of these uncertainties have inhibited the search for essential additional supplies of natural gas.

Any remedial legislation must, therefore, eliminate such regulatory lag and provide the degree of certainty regarding price which is essential to the development of critical new supplies. Both of these elements have been discussed for several years and have been incorporated in various forms of "sanctity of contract" legislative proposals. I am informed that recently the American Gas Association, after several years of debate, has now endorsed a type of "sanctity of contract" proposal which also incorporates certain market criteria, rather than cost, as the Commission standard for determining producer prices. As a result, at the present time the entire gas industry, through their respective associations, support this amendment to the Natural Gas Act.

This proposal for reform of the current regulatory method is most constructive. Unfortunately, it should have been introduced when it was proposed more than four years ago. The majority of the Commission publicly endorsed one such "sanctity of contract" proposal more than three years ago and its enactment at that time by Congress would have contributed substantially toward averting many of the problems now confronting us. In principle I endorse the "sanctity of contract" concept and the need to permit market forces to establish the price. However, in my opinion, the market forces should function outside the regulatory process so that producer prices can be established unfettered by regulation.

Whether imposed by statutory amendment or by Commission election to alter the existing area rate methodology, any approach requiring the determination of producer prices by the Commission on the basis of some subjective market standard or criteria would fall far short of a satisfactory solution. Such standards are extremely difficult to define and thus are usually couched in general terms and, as a result, the Commission would be compelled in all likelihood to define, qualify and quantify the innumerable factors that could affect the market and might have to be considered in each instance. To submit market forces to the subjective interpretation of a regulatory body, regardless of its expertise or good intentions, can only lead to a distortion of their effect with imprecise and unresponsive results. In the final analysis, at best, the prices approved by the Commission should approximate those that would have been derived in a free market without the need for regulatory anguish and the inherent delays. In addition, a strong tendency would probably exist to approve the proposed contract prices without modification because of the difficulty in justifying any change. The basic objective of this approach is the establishment by the Commission of a market value as the permissible price level. However, it is my opinion that this can be more readily and

[1] — F.P.C. — (Opinion No. 586, issued September 18, 1970).

[2] Permian Basin Area Rate Proceeding, 34 F.P.C. 159 (1965).

[3] 34 F.P.C. at 188.

more accurately achieved by the free interplay of supply and demand dynamics unencumbered by any futile regulatory attempt to decipher the complicated considerations and the subtle interrelationships involved in a free market. Inject market forces into the administrative crucible and no one will recognize the results.

It appears to me that sound public policy toward the natural gas industry today demands something more than remedial legislation which would require the Commission to approximate the dynamics of a free market. What is necessary in the context of the current available supply disequilibrium is something more satisfactory than a reform of the current regulatory method. Today Congress ought to consider a basic restructuring of regulation which will reflect the market value of gas by eliminating the Commission's rate determination and review powers with respect to new sales by independent producers while retaining regulatory control of contract terms in order to effectively monitor market structure and market behavior. Until the Congress acts, of course, I shall continue to apply the present Natural Gas Act, as interpreted by the Courts, to the cases which come before the Commission.

The draft bill transmitted herewith is submitted primarily to surface for consideration and study the concept of permitting market forces, unencumbered by regulation to establish the producer price level without the necessity of structuring a complicated regulatory scheme to interpret and analyze these forces in order to approximate the same result. In this way the price established by arm's length bargaining, as specifically set forth in the contract between the parties, would be controlling. A government policy to foster competition in the energy field by instituting policies to insure full development of all energy sources and easy access to the market will serve as a constant check on gas prices.

There are, of course, many ways in which the Natural Gas Act could be amended to permit market forces to freely determine prices and this bill should not be considered as incorporating the only effective approach for accomplishing this objective. Hopefully, by offering this possible alternative for consideration, the draft bill will serve as a constructive basis for further discussion and analysis which is so essential to the formulation of the most effective solution to the problem. Nor should it be considered as a panacea, for it focuses only on producer pricing and does not attempt to deal with many of the other unique problems such as pipeline production or sales between affiliates.

Permitting the market to determine the price of new gas does not require the dismantlement of all aspects of producer control. The major elements of the regulatory scheme under this proposal would include:

1. Only the contract prices for the sale of new gas by independent producers to nonaffiliates will no longer be determined or reviewed by the Commission.

2. Flowing gas will continue to be regulated by the Commission and, consequently, any rate impact on existing customers would be very gradual since it will take many years for new gas to become a significant portion of their gas supply.

3. All other contractual provisions and aspects of the sale, regardless of their effect upon the contract prices, will continue to be subject to Commission approval and review. It is essential that the Commission continue to pass upon such aspects as the quality standards, delivery pressure, rate of take, billing and prepayment arrangements as well as other provisions, which so significantly affect the ultimate consumer.

4. Indefinite price escalations, except for certain taxes, will be prohibited and the contract prices, including any escalations, must be set forth as a definite price per unit since the consumer must be able to determine what price will be charged. If the producer believes that certain aspects of his contract have a value, it will be incumbent upon him to reflect that value in the unit price specified in the contract.

5. No unit price can be changed by subsequent amendment to the contract after acceptance of the certificates of public convenience and necessity issued by the Commission.

6. Any proposed abandonment of service will continue to be regulated by the Commission.

The enactment of the draft bill permitting the market to establish the price for new gas but which contains these elements of continuing regulation will assure continuity of service and permit the retention of control over the conditions and quality of service as well as the mechanism which translates costs into rates to the ultimate consumer. It would also allow the Commission to effectively monitor market structure and market behavior.

Also enclosed is a copy of my recent address before the American Association of Oilwell Drilling Contractors in Dallas, Texas, in which I attempted to describe in more detail the considerations which, over the years, have led me to conclude that the enactment of legislation in this area is of critical national importance.

Respectfully submitted,

CARL E. BAGGE, *Commissioner.*

Mr. TOWER. Mr. President, I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I am happy to join the able and distinguished Senator from Texas (Mr. TOWER) in introducing legislation which, I believe, is essential if this Nation continues to enjoy the abundance and dependability of one of its most vital energy sources.

As Commissioner Bagge pointed out in his remarks on the bill he drafted at the request of the Senator from Texas, the Commission has recognized the need of the interstate market for new supplies by its authorization of the importation of much higher priced Canadian gas and has also certified imports of even higher priced gas in liquid form to the east coast and New England.

The producers of that gas in Canada or Algeria, or wherever it comes from, are probably getting the same price for their gas whether it is old or new gas, and I believe that is one of our problems in the regulation process and in this bill. Commissioner Bagge, in fact, said in his letter to Senator TOWER that this bill should not be considered as the only effective approach for accomplishing this objective.

Rather, he said, the draft bill will serve as a constructive basis for further discussion and analysis.

Such analysis should, I believe, include a determination of the true economic value of natural gas as a fuel as compared with other fuels in terms of the energy or B.t.u. content.

Presently, the petroleum industry sells more energy—B.t.u.'s—in the form of natural gas than in oil. But natural gas now returns to the industry only about one-fourth of industry revenues.

This gross imbalance must be corrected if the industry is to generate the capital needed for a domestic exploration-development program adequate for the reserves of oil and gas we must have for the future—and the very immediate future.

This imbalance must be corrected and, to do this, all old—presently flowing—gas must also be freed from depressed prices established under FPC control.

I hope, therefore, that the further discussion and analysis of Commissioner Bagge's draft bill will include old as well as new gas. I commend Commissioner Bagge for the very thorough and painstaking job he has done in drafting the bill.

Mr. TOWER. Mr. President, I thank the distinguished Senator from Wyoming. He has been one of those who have been in the forefront in advocating the aodption of realistic energy policies for this country.

I think the Senator from Wyoming is well aware of the fact that virtually every tappable cubic foot of natural gas that now exists in this country is already committed, so new customers cannot get into the field.

This is an extremely popular fuel, because it has a very low pollutive value, and it seems to me that the consumers of this country would insist that the price be set at realistic market levels so that they would be assured of a continuing flow of this very vital commodity.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Texas for his very kind remarks.

I might add that right now, at this moment, there is a great demand for increased supplies of natural gas in order to permit additional significant trona development plant capacity in southwestern Wyoming. I do not know how these additional gas supplies will be found immediately. But I hope the additional gas supplies required can be found.

As the Senator from Texas knows, it is true that gas is our cleanest fuel. It pollutes the atmosphere less than any other source of energy we can use, and because of that, we already have in this country a number of new laws on the books that have hastened the shift from one or another of the older types of fuel to natural gas.

So it underscores the great wisdom that is inherent in the observations made by the Senator from Texas. I am pleased to join with him in the introduction of this bill. I hope it will be studied. I hope we will take the steps that are contemplated in it very shortly, in order that we can have a greater abundance of this universally desired fuel.

Mr. TOWER. I thank the Senator from Wyoming.

PRESIDENT NIXON'S EUROPEAN TRIP

Mr. GRIFFIN. Mr. President, today President Nixon returns to the United States from a very successful European trip. It is a most appropriate occasion to salute President Nixon for his coolness and adroitness which have protected U.S. interests in the Middle East during the troubled month of September just passed.

President Nixon returns today with the

sound of cheering by Mediterranean throngs still ringing in his ears.

I believe this President, who has represented all the American people so well, deserves a bipartisan welcome here at home—a welcome as warm and enthusiastic as that which he received from the Italians, the Yugoslavs and the Spanish of Europe.

President Tito, the Communist leader of Yugoslavia, was prompted to comment on the warmth of the greeting President Nixon received in Yugoslavia.

They say we can get people to come out, but you know, Mr. President,

The Yugoslav chief of state remarked:

you cannot get them to smile or to show the warmth that they showed you.

As leader of the United States in world affairs, President Nixon continues to steer the course he set for the Nation 19 months ago: Out of an era of confrontation and into an era of negotiation.

To be sure, there have been challenges and setbacks—in the Middle East, for example.

But so far, at least, it has been possible to avoid the hideous consequences of big power confrontation, or prolonged civil war among Arabs in Jordan, of intra-Arab war, and of renewed Arab-Israel war. It is possible to say that we are still on course, moving toward negotiated peace.

While saluting the President, I wish also to pay tribute to fellow Senators for their willingness to permit the President's quiet diplomacy to do its work. During the last several weeks we have not heard the strident, carping criticism with respect to the Middle East that President Nixon has heard so frequently as he has gone about the job of winding down the inherited war in Southeast Asia.

Not many days ago there was talk about the possibility of American intervention in Jordan to rescue American citizens; some were held hostage, others were caught in the crossfire of a tragic civil war. Our 6th Fleet was moved into a position of readiness and military air transports stood by for a possible evacuation effort.

Meanwhile, the President and his representatives worked quietly and effectively behind the scenes with leaders of Jordan, the Soviet Union, and Arab States—seeking release of U.S. citizens and the others who were in jeopardy.

We know now that, through the President's calm efforts as well as the efforts of others, American lives were saved, the innocent hostages of the Palestinian hijackers were released, and a cease-fire, uneasy though it is, continues in effect in Jordan and along the banks of the Suez.

In the Middle East, the President has followed a steady course of persuasion coupled with preparedness. He has consulted with the leadership in Congress. And the moderate tone of comments from Capitol Hill has been helpful; it has not been disruptive or undercutting. Angry comments or demands for harsh reprisals could have precipitated tragic results among the volatile contenders for power in the deserts of Jordan.

So, I salute the concert of moderation we have witnessed in Congress—and I cannot help commenting that it contrasts sharply with the caustic rhetoric of some who have been playing politics with the war in Southeast Asia.

I believe the process of American withdrawal from South Vietnam could be facilitated if there were a similar attitude of support and cooperation for the President in connection with the Vietnamese conflict.

Another Senator from Michigan, the late Arthur Vandenberg, used to say that, when the country's security is at stake, politics stops at the water's edge. The handling of the Jordan crisis by the President, with the quiet, nonpartisan support of Congress, reinforces the continuing validity of Senator Vandenberg's sage advice.

Mr. President, it may serve a useful purpose to review recent developments in the Middle East and to take stock of where things stand now.

It will be recalled that President Nixon launched his peace initiative in June when he concluded that the time was ripe. There seemed to be a convergence of interests which made it possible to move toward negotiation and away from hostilities.

As we know, during the summer, Egypt was taking a pounding from Israel bombing; Israel, in tight economic straits, felt the costs of aircraft losses and ammunition expenditure; the Soviet Union may have been a bit uneasy about its pilots' participation in Egypt's defense; the United States wanted to reduce the chances for big-power confrontation.

In these difficult and dangerous circumstances, the President, through quiet diplomatic efforts in Washington, Moscow, the United Nations, Cairo, Amman, and Tel Aviv sought to ease the tensions. His efforts contributed significantly to achievement of a cease-fire and a promised military standstill in a 50-kilometer zone on both sides of the Suez Canal.

Of course, we know about the slippage in the military standstill, and Israel's September 6 withdrawal from negotiations when Soviet-Egyptian violations of the standstill persisted.

The difficulties in the Middle East were multiplied dramatically by the Palestinians. Because of the cease-fire they apparently believed the world was preparing to write off their pleas for justice. One radical Communist group of Palestinians launched the series of hijackings which aroused the world. Another Palestinian group intensified its harassment of King Hussein's government in Jordan.

When the King moved against the Palestinian guerrillas, the Syrians attacked from the North. This provoked Israel to mass forces opposite the Syrians.

At this point, in the face of rapidly deteriorating conditions, President Nixon prudently made several preparatory moves, sending transport aircraft to Turkey, alerting forces in West Germany, the United Kingdom, and in this country, and ordering augmentation of the 6th Fleet in the eastern Mediterranean.

At the same time, he intensified his diplomatic efforts. Among other things, he requested the Soviet Union to use her good offices to persuade Syria to withdraw immediately from Jordan to avoid widening of the conflict. This appears to have been the turning point. A day or so later Syrian tanks began withdrawing.

As the crisis eased, speculation centered on just what influenced the Syrian forces to withdraw. According to the best information that seems to be obtainable, there were four principal factors:

First. Jordan's military opposition was much stiffer than anticipated.

Second. The Israel mobilization across the Jordan was menacing.

Third. The United States and other nations with closer Syrian contacts impressed on Damascus a sense of the consequences if it failed to withdraw.

Fourth. Soviet officials claim they talked to the Syrians after the American request, and it is possible that the Soviet approach had an effect on Syria's retreat.

King Hussein probably has emerged somewhat stronger than he was before. He has established that he is not going to give up his throne by default. But he has by no means scored a clear-cut victory. It is too early to say that his formula for compromise can be made to prevail.

One major new factor seems to have been the emergence of more world sympathy for the Palestinians, not the extremists or the hijackers, but the rank and file among the refugees.

Any Arab-Israel settlement will have to recognize, candidly and realistically, the Palestinian problem. I am convinced that we must deal with Palestinian grievances and frustrations with more sincerity, just as we must continue to see that Israel is not left in an inferior position militarily.

What have been the effects of recent events on prospects for peaceful settlements of the disputes in the Middle East?

On the negative side:

The momentum toward settlement of the Arab-Israel dispute has been slowed.

Those forces in the Arab world capable of making a settlement, unfortunately, have been weakened. There is uncertainty and even a near paralysis in Egypt and Jordan, the two principal Arab hopes for making an accommodation with Israel.

On the positive side, there have been these effects:

Opponents of a settlement have suffered setbacks. Palestinian guerrillas have been thrown into disarray. They will need time to reorganize, to replenish their supplies of ammunition and equipment. We can probably look forward to a brief period of a lower level of hostility, if not of inactivity.

The cease-fire still holds. Although the cease-fire agreement expires November 5, it could very well be prolonged, either by formal agreement or by tacit understanding.

In the diplomatic maneuverings before and after the cease-fire went into effect, Egypt, Jordan, and Israel have made accommodations in their positions which still stand. In other words, they are somewhat closer to an agreement than they were before August 7.

Egypt, Jordan, and Israel, the three principal parties in the dispute, continue at least to recognize the United Nations Security Council resolution of November 1967 which lays out the generally accepted route to permanent peace in the area.

The U.S. initiative of last June is still alive. It still offers a way out.

The Nixon administration, I am sure, intends to keep the dialog open with Egypt, Jordan, Israel, and the Soviet Union.

This is not a time when anyone can expect sudden and dramatic solutions in the Middle East. But there is room and hope for continued progress.

Rectification of Soviet-Egyptian violations of the standstill agreement, mainly the movement of defensive missiles on the west bank of the Suez, remains a major aim of U.S. policy.

The course ahead, in the new era of negotiations, does not promise to be easy.

But President Nixon's demonstrated ability and willingness to use U.S. power for peace with an even hand gives the world a sound basis for confidence and hope.

TRAGEDY FOR WICHITA STATE UNIVERSITY

Mr. DOLE. Mr. President, all Americans were stunned and saddened by the deaths of 30 men and women who died Friday in an airplane crash in the Colorado mountains en route to a football game with Utah State University.

To have so many lives lost in one accident is unbelievably tragic, but compounding the loss is the fact that those who died were young men at the height of their physical and intellectual development, and older men and women devoted to the young.

Thirteen who died were members of the Wichita State University football team. But there were others on board who were these young men's leaders and enthusiastic boosters. They loved football and the school. They worked, played and cheered; and this love and dedication makes this tragedy even more unbearable.

It was the Greeks who knew that within the great joy of life was the core of tragedy. It was the great poet Aeschylus who observed that it is an unnatural thing for parents to bury their young.

Now we citizens of Kansas grieve for those who bury their young, and because they belonged to all Kansans, we share their sorrow.

Nothing tests man more severely than these moments when the wishes of man and the will of God collide. It is as old as the story of Job; it is the cry on the lips of Christ when he asked why he was forsaken and it is as near as last Friday afternoon.

We may each find separate paths to solace. Perhaps there is some peace in knowing that those we mourn today, in the poet's words:

Will not swell the route
Of lads that wore their honors out.

And perhaps there is peace only in the strength that comes with resignation—when we say, as we all must say, "May God's will be done."

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. McGOVERN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

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

UNANIMOUS-CONSENT REQUEST

Mr. ALLEN. Mr. President, I ask unanimous consent that I may be permitted to proceed for 10 minutes.

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

REPORT OF PRESIDENT'S COMMISSION FOR THE OBSERVANCE OF THE 25TH ANNIVERSARY OF THE UNITED NATIONS

Mr. ALLEN. Mr. President, the reports of the Commission on Obscenity and Pornography and the President's Commission on Campus Unrest have been highly publicized.

The President's Commission for the Observance of the 25th anniversary of the United Nations, chaired by former Senator and former Vice Presidential Candidate Henry Cabot Lodge, has recently made its report under date of September 14, 1970. It did not receive the publicity which was accorded the reports of the other commissions. For that reason, I would like to read excerpts from that report into the RECORD.

While generally holding out some hope for the United Nations organization, the Commission has made some constructive criticisms of the organization.

I read from the report:

The Commission's initial sense of the problem is not that the UN is in danger of immediate collapse, but that it is becoming increasingly incapable of dealing with the grave issues troubling the world. Two major shortcomings of the Organization seem to have eroded much of its public support in the United States: first, the failure of its members to make it the paramount means for maintaining international peace and security as was intended in the Charter and second, its misuse as both an unwieldly and ineffective debating society and a propaganda platform.

I continue to read from the report:

Still, for all its achievements the UN has fallen short of the world's hopes. In the face of towering international problems of security, poverty, overpopulation, refugees, human rights, and environmental degradation, it would be foolhardy to gloss over the deepseated weaknesses of the United Nations. Nor should we encourage unrealistic expectations that any conceivable international institution could provide instant solutions to problems of the magnitude and complexity of those we now face.

Some of the difficulties of the Organization clearly stem from obsolescence: the United Nations today functions as a very different institution from that envisaged at San Francisco in 1945. The configuration of international power has fundamentally changed since the end of World War II and new terrible weapons of mass destruction threaten the world as never before; the concepts and priorities of economic development have been markedly altered; rapid advances of science and technology are challenging the adaptability of the world's political and legal institutions. The Commission believes that the United Nations system, as presently organized, seriously lacks both the means and vitality to cope with many emerging world problems.

Many structural and procedural weaknesses of the United Nations are evident, such as the disparity between voting power and financial responsibility.

Mr. President, I have some statistics to put into the RECORD to bear out this criticism.

I continue to read:

The excessive proliferation of agencies, commissions, and committees, and the frequent delays of meetings with repetitious debate. Such faults require investigation and remedy. But we shall not do justice to the Organization unless we candidly admit that the effectiveness of the United Nations is determined by its member-states. Too many national governments have given either lip-service to the principles of the Charter or interpreted them for petty advantage and narrow self-interest. Basic to the UN Charter provisions for maintaining peace and security is cooperation among the permanent members of the Security Council; the Organization cannot be expected to carry out any fundamental political decision without the concurrence of the great powers, particularly the United States and the Soviet Union. The UN record with respect to the situation in Vietnam illustrates the inability of the Organization to act when the interests of the superpowers clash.

Whatever the causes, disillusionment with the United Nations and its activities has been directly reflected in a dramatic drop in public support for the United Nations in the United States. Opinion polls over the last five years show a decline from 84% to 51% in the number of Americans who agree that the UN is "the last best hope of peace." Media coverage of UN activities has diminished as the Organization has been increasingly bypassed by national governments in dealing with important international questions. Grants for research on international organizations and their problems have been reduced by both private and governmental agencies.

Mr. President, there are 126 member nations of the General Assembly of the United Nations. I ask unanimous consent that a tabulation from the New York Times of November 3, 1969, showing the

U.N. structure for 1969–70, be printed at this point in the RECORD.

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

U.N. STRUCTURE FOR 1969–70

UNITED NATIONS, N.Y., November 1.—Following is a listing of the members of the United Nations for 1969–70, with officers, committees, specialized agencies and other bodies:

THE GENERAL ASSEMBLY—126 MEMBERS

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Botswana, Brazil, Britain, Bulgaria, Burma, Barundi, Byelorussia, Cambodia, Cameroon, Canada, Central African Rep., and Ceylon.

Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Gabon, and Gambia.

Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, and Kenya.

Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldive Islands, Mali, Malta, Mauritania, Mauritus, Mexico, Mongolia, Morocco, Nepal, Netherlands, and New Zealand.

Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Rumania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Southern Yemen, and Soviet Union.

Spain, Sudan, Swaziland, Sweden, Syria, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Republic, United States, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, and Zambia.

Mr. ALLEN. Mr. President, according to this tabulation, the continent of Africa has 42 member nations in the General Assembly out of a total membership of 126. Exactly one-third of the membership of the General Assembly, which consists of 126 members, is composed of African nations.

Mr. President, 28 member nations of the United Nations are on the continent of Asia. That means that the continents of Africa and Asia constitute a majority of the membership of the General Assembly of the United Nations.

Mr. President, I wish to show the inequality and unfairness of this representation. We talk about one man, one vote in this country and we talk about and we have read in history about the rotten boroughs in the English Parliament. How does one vote in the general assembly for the Maldive Islands, with a population of 106,000, stack up against one vote for the United States with a population of over 200 million? I point out that in Africa, Equatorial Guinea has a population of 300,000, Gambia has a population of 400,000, Gabon has a population of 500,000, and on and on.

Mr. President, I ask unanimous consent to have printed in the RECORD a table which I have prepared giving the membership by total number in the General Assembly from the continent of Africa and the continent of Asia, with the population for selected nations.

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

UNITED NATIONS POPULATION DATA

AFRICA

Forty-two member nations of U.N.	
Least populous nations:	
Equatorial Guinea	300,000
Gambia	400,000
Swaziland	400,000
Gabon	500,000
Botswana	600,000
Ghana	900,000
Mauritius	900,000
Congo (Brazzaville)	900,000
Lesotho	1,000,000
Mauritania	1,200,000

ASIA

Member nations 28.	
Least populous nations:	
Maldive Islands	106,000
Cyprus	600,000
Kuwait	700,000

Mr. ALLEN. Mr. President, I feel that certainly the United Nations should have a full and complete reorganization; a full and complete revision of its charter at the very least. Actually, I feel the United States should give serious consideration to withdrawing from the United Nations.

I yield the floor.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STATUS OF UNFINISHED BUSINESS WHEN TEMPORARILY LAID ASIDE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time as the unfinished business is temporarily laid aside today, it remain in that status until disposition of the reading of the Journal tomorrow.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON FINAL CONCLUSION OF JUDICIAL PROCEEDINGS IN THE CASE OF CERTAIN INDIANS

A letter from the Chairman, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, on the final conclusion of judicial proceedings in relation to Docket No. 178, The Confederated Tribes of the Colville Reservation, plaintiff, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement from Small and Other Business Firms, for fiscal year 1970 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity to improve allocation of program funds to better meet the national housing goal, Department of Housing and Urban Development, dated October 2, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Need to Determine the Most Economical Method For Obtaining Maintenance and Repair of Office Machines, Veterans' Administration, dated October 5, 1970 (with an accompanying report); to the Committee on Government Operations.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution adopted by the Congress of Micronesia, relating to the restoration and rehabilitation costs of Bikini Atoll; to the Committee on Armed Services.

A resolution adopted by the Senate of Micronesia, praying for the enactment of Senate bill 3176, providing funds for the development of new seining methods for Pacific Island tuna fisheries; to the Committee on Commerce.

A joint resolution adopted by the Congress of Micronesia, praying or the enactment of legislation to remove the tariff on importation into the United States of marine products processed in the Trust Territory; to the Committee on Finance.

A resolution adopted by the Brazoria County Transportation Planning Commission, Brazoria County, Tex., urging the early completion of the originally planned interstate system of highways; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676) as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes (Rept. No. 91–1265).

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

H.R. 4172. An act to authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes (Rept. No. 91–1266).

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

H.R. 10837. An act to provide for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926 (Rept. No. 91–1267).

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

H.R. 12960. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co. (Rept. No. 91–1268).

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

H.R. 18410. An act to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes (Rept. No. 91–1269).

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

H.R. 12870. An act to provide for the establishment of the King Range National Conservation Area in the State of California (Rept. No. 91–1270).

By Mr. MATHIAS, from the Committee on Government Operations, with an amendment:

S. 60. A bill to create a catalog of Federal assistance programs, and for other purposes (Rept. No. 91–1271).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 9548. An act to amend section 15–503 of the District of Columbia Code with respect to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia (Rept. No. 91–1273).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees (Rept. No. 91–1272).

By Mr. EASTLAND, from the Committee on the Judiciary, without recommendation:

S. 3201. A bill to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

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

Max Rosenn, of Pennsylvania, to be a U.S. circuit judge for the third circuit.

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

Cornelia G. Kennedy, of Michigan, to be U.S. district judge for the eastern district of Michigan.

BILLS INTRODUCED

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

By Mr. YOUNG of North Dakota:

S. 4433. A bill for the relief of Susanna Barbara Schmitt; to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. HANSEN):

S. 4434. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to new sales of natural gas in interstate commerce for resale by persons engaged solely in the production, gathering and sale of natural gas; to the Committee on Commerce.

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

ADDITIONAL COSPONSORS OF A BILL

S. 4345

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Iowa (Mr. MILLER), the Senator from Florida (Mr. GURNEY), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 4345, to adjust the amounts of retirement income for which a tax credit is allowable under the Internal Revenue Code of 1954 in order to provide benefits thereunder comparable with tax benefits accorded social security recipients.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—AMENDMENT

AMENDMENT NO. 1019

Mr. SPONG submitted an amendment, intended to be proposed by him, to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, which was ordered to lie on the table and to be printed.

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

AMENDMENT NO. 1020

Mr. ERVIN (for himself, Mr. COOPER, and Mr. MCGEE) submitted an amendment, in the nature of a substitute, intended to be proposed by them, jointly, to Amendment No. 711 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.

AMENDMENT NO. 1021

Mr. ERVIN submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Amendment No. 711 to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1022

Mr. ERVIN submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Amendment No. 711 to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1024

Mr. HOLLAND submitted amendments, in the nature of a substitute, intended to be proposed by him, to Senate Joint Resolution 1, supra, which were ordered to lie on the table and to be printed.

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

FAMILY ASSISTANCE ACT OF 1970—AMENDMENT

AMENDMENT NO. 1023

Mr. CRANSTON. Mr. President, I am submitting for printing an amendment I intend to propose to H.R. 16311, the administration's so-called family assistance plan bill. My amendment would amend one of the categories of exclusions from income for purposes of determining a family's financial eligibility for assistance under the plan. The provision in question is clause (7) in the proposed new Social Security Act section 443(b) contained in section 101 of H.R. 16311.

In the House-passed bill, this exclusion presently covers "any portion of a scholarship or fellowship received for use in paying the cost of tuition and fees at any educational institution." This language does not make clear whether or not the word scholarship would include GI bill educational assistance payments. I certainly think that such veteran's readjustment benefits to the extent they are received for use in paying tuition or fees under the GI bill should be treated the same as educational grants derived from other sources.

Under my amendment, it would be clear that educational assistance allowances paid by the VA to a veteran under the GI bill, to a widow or war orphan of a service-connected deceased veteran, or to a wife or child of a veteran totally disabled with a service-connected condition—as well as direct VA payments to educational institutions under the vocational rehabilitation program on behalf of a veteran with a 30-percent, or more, service-connected disability—would be excluded from a family's income to the same extent as scholarships or fellowships.

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

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

The amendment (No. 1023) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 1023

On page 10, strike out all appearing on line 8 and insert in lieu thereof:

"(7) any portion of a scholarship or fellowship (including an educational assistance allowance paid to a veteran or eligible person under chapters 34 or 35 of title 38, United States Code, and a payment to an educational institution on behalf of any veteran under chapter 31 of such title) which is".

LEGISLATIVE REORGANIZATION ACT OF 1970—AMENDMENT

AMENDMENT NO. 1025

Mr. JAVITS proposed an amendment to the bill (H.R. 17654) to improve the

operation of the legislative branch of the Federal Government, and for other purposes, which was ordered to be printed.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT—AMENDMENTS

AMENDMENTS NOS. 1026 THROUGH 1028

Mr. CRANSTON. Mr. President, the Senator from Iowa (Mr. HUGHES), had intended to submit today three amendments intended to be proposed by him and the other members of the Labor and Public Welfare Committee to H.R. 18583, the "Comprehensive Drug Abuse Prevention and Control Act of 1970."

Because of a serious illness in his family, the Senator is not able to be here today, and I would like to submit those amendments for him, and ask that they be printed in the RECORD.

One of the amendments, which is a substitute amendment to title I of the House-passed bill, is rather lengthy, and I submit a brief summary of it and ask unanimous consent that it be printed prior to the amendment in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). The amendments will be received and printed, and will lie on the table; and, without objection, the amendments and summary by Mr. HUGHES will be printed in the RECORD, as requested by the Senator from California.

The amendments (Nos. 1026 through 1028) are as follows:

AMENDMENT NO. 1026

In the table of contents of the bill, strike out all that part pertaining to title I and insert in lieu thereof the following:

"TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE

"PART A—FINDINGS AND DECLARATION OF PURPOSES

"Sec. 101A. Findings.
"Sec. 102A. Declarations.

"PART B—DEFINITIONS

"Sec. 111. Definitions.
"Sec. 112. Additional definitions.

"PART C—NATIONAL INSTITUTE FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

"Sec. 121. Establishment of the Institute.
"Sec. 122. Administrative functions of the Secretary.
"Sec. 123. Planning functions of the Secretary.
"Sec. 124. Coordination functions of the Secretary.
"Sec. 125. Statistical functions of the Secretary.
"Sec. 126. Research functions of the Secretary.
"Sec. 127. Training functions of the Secretary.
"Sec. 128. Educational functions of the Secretary.
"Sec. 129. Reporting functions of the Secretary.

"PART D—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES

"Sec. 131. Drug abuse and drug dependence among Federal Government employees.
"Sec. 132. Confidentiality of records.

"PART E—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"Subpart I—Comprehensive State Plans

"Sec. 141. Comprehensive State Plans.

"Subpart II—Formula Grants

"Sec. 142. Authorization.
"Sec. 143. State allotment.
"Sec. 144. State plans.
"Sec. 145. Applications and conditions.

"Subpart III—Project Grants

"Sec. 146. Authorizations.
"Sec. 147. Grants and contracts for the prevention and treatment of drug abuse and drug dependence.
"Sec. 148. Application for financial assistance from units of local government and private organizations.
"Sec. 149. Approval by National Advisory Council on Drug Abuse and Drug Dependence.

"Subpart IV—General

"Sec. 150. General.
"Sec. 150A. Admission of drug abusers and drug dependent persons to private and public hospitals.

"PART F—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 151. Establishment of Council.
"SEC. 152. Approval by Council of certain grants under Community Mental Health Centers Act.

"PART G—INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 161. Establishment of Council.
"SEC. 162. Functions of Council.

"PART H—PROGRAMS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT RELATING TO DRUG ABUSE AND DRUG DEPENDENCY

"SEC. 171. Broader authority under Community Mental Health Centers Act.
"SEC. 172. Broader treatment authority in Public Health Service hospitals for persons with drug abuse and drug dependency problems.
"SEC. 173. Research under the Public Health Service Act in drug abuse and drug dependency.

"PART I—GENERAL

"SEC. 181. Saving provision.
"SEC. 182. Records.
"SEC. 183. Payments."

In the text of the bill, strike out all of title I and insert in lieu thereof the following:

"TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE

"PART A—FINDINGS AND DECLARATION OF PURPOSES

"FINDINGS

"SEC. 101A. The Congress finds that—

"(a) Drug abuse and drug dependence are rapidly increasing throughout the country. Drug abuse can seriously impair health, and can lead to drug dependence. Drug dependence is an illness or disease, which requires a broad range of health and rehabilitation services for treatment.

"(b) Existing laws and their implementation have not been effective to prevent drug abuse and drug dependence or to provide sufficient education, treatment, and rehabilitation of drug abusers and drug dependent persons. Increasing education, treatment, and rehabilitation services, and coordination of efforts, offer the best possibility of reducing drug abuse and drug dependence. A major commitment of health and social resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of drug abuse and drug dependence.

"(c) There is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse. High priority should be given to the development, evaluation, and dissemination of educational and informational materials.

"(d) Drug dependent persons commit a high percentage of the serious crime in many cities in order to secure funds with which to satisfy their habit. Criminal incarceration without appropriate treatment has proved ineffective to deter drug related crime. Effective treatment services and successful rehabilitation offer the best possibility of avoiding a high rate of recidivism.

"(e) Present Federal programs for drug abuse and drug dependence should have a high level of priority and should be closely coordinated within the Government. If Federal research, social, health, and rehabilitation laws are adequately used to attack drug abuse and drug dependence, this will contribute to the recognition of responsibility for meeting these problems by public and private State and local agencies.

"(f) Federal officials must effectively handle drug abuse and drug dependence among those for whom the Government has special responsibilities—civilian employees, military personnel, veterans, Federal offenders, American Indians, and Alaskan Natives.

"(g) Drug abusers and drug dependent persons can be best treated and rehabilitated through effective community-based programs, some of which provide a comprehensive range of services and which are integrated with and involve the active participation of a wide range of public and nongovernmental agencies, and some of which provide a more selective range of services arising from local initiative, educational, and peer group assistance programs. Existing treatment and rehabilitation programs are now inadequate to meet the growing demands for such services.

"(h) There is a critical shortage of professional, scientific, educational, and other personnel trained to deal effectively with drug abuse and drug dependence.

"DECLARATIONS

"SEC. 102A. The Congress declares—

"(a) There shall be established and maintained in the Public Health Service, a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence through which the Secretary shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of drug abuse and drug dependence and administer the programs and authorities established by this title.

"(b) An increased effort should be made to encourage the development of new and improved curriculums on the problems of drug abuse; to demonstrate the use of such curriculums in model educational programs, and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and other adults on drug use and abuse.

"(c) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training, education, and reporting with respect to drug abuse and drug dependence, and to provide equal access to humane care, effective treatment, and rehabilitation for all drug abusers and drug dependent persons regardless of their circumstances.

"(d) Research relating to drug abuse and drug dependence and to controlled substances shall be fostered and assisted, and medical practitioners and other qualified investigators shall be encouraged and protected in their research efforts.

"(e) In addition to the provisions of this title, all other Federal legislation providing for Federal or federally assisted State research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, and rehabilitation shall be utilized to reduce drug abuse, drug dependence, and drug-related crime.

"PART B—DEFINITIONS

"DEFINITIONS

"SEC. 111. The definitions in title II of this Act shall also apply for purposes of this title.

"ADDITIONAL DEFINITIONS

"SEC. 112. As used in this title:

"(a) 'Court' includes all Federal courts, including any United States magistrate.

"(b) 'Department' means the Department of Health, Education, and Welfare.

"(c) 'Director' means the Director of the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence.

"(d) 'Drug abuser' means any person who uses any controlled substance under circumstances that constitute a violation of law.

"(e) 'Drug dependent person' means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled substance on a continuing basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"(f) 'Emergency care service' includes all appropriate short-term services for the acute effects of drug abuse and drug dependence which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, and (3) provide drug withdrawal and other appropriate medical care and treatment, professional examination, diagnosis, and counseling with respect to possible drug dependence, and referral for other treatment and rehabilitation.

"(g) 'Inpatient services' includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends full time in a treatment institution.

"(h) 'Institute' means the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence in the Public Health Service.

"(i) 'Intermediate care services' includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends part time in a treatment facility (including but not limited to a therapeutic community or halfway house which is community based and located so as to be quickly and easily accessible to patients.

"(j) 'Outpatient services' includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare centers, and job referral services) for drug abuse and drug dependence provided while the patient is not a resident of a treatment facility which are community based and located so as to be quickly and easily accessible to patients.

"(k) 'Peer group assistance' includes all prevention, treatment, and rehabilitation services (including but not limited to telephone counseling and information services, informal, open-admission facilities for support, guidance, referral, and temporary residence and therapeutic, self-help, residential facilities) for drug abuse and drug dependence primarily organized and operated by persons from similar social, cultural, and age backgrounds as those of the persons served under any such program, in facilities which are community based and located so as to be quickly and easily accessible to the persons served.

"(l) 'Prevention and treatment' includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, and outpatient services), vocational rehabilitation care services, and outpatient services), vocational rehabilitation, job training and referral, and other rehabilitation programs or services; but does not include law enforcement activities.

"(m) 'Secretary' means the Secretary of Health, Education, and Welfare.

"PART C—NATIONAL INSTITUTE FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

"ESTABLISHMENT OF THE INSTITUTE

"SEC. 121. (a) There is hereby established within the Public Health Service a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence to administer the programs and authorities assigned to the Secretary by this title. The Secretary, acting through the Institute, shall develop and conduct a comprehensive health, education, research, and rehabilitation program for the prevention and treatment of drug abuse and drug dependence.

"(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

"(c) The Institute and its programs nad services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may formerly have been drug abusers or drug dependent persons. Prior drug related criminal arrests or convictions shall not be a bar to such employment.

"ADMINISTRATIVE FUNCTIONS OF THE SECRETARY

"SEC. 122. It shall be the duty of the Secretary, acting through the Institute, with respect to his administrative functions to—

"(a) assist Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services in accordance with section 124(a) of this title;

"(b) review and provide in writing an evaluation of the adequacy and appropriateness of the provisions relating to the prevention and treatment of drug abuse and drug dependence of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, section 141 of this title, section 604 of the Public Health Service Act, section 1902 of title XIX of the Social Security Act, and section 204 of part A of the Community Mental Health Centers Act;

"(c) administer the grants and contracts authorized under part E of this title; and

"(d) provide assistance to any other service or program, or take any other action, consistent with the intent and objectives of this title.

"PLANNING FUNCTIONS OF THE SECRETARY

"SEC. 123. It shall be the duty of the Secretary, acting through the Institute, with respect to his planning functions to—

"(a) develop a detailed and comprehensive Federal drug abuse and drug dependence prevention and treatment plan to implement the objectives and policies of this title. The plan shall be sumitted to Congress as soon as practicable, but not later than one year after the enactment of this title. Other responsibilities of the Secretary, as set out in this title, shall not be interrupted or delayed pending the initial development of such a plan. It shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Secretary's annual report. The Secretary shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate public and private departments, agencies, institutions, organizations, and individuals. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, are to be utilized;

"(b) develop model drug abuse and drug dependence prevention and treatment plans for State and local governments, reflecting the social, geographic, and economic variables of drug and drug dependence problems, and utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized.

"(c) provide assistance and consultation to State and local governments, public and private agencies, institutions, organizations, and individuals with respect to the prevention and treatment of drug abuse and drug dependence; and

"(d) develop models of drug abuse and drug dependence treatment and rehabilitation legislation for State and local governments, which utilize the concepts incorporated in this title.

"COORDINATION FUNCTIONS OF THE SECRETARY

"SEC. 124. It shall be the duty of the Secretary, acting through the Institute, with respect to his coordinating functions to—

"(a) upon request, assist the Civil Service Commission, the Department of Defense, the Veterans Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for drug abuse and drug dependence pursuant to part D of this title;

"(b) serve in a consulting capacity to all Federal courts, departments, and agencies, and to be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, planning, counseling, treatment, and rehabilitation with respect to the drug abuse and drug dependence problems they encounter;

"(c) coordinate all Federal social, rehabilitation, and other efforts to deal with the problem of drug abuse and drug dependence;

"(d) encourage and assist State and local government programs and services, and programs and services of public and private agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence;

"(e) stimulate more effective use of existing resources and available services for the prevention and treatment of drug abuse and drug dependence;

"(f) cooperate with the National Advisory Council on Drug Abuse and Drug Dependence, the Civil Service Commission, and other appropriate Federal departments and agencies, to develop a policy consistent with this title with regard to Federal employees who are drug abusers or drug dependent persons, involving appropriate programs and services for the prevention and treatment of drug abuse and drug dependence among such employees;

"(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of drug abuse and drug dependence; and

"(h) after consulting with national organizations representative of persons with knowledge and experience in the treatment of drug dependence, report from time to

time to the Congress on appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of drug dependent persons.

"STATISTICAL FUNCTIONS OF THE SECRETARY

"SEC. 125. It shall be the duty of the Secretary, acting through the Institute, with respect to his statistical functions to—

"(a) gather and publish statistics pertaining to drug abuse, drug dependence, and drug related problems; and

"(b) promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted, on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse, drug dependence, and drug related problems. Such statistics and reports shall not reveal the identity of any patient or drug dependent person or other confidential information.

"RESEARCH FUNCTIONS OF THE SECRETARY

"SEC. 126. (a) It shall be the duty of the Secretary, acting through the Institute, with respect to his research functions to—

"(1) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of drug abuse and drug dependence;

"(2) conduct, and encourage and assist others to conduct, all forms of research, investigations, experiments, and studies relating to the toxicology, pharmacology, chemistry, effects on the health of drug abusers, and danger to the public health, of controlled substances;

"(3) coordinate such research with research conducted by the Institute and with research conducted by other Federal, State, and local public and private nonprofit agencies, institutions, organizations, and individuals. To facilitate this activity, the Secretary shall establish and maintain a complete and current register of all medical practitioners and other qualified investigators engaged in any form of or research on controlled substances;

"(4) make available research facilities and resources of the Administration to appropriate authorities, health officials, and individuals engaged in investigations or research related to the purposes of this title. Such resources shall include the maintenance of an adequate supply of controlled substances for investigational and research purposes, and the establishment of criteria pursuant to which any registered investigator is to be authorized to manufacture or otherwise acquire sufficient controlled substances for his legitimate investigational and research needs;

"(5) make grants to public and private nonprofit agencies, organizations, and institutions, and contracts with public and private agencies, institutions, and organizations, and individuals for such research;

"(6) establish an information center on such research which will gather and contain all available published and unpublished data and information. All Federal departments and agencies shall send to the Institute any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of drug abuse and drug dependence, and the toxicology, pharmacology, epidemiology, incidence of drug abuse and drug dependence, effects on the health of drug abuses, and danger to the public health of controlled substances and the Institute shall make such data and information widely available;

"(7) establish and maintain research fellowships in the Institute and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations;

"(8) investigate methods for determining more rapid and precise methods for determining the extent of drug use by an individual in a given time period and the effects which individuals are likely to experience from such use, and publish on a current basis information concerning uniform methodology and technology for making such determinations;

"(9) evaluate existing and proposed new program and services for the prevention and treatment of drug abuse and drug dependence.

"(b) Any information obtained through investigation or research conducted pursuant to this title shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the Secretary and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected wtih the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

"TRAINING FUNCTIONS OF THE SECRETARY

"SEC. 127. It shall be the duty of the Secretary, acting through the Institute, with respect to his training functions to—

"(a) establish interdisciplinary and bilingual training programs for professional and paraprofessional personnel with respect to drug abuse and drug dependence;

"(b) encourage the establishment of training programs, including interdisciplinary and bilingual training programs, for professional and paraprofessional personnel, including peer group assistance personnel, by State and local governments and by public and private educational institutions and agencies with respect to drug abuse and drug dependence; and

"(c) establish and maintain training fellowships in the Institute and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations.

"EDUCATIONAL FUNCTIONS OF THE SECRETARY

"SEC. 128. It shall be the duty of the Secretary, acting through the Institute, with respect to his educational functions to—

"(a) develop, assist others to develop, and encourage the development, of curricula on the use and abuse of drugs for utilization in elementary, secondary, adult and community education programs. Such curricula should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(b) develop, assist others to develop, and encourage the development of curricula on the use and abuse of drugs for utilization by parent-teachers associations, adult education centers, private citizen groups, community leaders and other parents and adults. Such curricula should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(c) develop, assist others to develop, and encourage the development of a broad variety of informational and educational materials for use in all media to reach all segments of the population that can be utilized by public and private agencies, institutions, and organizations in informational and educational programs relating to drug use and abuse. Such information and materials should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(d) establish educational courses, guides and units on the causes of, effects of, and treatment for, drug abuse and drug dependence, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vocational rehabilitation, military, and veterans personnel, and other Federal officials who come in contact with drug abuse and drug dependence problems. Such courses, guides, and units should reflect the social, geographical, and economic variables of drug usage and abuse;

"(e) develop, assist others to develop, and encourage the development of educational courses, guides, and units on the causes of, effects of, and treatment for, drug abuse and drug dependence for use by appropriate State and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, and veterans personnel, and other State and local officials and community leaders. Such courses, guides, and units should reflect the social, geographical, and economic variables of drug usage and abuse;

"(f) develop, assist others to develop, and encourage the development of a broad range of community-oriented education programs on drug abuse and drug dependence for all segments of the population, including interested and concerned parents, young persons, community leaders, drug abusers and drug dependents, and other individuals and groups within a community. Such programs shall include peer group assistance programs and utilization of former drug abusers, drug dependent persons, and persons with relevant backgrounds similar to those of the persons to be educated;

"(g) evaluate, assist others in evaluating, and encourage the evaluation of curricula, guidelines, units, and other informational and educational materials relating to the use and abuse of drugs. Such evaluations should include an examination of intended and actual impact of such informational and educational materials and the identification of strengths and weaknesses in the information and educational materials;

"(h) conduct, assist others in conducting, and encourage the conducting of preservice and inservice training programs on drug use and abuse for teachers, counselors, other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

"(i) recruit, train, organize, and employ professional and other persons, including former drug abusers, and drug dependent persons, to organize and participate in programs of public education about drug usage and abuse;

"(j) serve as a clearinghouse for the collection, preparation, and dissemination of all information relating to drug abuse and drug dependence, including State and local drug abuse and drug dependence treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

"(k) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal government with respect to health and other educational aspects of usage and abuse; and

"(l) undertake such other activities as the Secretary may consider important to a national program of education relating to drug usage and abuse.

"REPORTING FUNCTIONS OF THE SECRETARY

"Sec. 129. It still be the duty of the Secretary, acting through the Institute, with respect to his reporting functions to—

"(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this title and an evaluation of their effectiveness, and which shall contain the current Federal drug abuse and drug dependence prevention and treatment plan;

"(b) submit such additional reports as may be requested by the President or by Congress; and

"(c) submit to the President and to Congress such recommendations as will further the prevention and treatment of drug abuse and drug dependence.

"PART D—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES

"DRUG ABUSE AND DRUG DEPENDENCE AMONG FEDERAL GOVERNMENT EMPLOYEES

"SEC. 131. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and other Federal agencies and departments, appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among Federal civilian employees, consistent with the purposes and intent of this title. Such policies and services shall make optimal use of existing governmental facilities, services, and skills. Federal civilian employees who are drug abusers or who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not lose, solely because they are drug abusers or drug dependent persons, pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate work within the Government which does not involve the national security during the employee's rehabilitative treatment, rather than placing him on sick leave.

"(b) The Secretary, acting through the Institute, shall be responsible for fostering similar drug abuse prevention, treatment, and rehabilitation services in State and local governments and in private industry.

"(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior drug abuse or prior drug dependence, except with regard to positions involving national security as specified in regulations promulgated by the department or agency in which he is employed.

"(d) Nothing herein shall prohibit the dismissal from employment of a Federal civilian employee who, as a result of drug abuse or drug dependence and failure to accept appropriate treatment, cannot properly function in his employment.

"CONFIDENTIALITY OF RECORDS

"SEC. 132. (a) All patient records prepared or obtained pursuant to this title, and all information contained therein, shall remain confidential and may be disclosed, with the patient's consent, only to medical personnel and only for purposes of diagnosis and treatment of the patient, or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug dependence or, for research purposes, to public or private research organizations, agencies, institutions, or individuals whose competence and research programs have been approved by the Secretary. Disclosure may be made for purposes unrelated to such treatment, benefits, or research upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards.

No such records or information may be used to initiate criminal charges against a patient under any circumstances.

"(b) All patient records and all information contained therein relating to drug abuse or drug dependence prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug dependence.

"PART E—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"Subpart I—Comprehensive Stae Plans

"COMPREHENSIVE STATE PLANS

"SEC. 141. Section 314(a)(2) of the Public Health Service Act is amended to add:

"'(L) provide for services for the prevention and treatment of drug abuse and drug dependence, commensurate with the extent of the problem, such plan to (i) estimate the number of drug abusers and drug dependent persons within the various areas within the State and the extent of the health problem caused, (ii) establish priorities for the improvement of the capabilities of State and local governments and public and private nonprofit agencies, institutions, and organizations with respect to prevention and treatment of drug abuse and drug dependence, and (iii) specify how all available community health, welfare, educational and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal and State legislation, are to be used for these purposes.'

"Subpart II—Formula Grants

"AUTHORIZATION

"SEC. 142. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, the sum of $10,000,000; for the fiscal year ending June 30, 1972, the sum of $20,000,000; for the fiscal year ending June 30, 1973, the sum of $25,000,000; for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with drug abuse and drug dependence.

"STATE ALLOTMENT

"SEC. 143. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 142 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment and rehabilitation of drug abuse and drug dependence; except that no such allotment to any State (other than the Canal Zone and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

"(b) Any amount so allotted to a State (other than the Canal Zone and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Canal Zone or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such two additional years, which the Secretary determines will remain unobligated at the close of the second of such additional years may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such additional years, to any other of such four States which have need therefor, of such basis as the Secretary deems equitable and consistent with the purposes of this subpart, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

"(c) At the request of any State, a portion of any allotment or allotments of such State under this subpart shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this subpart, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is greater, shall be available for such purpose for such year.

"STATE PLANS

"SEC. 144. (a) Any State desiring to participate in this subpart shall submit a State plan for carrying out its purposes. Such plan must—

"(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) will have authority to carry out such plan in conformity with this subpart;

"(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, to consult with the State agency in carrying out the plan;

"(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence and a plan for the development and distribution of such facilities and programs throughout the State;

"(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(6) provide that the State agency will make such reports, in such form and con-

taining such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

"(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

"(9) provide reasonable assurance that Federal funds made available under this subpart for any period may be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs described in this subpart, and will in no event supplant such State, local, and other non-Federal funds; and

"(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this subpart.

"(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

"APPLICATIONS AND CONDITIONS

"SEC. 145. (a) For each project pursuant to a State plan approved under this subpart for which a grant is sought from an allotment under section 143, there shall be submitted to the Secretary, through the State agency designated in accordance with section 144, an application by the State or a political subdivision thereof or by a public or other nonprofit agency, institution or organization.

"(b) The Secretary shall approve such application if (1) there remains sufficient balance in the allotment (available for the purpose) determined for such State; (2) the application is in conformity with the State plan approved under section 144; (3) he obtains assurances that any facility or portion thereof to be constructed or modernized and any program to be carried out will be available to all persons residing in the territorial area of the applicant; and (4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require. The Secretary may to the extent he determines it would not interfere with the objectives of this subpart, base his findings and determinations under this subsection on certifications by the State agency.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"Subpart III—Project Grants

"AUTHORIZATIONS

"SEC. 146. There are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $45,000,000 for the fiscal year ending June 30, 1972; and $70,000,000 for the fiscal year ending June 30, 1973, to carry out the provisions of this subpart. Any appropriated funds shall remain available until expended.

"GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 147. (a) The Secretary, acting through the Institute, is authorized to make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with agencies, organizations, institutions, and individuals for the prevention and treatment of drug abuse and drug dependence to assist State and local governments and public and private agencies, institutions, organizations, and individuals to—

"(1)(a) meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including but not limited to emergency medical, inpatient, intermediate care, outpatient, and peer group assistance facilities for drug abusers and drug dependent persons, and (b) to assist them to meet, for the temporary periods specified in subsection (c) of this section, a portion of the costs of compensation of personnel for the initial operation of such facilities, and of new services in existing facilities for drug abusers and drug dependent persons;

"(2) Carry out prevention and education projects and services, including:

"(a) projects for the development of curricula on the use and abuse of drugs, including the evaluation and selection of exemplary existing materials and the preparation of new and improved curricular materials for use in elementary, secondary, adult, and community education programs and conduct projects designed to demonstrate, and test the effectiveness of such curricula;

"(b) projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, adult, and community education programs;

"(c) evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult and community education programs;

"(d) projects for the development, evaluation, and dissemination of a variety of informational and educational materials for use in all media to reach various segments of the population that can be utilized by public and private agencies, organizations and institutions in informational and educational programs relating to drug use and abuse;

"(e) preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

"(f) community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and other adults in the community;

"(g) evaluations of the training and community education programs described in clauses (e) and (f), including the examination of the intended and actual impact of such programs, the identification of strengths and weaknesses in such programs, and the evaluation of materials used in such programs; and

"(h) community-oriented education programs on drug abuse and drug dependence, including development of a broad range of community-oriented education programs on drug abuse and drug dependence for all segments of the population, including interested and concerned parents, young persons, community leaders, drug abusers and drug dependents, and other individuals and groups within a community. Such programs shall include peer group assistance programs and utilization of former drug abusers, drug dependent persons, and persons with relevant backgrounds similar to those of the persons to be educated.

"(3) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of drug abuse and drug dependence;

"(4) provide education and training for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare personnel, in academic and professional institutions and in postgraduate courses about the prevention and treatment of drug abuse and drug dependence, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of drug abuse and drug dependence;

"(5) recruit, educate, train, organize, and employ community drug abuse and drug dependence prevention and treatment personnel to serve with and under the direction of professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in drug abuse and drug dependence prevention, treatment, and rehabilitation programs. Prior drug abuse or drug dependence and prior criminal arrests or conviction shall not be a bar to such recruitment, education, training, organization, and employment;

"(6) provide services in correctional and penal institutions for the prevention and treatment of drug abuse and drug dependence;

"(7) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private nonprofit agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence among juveniles and young adults. These services, where feasible, shall include curricula for drug abuse education in elementary and secondary schools, and among parents and other adults;

"(8) provide programs and services in cooperation with local law enforcement agencies, the courts, and other public and private nonprofit agencies, institutions, and organizations, for the instruction of law enforcement officers, prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of drug abuse and drug dependence. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for drug abuse and drug dependence for persons coming before the courts; and

"(9) provide services for outpatient counseling of drug abusers and drug dependent persons to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel.

"(b) Projects for which grants and contracts are made under this subpart shall be community based, and shall include both those that provide a comprehensive range of services and are integrated with and involve the active participation of a wide range of public and nongovernmental agencies, organizations, institutions, and individuals, and those that provide a more selective range of services arising from local initiative, educational and peer group assistance programs.

"(c) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 100 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1)(a) of subsection (a) of this section to meet costs of constructing and equipping the facilities referred to in such paragraph shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1)(b) of subsection (a) of this section to meet the costs of compensation of personnel and other

operating costs may be made only of the period beginning with the first day for which such a grant is made and ending with the close of eight years after such first day; and such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

"(d) An amount, not to exceed 5 per centum of the amount appropriated pursuant to the provisions of this part for any fiscal year, shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $100,000) of projects for assessing local needs for programs of services for drug abusers and drug dependents, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvements in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

"APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

"SEC. 148. (a) In administering the provisions of this subpart, the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of the drug abuse problem, shall not give precedence to public agencies over private nonprofit agencies, institutions, and organizations, or to State agencies over local agencies.

"(b) Each applicant from within a State, upon filing its application with the Secretary, shall submit a copy of its application for review by the State agency designated in accordance with section 144, if such an agency exists, and if no such agency exists, by the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse and drug dependence, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation may include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse. The State shall furnish the applicant a copy of any such evaluation. A State, if it so desires, may, in writing, waive its rights under this section.

"(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(1) provide that the activities and services for which assistance under this subpart is sought will be substantially administered by or under the supervision of the applicant;

"(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

"(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(4) provide reasonable assurance that Federal funds made available under this subpart for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this subpart, and will in no event supplant such State, local, and other non-Federal funds.

"APPROVAL BY NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 149. The Secretary, upon the recommendation of the National Advisory Council on Drug Abuse and Drug Dependence, is authorized to make grants under subpart III of this part.

"Subpart IV—General

"GENERAL

"SEC. 150. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this part, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

"(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case of the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"ADMISSION OF DRUG ABUSERS AND DRUG DEPENDENT PERSONS TO PRIVATE AND PUBLIC HOSPITALS

"SEC. 150A. (a) Drug abusers and drug dependent persons shall be admitted to and treated in private and public general hospitals on the basis of medical need and shall not be discriminated against solely because of their drug abuse or drug dependence. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

"(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by subsection 150(b) of this title.

"PART F—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"ESTABLISHMENT OF COUNCIL

"SEC. 151. (a) Section 217(a) of the Public Health Service Act is amended—

"(1) in the first sentence thereof, by inserting 'the National Advisory Council on Drug Abuse and Drug Dependence,' immediately after 'the National Advisory Mental Health Council,'; and

"(2) in the second sentence thereof, by inserting 'the National Advisory Council on Drug Abuse and Drug Dependence,' immediately after 'the National Advisory Mental Health Council,' and by inserting 'drug abuse and drug dependence,' immediately after 'psychiatric disorders.'

"(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting 'drug abuse and drug dependence,' immediately after 'mental health,'.

"(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"'(d) The National Advisory Council on Drug Abuse and Drug Dependence shall advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Service in the field of drug abuse and drug dependence. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of drug abuse and drug dependence and recommend to the Secretary, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of drug abuse and drug dependence, and (2) to collect information as to studies being carried on in the field of drug abuse and drug dependence and, with the approval of the Secretary, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public or private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of drug abuse and drug dependence; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council.'

"APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT

"SEC. 152. Section 266 of part E of the Community Mental Health Centers Act is amended—

"(1) by striking out "Grants" and inserting in lieu thereof:

"'(a) Except as otherwise provided in subsection (b), grants'; and

"(2) by adding at the end thereof the following new subsection:

"'(b) Grants made under this title which are primarily intended for use in the prevention or treatment of drug abuse and drug dependence may be made only upon recommendation of the National Advisory Council on Drug Abuse and Drug Dependence established by section 217(a) of the Public Health Service Act.'

"PART G—INTERGOVERNMENTAL COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"ESTABLISHMENT OF COUNCIL

"SEC. 161. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to drug abuse and drug dependence, of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of drug abuse and the rehabilitation of drug dependent persons, there is hereby established an Intergovernment Coordinating Council on Drug Abuse Control consisting of the Secretary who shall serve as Chairman, the Attorney Gen-

eral of the United States, the United States Commissioner of Education, the Director of the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence, the Director of the National Institute of Mental Health, four representatives of State and local government departments or agencies.

"(b) The President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the four representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of four years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a four-year hiatus after serving a full term.

"(c) The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions. The services of consultants obtained under this section may be obtained in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions in GS–18 of the General Schedule in section 5332 of title 5, United States Code.

"FUNCTIONS OF COUNCIL

"SEC. 162. The Coordinating Council is authorized and directed to—

"(a) assist the Secretary in carrying out its function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with the problems of drug abuse and drug dependence;

"(b) assist the Secretary in carrying out its function of coordinating such Federal efforts with State and local governments;

"(c) engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent drug abuse and drug dependence;

"(d) implement programs for the rehabilitation of Federal employees who are drug dependent persons; and

"(e) develop and maintain any other appropriate activities consistent with the purposes of this title.

"PART H—PROGRAMS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT RELATING TO DRUG ABUSES AND DRUG DEPENDENCE

"BROADER AUTHORITY UNDER COMMUNITY MENTAL HEALTH CENTERS ACT

"SEC. 171. (a) Part D of the Community Mental Health Centers Act is amended as follows:

"(1) Sections 251, 252, and 253 of such part (42 U.S.C. 2688k, 2688l, and 2688m) are each amended by inserting 'drug abusers and drug dependent persons' in lieu of 'narcotic addicts' each place those words appear in those sections.

"(2) Clauses (A) and (C) of section 252 of such part are each amended by inserting 'drug abuse and drug dependence' in lieu of 'narcotic addiction'.

"(3) The heading of such part is amended to read as follows:

" 'PART D—DRUG ABUSE AND DRUG DEPENDENCE PREVENTION AND REHABILITATION'

"(b) Part E of such Act is amended as follows:

"(1) Section 261(a) of such part is amended by inserting 'drug abuse and drug dependence' in lieu of 'narcotic addiction'.

"(2) Sections 261(c) and 264 are each amended by inserting 'drug abusers and drug dependent persons' in lieu of 'narcotic addicts'.

"(3) The section headings for sections 261 and 263 are each amended by striking out 'AND NARCOTIC ADDICTS' and inserting in lieu thereof ', DRUG ABUSERS AND DRUG DEPENDENT PERSONS'.

"BROADER TREATMENT AUTHORITY IN PUBLIC HEALTH SERVICE HOSPITALS FOR PERSONS WITH DRUG ABUSE AND DRUG DEPENDENCE PROBLEMS

"SEC. 172. (a) Part E of title III of the Public Health Service Act is amended as follows:

"(1) Section 341(a) of such part is amended by striking 'addicts' the second time it appears and inserting the following: 'drug abusers and drug dependent persons'.

"(2) (A) Sections 342, 343, 344, and 346 of such part are each amended by inserting 'drug abusers and drug dependent persons' in lieu of 'narcotic addicts' or 'addicts' each place they appear in those sections.

"(B) The section heading of section 342 of such part is amended by inserting 'DRUG ABUSERS AND DRUG DEPENDENT PERSONS' in lieu of 'ADDICTS'.

"(3) Section 342, 343, and 344 and of such part are each amended by inserting 'drug abuser or drug dependent person' in lieu of 'narcotic addict' or 'addict' each place they appear in those sections.

"(4) Sections 343, 344, and 347 of such part are each amended by inserting 'drug abuse or drug dependence' in lieu of 'addiction' each place it appears in those sections.

"(5) Section 346 of such part is amended by inserting 'or substance controlled under the Controlled Substances Act' immediately after 'habit-forming narcotic drug'.

"(6) The heading for such part is amended to read as follows:

" 'PART E—DRUG ABUSERS AND DRUG DEPENDENT PERSONS'

"RESEARCH UNDER THE PUBLIC HEALTH SERVICE ACT IN DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 173. (a) Section 507 of the Public Health Service Act (42 U.S.C. 225a) is amended by striking out 'available for research, training, or demonstration project grants pursuant to this Act' and inserting in lieu thereof 'available under this Act for research, training, or demonstration project grants or for grants to expand existing treatment and research programs and facilities for alcohol abuse, alcoholism, drug abuse, and drug dependence, and appropriations available under the Community Mental Health Centers Act for construction and staffing of community mental health centers and alcohol abuse, alcoholism, drug abuse, and drug dependence facilities'.

"(b) By inserting immediately before the period at the end thereof the following: ', except that grants to such Federal institutions may be funded at 100 per centum of the costs'.

"PART I—GENERAL

"SAVING PROVISION

"SEC. 181. If any section, provision, or term of this title is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this title, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

"RECORDS

"SEC. 182. (a) Each recipient of assistance under this title pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this title under other than competitive bidding procedures.

"PAYMENTS

"SEC. 183. Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine."

AMENDMENT NO. 1027

On page 87, between lines 12 and 13, insert the following new section:

"CLASSIFICATION OF CONTROLLED SUBSTANCES

SEC. 412. In order to provide relevant information to the judiciary for their discretionary consideration and use in determining appropriate sanctions in cases involving violations of sections 401 or 404 of this title, the Attorney General, utilizing the procedures established in section 201 of this title for the classification of controlled substances, shall classify every controlled substance within one of the following three classes:

"(1) Class A Controlled Substances.—This class shall include those controlled dangerous substances that have the most harmful effects on the health of drug abusers or that most significantly contribute to crimes of violence against persons or to other grave felonious conduct.

"(2) Class B Controlled Substances.—This class shall include those controlled dangerous substances that have intermediate harmful effects on the health of drug abusers or that make an intermediate contribution to crimes of violence against persons or to other grave felonious conduct."

"(3) Class C Controlled Substances.—This class shall include those controlled dangerous substances that have the least harmful effects on the health of drug abusers, or that least significantly contribute to crimes of violence against persons or to other grave felonious conduct."

On page 2, in that part of the Table of Contents relating to Part D of title II, insert immediately at the end of Part D the following:

Sec. 412. Classification of Controlled Substances."

AMENDMENT NO. 1028

On page 64, between lines 17 and 18, insert the following:

"(4) Any person who, in violation of this Act, distributes a small amount of marihuana for no remuneration shall be subject to the penalties provided in section 404 of this title."

The summary of Mr. HUGHES, presented by Mr. CRANSTON, is as follows:

SUMMARY OF SENATOR HUGHES' SUBSTITUTE AMENDMENT TO TITLE I OF H.R. 18583

Senator Hughes' substitute amendment to H.R. 18583 establishes the administrative structure necessary to mandate and carry out effective, coordinated and broadly based attack upon the drug epidemic in this country. It deals with the prevention, treatment, and rehabilitation side of the drug problem. (Titles II and III of H.R. 18583 deal with the law enforcement aspects of the problem, and the substitute amendment does not affect or change those two titles.) The substitute amendment, which is modeled after the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, which passed the Senate unanimously earlier this year, would:

1. Establish a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence within the Public Health Service of the Department of Health, Education, and Welfare. The Secretary of HEW, acting through the Institute, would have a comprehensive range of responsibili-

ties with respect to the prevention, treatment, and rehabilitation of drug abuse and drug dependence problems. Those responsibilities include administrative, educational, training, research, planning, coordinating, statistical, and reporting functions, all of which are spelled out in the amendment. These powers would be utilized and directed in accordance with a specific and comprehensive national drug abuse and drug dependence prevention, treatment, and rehabilitation plan, which would be designed and implemented by the Secretary, acting through the Institute, and which would be submitted annually to Congress for review.

(An Institute will have a stature commensurate with the magnitude of the health problem with which it will deal; the visibility necessary to attract strong financial support and to provide an effective program of public education and to develop public attention to and concern about this important problem; and a permanent status which will assist the development of the most qualified staff possible. In addition, it will provide the structure necessary to administer a state formula grant program, a community-based project grant program, and to attract a broad cross section of individuals who are able to assist in solving problems of drug abuse and drug dependence. Such a cross section would necessarily include persons interested in the medical, sociological, and biological aspects of drug abuse and drug dependence, as well as persons interested in practical and creative programs for education, training, and treatment.)

2. Authorize a formula grant program and a project grant program to assist states and communities in dealing with drug problems:

A. *Formula Grants:* Authorizations in the amounts of $10 million for fiscal 1971, $20 million for fiscal 1972, and $25 million for fiscal 1973, are made for grants to states to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with drug abuse and drug dependence. A minimum of $200,000 would be allocated to each state for each fiscal year.

B. *Project Grants:* Authorizations in the amounts of $20 million for fiscal 1971, $45 million for fiscal 1972, and $70 million for fiscal 1973, are made for grants to and contracts with state and local community organizations, agencies, institutions, and individuals to carry out a comprehensive range of activities in the drug education, prevention, treatment, and rehabilitation fields. These would include but would not be limited to: development and evaluation of curricula and curricula dissemination programs; training and education programs for medical schools, outreach workers, and other professional and para-professional persons; support of community planning and educational programs; organization of community personnel; support of services to juveniles and young adults; development of programs for correctional institutions; support of local initiative programs, such as peer group leadership programs, crisis intervention centers, clinics, etc.; and support of research, demonstration, and evaluation projects.

3. Establish an Intergovernmental Coordinating Council on Drug Abuse and Drug Dependence consisting of Federal, state, and local governmental officials, to assist the Secretary in achieving broad governmental coordination of and comment on prevention, treatment, and rehabilitation programs; and establish an independent National Advisory Council on Drug Abuse and Drug Dependence, consisting of 15 highly qualified persons, to advise and consult with the Secretary and to assist in carrying out the purposes of this title.

4. Require the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for all Federal civilian employees.

5. Retain (at various locations in the amendment), with minor modification, the provisions contained in Title I of H.R. 18583, as sent to the Senate by the House. These provisions broaden certain authorities under the Public Health Service Act, which now relate only to narcotic addiction, so that they relate to drug abuse and drug dependence generally; establish educational and special project programs; protect the privacy of individuals who are the subject of research; and authorize the Secretary to report to Congress on appropriate methods of professional practice in the medical treatment of narcotic addiction.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), I wish to announce that the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Benjamin F. Butler, of New York, to be U.S. marshal, eastern district of New York, for the term of 4 years, vice George J. Ward, term expired.

John William Mahan, of Montana, to be a member of the Subversive Activities Control Board for the term expiring March 4, 1975; reappointment.

Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the term expiring August 9, 1975; reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, October 12, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS OF SENATORS

PROFILE OF MIKE MANSFIELD, SENATE MAJORITY LEADER

Mr. METCALF. Mr. President, the current issue of Washingtonian magazine includes a profile of our majority leader, the distinguished senior Senator from Montana Mr. MANSFIELD.

In "MIKE MANSFIELD: Straight Shooter in the Senate," editor Julius Duscha gives his impressions of one of the most powerful men in the free world. It is with pleasure that I call it to the attention of the Senate. I ask unanimous consent that excerpts from the article be printed in the RECORD.

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

MIKE MANSFIELD: STRAIGHT SHOOTER IN THE SENATE

(By Julius Duscha)

The sky behind the Capitol dome was turning from pink to blue when I arrived at the Old Senate Office Building shortly before seven to spend the day with Mike Mansfield, the Senate majority leader who has become the most important Democratic officeholder in the United States.

A sleepy policeman hardly noticed me as I entered the building and walked down a deserted first floor corridor to Mansfield's offices. When I tried the door, I found it locked. Light came through the transom; so I knocked, softly, I thought, but the noise echoed in the empty hall. A moment later Mansfield, dressed in a baggy black sportcoat and blue trousers, opened the door and let me in.

He was alone, as he is so much of the time. He invited me into his private office, motioned me to a chair, and without another word sat down and resumed signing the letters piled on his desk.

An early riser since his days as a young copper miner in Montana, Mansfield is generally the first Senator on Capitol Hill every morning. He had been at work half an hour by the time I arrived.

As I looked around the plainly furnished office with its Charles Russell sketches of Montana frontier life, I thought of the stories I had heard about Mansfield's stoicism. Like the time he sat on an airplane next to a staff member of the Foreign Relations Committee he knows well and said nothing for five hours as they flew across the Pacific. He just smoked his pipe and looked out the window.

Mansfield is the quiet man of the Senate. An Irish Catholic, he is reputed to have a dry wit, but none of his aides or friends can remember any Mansfied witticisms. "You see him really laugh maybe once or twice a month," an aide said.

Like so many quiet men—Ed Muskie for one—Mansfield has a temper, and when he loses it he is the talk of the Senate.

When Mansfield speaks out calmly, he is generally just as forthright and honest as he is when he gets mad. And above all he is a gentleman, a quality highly prized in that most exclusive gentleman's club on Capitol Hill.

"The only criticism you really hear of this guy," said one of Mansfield's aides, "is that he isn't enough of a bastard."

Perhaps, but he isn't a saint, either. Since President Nixon has been in the White House, Mansfield has emerged as an adroit politician and a surprisingly effective legislative tactician.

Now in his tenth year as majority leader, Mansfield acts as if he was liberated when Johnson returned to Texas. From 1955 to 1961, Mansfield was assistant Democratic leader when Johnson was majority leader, but Johnson ran the Senate himself and seldom had Mansfield do anything. When Johnson became Vice President in 1961 and Mansfield moved up to the Senate leadership, Johnson's influence in the Senate was still enormous. And when Johnson became President in 1963, Mansfield was relegated to a subordinate role, with Johnson making Democratic policy.

Mansfield also has benefited from a distinct lack of competition from other would-be Democratic leaders.

Mansfield also is cashing in on almost a decade of quiet Senate leadership. "Mansfield has complete respectability," a Senator told me, "and that's why he can get things done in the Senate.

Mansfield—whose political instincts are those of a 1930's liberal—forced a Democratic tax-reform bill through the Senate last year; insisted that an increase in social security benefits be voted in 1969 so that Nixon could not take credit for an increase he was planning to propose in 1970; and pushed through the Senate a resolution declaring that the United States should not take on national commitments like the war in Vietnam without Congressional approval.

This year Mansfield almost singlehandedly attached the eighteen-year-old-vote provision to the voting rights act, and he has led

the Democratic attack on Nixon's economic policies.

Mansfield opposed the President's decision to invade Cambodia and was one of the leaders of the long Senate debate over Cambodia which ended in Senate approval of the Cooper-Church amendment limiting Presidential war-making power in Southeast Asia.

Tough and partisan as Mansfield has been on many issues, he has generally supported Nixon on Vietnam. An opponent of American intervention from the beginning, he nevertheless has backed Nixon's carefully phased withdrawal because he feels the President is moving in the right direction and should be given a chance.

However much the liberals in the Senate respect Mansfield, some feel that by failing to criticize the President's slow withdrawal of troops from Vietnam, Mansfield has lost a good deal of the moral authority he had built up on the Vietnam issue. These critics argue that Mansfield may think he is acting like a statesman but that in fact he has quieted his persuasive voice at a time when Nixon would seem to need more prodding than support from those who want to see us bite the bullet and get out of Vietnam.

Sitting in his office that morning, however, Mansfield resembled neither a leader nor a statesman. Although sixty-seven years old and a Capitol Hill veteran with ten years of service in the House of Representatives and seventeen in the Senate, he reminded me more of a freshman Senator diligently attending to his mail. Mansfield is up for reelection this year, but his political base is solid in Montana, where he was an Asian history professor at the state university for a decade before being elected to the House in 1942.

Six feet tall and trim at 173 pounds, Mansfield looks like a man straight out of the old West. His face is open and weathered, his features are clean cut, his eyes are clear, and he speaks with the deliberateness of a western sheriff. His black hair is greying at the temples, but he still looks like he could spend the day riding the range.

By 7:30, two of Mansfield's principal aides, Peggy DiMichele and Ray Dockstader, had arrived. Without so much as a "Good morning" from the Senator, they started bringing in the day's mail from Montana.

Mansfield got up from his desk and turned on a radio to catch the morning news. When he switched off the radio, I asked him why he spent so much time with the day's mail. Mrs. DiMichele had told me, "If there's anything number one in this office, it's the mail." She said Mansfield is probably the only Senator who does not use robotypewriters for form letters that are then signed by automatic signature machines.

"I never intend to forget the people who put me here and keep me here," Mansfield said. "If a man takes the time to write me, I think he deserves a real answer. I see all the mail from the state, and I read and sign every letter that goes out of this office to Montana."

By 8:00 Mansfield finished signing the mail left on his desk the evening before, and it was time for the most famous breakfast in Washington. Each morning at 8:00, Mansfield and George Aiken of Vermont, the senior Republican of the Senate, go through the cafeteria line in the New Senate Office Building and sit down together for breakfast. The breakfasts began in 1953 on Mansfield's first day in the Senate, when Aiken ran into him in the cafeteria and they ate together.

"They're just like two old buddies sitting around a potbellied stove in a country store every morning," a friend of Mansfield's said.

Aiken, a short, white-haired man in his seventies with the granite look of New England, is, like Mansfield, a man of few words, and they only spend fifteen minutes or so together at breakfast. Aiken is probably the most respected Republican member of the Senate, and he is quite protective of Mansfield among his colleagues. Aiken serves as a valuable antenna for Mansfield, picking up rumblings among Senators and passing them on to Mansfield.

Back in his office by 8:20, Mansfield looked over more Montana mail and then called in a secretary to dictate answers. His letters are chatty—"Dear Folks. . . . Must close now, but again thanking you for your good letter."

His letters are as candid as most of his speeches. When a schoolgirl wrote to ask whether he was concerned about the effects of DDT on plant and animal life, Mansfield replied, "Yes, but I have not been concerned enough."

By 9:30, when most Senators and Representatives are just arriving on Capitol Hill, Mansfield has signed 150 letters; read his mail, a couple of newspapers, and the Congressional Record; dictated some letters; turned other letters over to his staff; conferred with Mrs. DiMichele, his principal secretary, and Dockstader, his administrative assistant.

"Let's go over to the other joint," he said to me as he picked up a bundle of papers from his desk. He quickly walked downstairs, where a Capitol policeman pressed a buzzer three times to call a Senate subway car. As we rode to the Capitol, I asked Mansfield if he ever tired. "Oh, yes," he replied, "I find I don't have the vim and vigor I used to have."

When he arrived at the basement of the Capitol, Mansfield gave a crisp, "Good morning, men," to the college students who serve as elevator operators. One took us to the second floor, where Mansfield walked a few steps to the office right off the Senate chamber which he occupies as majority leader.

The office, presided over by Mrs. Salpee Sahagian, is one of those marvelous Capitol Hill suites redolent of the nineteenth century, with crystal chandeliers and a marble fireplace topped by a huge mirror trimmed in gold.

The three room suite includes a conference room which Capitol Hill reporters call "Mike's Jackie Kennedy room." Mansfield was close to John F. Kennedy and greatly admired both President and Mrs. Kennedy. Kennedy used the conference room as his Capitol office from when he was nominated for President in July 1960 until his inauguration in January 1961, and Mansfield still has three portraits of Kennedy as well as a picture of Mrs. Onassis in prominent places on the walls of the room.

The Senate was meeting early that day, at 10:30 rather than noon, and a few minutes before the session was to begin Mansfield left his office and walked into the Senate chamber where page boys were bustling about, straightening chairs and putting papers on desks.

As Mansfield entered from the rear, he saw a group of reporters clustered around Hugh Scott, the Senate Republican leader. Scott was standing at his desk, at the front of the chamber and across the center aisle from Mansfield's.

Mansfield went over to a side aisle to walk to the front of the chamber to avoid disturbing Scott. As soon as the reporters saw Mansfield, however, they broke off their questioning of Scott and went over to Mansfield to ask him about the effect of amendments to the education bill scheduled to be debated that day. Mansfield parried most of the questions.

A buzzer sounded, the reporters scurried, Mansfield said a few words to Scott, and the two of them bowed their heads as another Senate session started with a prayer.

"The majority leader has very little power," Mansfield told me later when we talked about his role in the Senate, "and what authority you have is on sufferance from your colleagues. I operate on the basis that I treat my colleagues, regardless of seniority or political differences, the way I would like to be treated. I don't desire power as such. I'd like to get away from it. I like to get by on cooperation, understanding, and mutual trust. I have no desire to be in a position where I can crack a whip. I don't want to tell people what to do.

"Senators are mature," Mansfield continued. "They can arrive at a judgment. I sometimes say to a man: 'If you're in doubt, give your leader the benefit of the doubt.' But I have rarely specifically asked a man to vote a certain way."

Mansfield does have several levers of power, however. In addition to being chairman of the Democratic Policy Committee, he also heads the other two Senate bodies which represent Democratic interests: The Senate Democratic Steering Committee, which assigns Democratic Senators to committees, and the Senate Democratic Conference, which includes all Democratic Senators but which meets infrequently.

Of these institutional bases of power, the Steering Committee is the most important, and there is grumbling among younger Democrats over Mansfield's failure to try to defuse the power still exercised by the southern oligarchs on the committee. Mansfield has enlarged the committee, but it is still dominated by southern and western conservatives.

"The Steering Committee is the key to power in the Senate," a liberal Democratic Senator told me. "The committee has in its hands the modest matter of a Senator's career. It decides whether you're going to be on the Appropriations Committee or the Sioux Uprising Centennial Committee. The southern power structure still has altogether too much power there, and the South is sanctimonious about seniority only as long as it works for them.

As morning turned into afternoon, I could see from the gallery that Mansfield was becoming impatient with the progress being made on the bill under debate. He would leave the floor, go to the Democratic cloakroom for a few minutes, walk down the hall to his office, and then be back in the chamber, talking with Charles Ferris, counsel to the Policy Committee; Frank Valco, the secretary of the Senate; and Stanley Kimmett, who is secretary to the Democratic majority. Ferris, Valco, and Kimmett try to act as eyes and ears for Mansfield, and they also keep track of which Senators want to speak or offer amendments.

While debate continued to drone on, Mansfield moved around the Senate chamber. He spoke with Scott and the two most important southern oligarchs, Richard Russell of Georgia and John Stennis of Mississippi. As usual, Mansfield managed to get a consensus, and he soon was asking, and obtaining, unanimous consent for an agreement limiting debate on each amendment to twenty minutes.

Although the influence of the South has declined in the Senate during the last ten to fifteen years, southern senators still have more seniority than Senators from other parts of the country. Russell is chairman of the Appropriations Committee, Stennis is chairman of Armed Services, and Russell Long of Louisiana is chairman of Finance—the three most powerful Senate committees. Mansfield's relations with the southerners are good, even though his policy of letting a hundred flowers bloom in the Senate has tended to dilute southern senatorial power.

In midafternoon Mansfield went back to his office to sign some more mail, glance at the afternoon newspapers, and have lunch, by himself, at the end of his conference table. He quickly ate his usual lunch of well-done roast beef and sliced tomatoes. A bad day in the Senate? "Oh, so-so," he replied with some resignation, "but what the hell!"

His spirits seemed to revive later when a constituent dropped by for a visit. He turned out to be an old friend, Eugene Etchart of Glasgow, Montana, a cattleman who was in Washington for a meeting of the Public Land Review Commission. Mansfield greeted him warmly and ushered him into his conference room for a cup of coffee.

After asking Etchart about the weather back home, Mansfield started talking about two of his favorite topics—crime in Washington and the lack of it in Montana. Two Montanans have been killed in Washington street crimes during the last two years, and their deaths have led Mansfield to make several Senate speeches about the need for more policemen and other efforts to control crime.

"We don't know how lucky we are, Gene," Mansfield said, "Montana is an oasis in this world today. Watch your coffee, Gene, don't let it get cold."

Just then buzzers sounded in Mansfield's office, indicating another vote in the Senate, and after instructing one of his secretaries to take Etchart up to the Family Gallery to watch the vote, Mansfield was on his way back to the Senate chamber.

As Mansfield hurried off, it occurred to me that he had not been on the telephone all day, and that not once had I seen him surrounded by aides as he walked down Senate corridors. His staff is in fact unusually small, and he does not even have a press secretary.

Talking with Mansfield later in the afternoon in the conference room of his Capitol office, I asked him about his relations with President Nixon. Mansfield sat back in a leather chair and said: "He calls me very often, on legislative matters and situations, on Asia. Sometimes he asks for my views, sometimes I just give him the benefit of my views. I've had twelve or thirteen breakfasts alone with him. He seemed particularly interested in the follow-up trip to Asia and Rumania that I undertook for him last year and seemed to be appreciative of the private report I gave him on the trip. We're not intimate friends, but we have a decent and tolerant understanding of each other.

"My feelings about Vietnam," Mansfield explained to me, "came largely from the French defeat there. I always thought that if the French could not win there, what should make us think we could? I always thought the analogy with Korea was false, too. But very few people agreed with me. I warned President Johnson against going into Vietnam; Dick Russell warned him, too. But I can see the President's point of view. He had a lot of experts around him who thought we should go in."

His early warnings against American involvement in Vietnam have made Mansfield popular among students. He receives many invitations to speak on college and university campuses.

"I think the young people are great," Mansfield told me. "They're more intelligent and their eyes are open. We should not find fault with them. If they have faults, they are probably attributable to their parents. What we should do is encourage them to put their energies into useful channels. Both political parties, for example, need them. They'll learn through experience, and basically their intent is sound."

I had been talking with Mansfield for more than an hour, and he was becoming restless and obviously wanted to get back to the Senate chamber. When I thanked him and he started to excuse himself, he said, "That was a long one." Mansfield has a well-deserved reputation for giving unusually succinct answers for a politician. Whenever he is on a Sunday television interview program, his questioners are ready with twice as many topics as usual. He has answered sixty questions in a thirty-minute television program.

Mansfield's directness and the careful way he husbands his time are both strengths and weaknesses. Those who work closely with him say that often he trends to take a position on an issue before he thinks it through, but when he realizes he has made up his mind too quickly he sometimes will reverse himself. As for the husbanding of his time, this leads occasionally to his aides telling him what they think he wants to hear rather than presenting both sides of a question.

But by being direct and not wasting time, Mansfield manages to keep on top of one of the most difficult jobs in politics. And one has the feeling that he is still trying to make up for the time he lost as a youth and young man.

Born in Greenwich Village of Irish Catholic parents, Mansfield grew up in Great Falls, Montana. At fourteen, before he finished the eighth grade, Mansfield left home and joined the Navy. He was discharged when World War I ended in 1918, but he then enlisted in the Army for a year and, to make his tour of the services of that pre-Air Force time complete, finally enlisted in the Marines for two years. While in the Marines he served in China, and this was the beginning of his lifetime interest in Asia.

Returning to Montana in 1922, Mansfield settled in Butte, got a job in the copper mines, and married a school teacher. His wife encouraged him to take high-school equivalency tests which would make it possible for him to go to college. Mansfield attended the Montana School of Mines in Butte in the late 1920's while he was still working in the mines and then went on to the University of Montana in Missoula, where he got both a bachelor's and a master's degree. Upon graduation he took a job teaching Far Eastern and Latin American history at the university. Spurred on by his wife again, Mansfield became interested in politics. "There's a little bit of political blood in all the Irish," he says.

And even though it was now late in the afternoon, Mansfield hurried off to the Senate chamber to see whether his goal for the day—the passage of an education bill—would be met. And it was.

By the time the Senate had finished its final vote, it was getting on toward 6:30, and Mansfield had been on Capitol Hill for almost twelve hours. But it was not yet time to go home. Making one final check with Mrs. Sahagian in his Capitol office, Mansfield hurried off to catch an elevator and take the quick Senate subway ride back to his other office in the Old Senate Office Building to see what news the rest of the day's mail and telephone calls had brought from Montana before going home for a quiet dinner with his wife in his modest home off Foxhall Road.

SENATOR SCOTT DEPLORES CAMPUS VIOLENCE

Mr. SCOTT. Mr. President, as the new academic year begins, I call upon all college administrators to take a firm stand against campus violence and political disruption. We must assure that colleges and universities return to the role of providing an education.

We cannot ask the taxpayer to support educational institutions which do not educate. It is not fair to parents who sacrifice to pay for their son's or daughter's education to let a small minority deny them that education.

I stand firmly behind the right to peaceful disagreement. Many of the questions being asked by our college students need to be asked. Most are sincere in their concerns. We in government must work to convince these students that disruption is not an answer and that their actions serve only to further polarize our Nation.

But—the small minority who will continue to disrupt in pursuit of disruption, who are violent in pursuit of violence, and who destroy in pursuit of destruction, must be stopped.

Last year, I introduced legislation in the Senate which would allow a college president to seek a Federal court order to prevent the serious disruption of an institution assisted by Federal funds. I am confident that my proposal would protect the right of all students to pursue their education on a campus free from violent interruptions, and in an atmosphere free from harassment and coercion. My bill places the burden of maintaining campus order upon university administrators by giving them the discretion and authority to petition the Federal courts.

Under my proposal, any person refusing to leave a building included in the court's injunction order could receive a fine, or prison sentence, or both. My proposal provides stricter fines and longer terms of imprisonment for outside agitators who are not faculty members of students in good standing. The difference in penalties emphasizes the importance of separating the legitimate expressions of university community grievances from the attempt of a few inninerant anarchists to cause confusion for confusion's sake. Had my bill been law during the past academic year, I believe that much of the violence and property destruction suffered on our college campuses could have been averted.

Administrators, along with the great majority of responsible faculty and students must act now to rescue higher education from the chaos of raving radicalism and roving violence. It is time that the universities take steps to drive their own guerrillas out into the open and withdraw the protective sanctuary of the campus.

We all have a stake in the quality of education provided for those who will lead our Nation in the future, and I call upon the Congress to act immediately on the President's recent proposals to put a stop to the terroristic bombings on our university campuses. In addition, colleges and universities which receive, and expect to continue to receive, Federal funds should adopt effective procedures to deal with the violence and terror tactics which have swept our campuses.

ADDRESS BY MRS. FRED R. HARRIS TO UNITED STEEL WORKERS OF AMERICA

Mr. BAYH. Mr. President, Mrs. Fred R. Harris, wife of the distinguished senior Senator from Oklahoma, addressed the United Steelworkers of America at their national convention in Atlantic City on September 30, 1970.

Mrs. Harris, as president of Americans for Indian Opportunity, and as a member of the National Steering Committee of the Urban Coalition, has been most active in fighting for full citizenship rights for all Americans.

I think the Senators and other readers of the RECORD will find Mrs. Harris' remarks most interesting. Particularly appropriate is her plea for the progressive

forces in America to maintain their strength as a coalition.

I ask unanimous consent that the text of Mrs. Harris' address be printed in the RECORD.

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

STATEMENT OF MRS. FRED R. HARRIS

I am deeply honored to be invited here.

Your President, I. W. Abel, is a close friend of mine and of my husband. And the United Steelworkers of America, under his leadership, is one of the most progressive forces in this country.

Without organized labor, not a single piece of the great domestic legislation of the 1960's could have been enacted into law.

And, today, labor is still the single strongest voice in America for health insurance, for housing, for consumer protection and for other progressive legislation.

Working men and women can and will decide the election and reelection of progressive Senators and Congressmen this November.

So, as a citizen, I commend you for what you have done and for what you are doing for our country.

And, as a woman and as a member of the Comanche Indian Tribe, I thank you for your invitation to appear before this great Convention.

There is much similarity between the struggle for recognition and power that labor unions went through in the first decades of this century and the fight that is going on today to secure full citizenship for black people, American Indians, Chicanos, Puerto Ricans and other Spanish-speaking Americans—and women.

I would especially like to speak about the needs and aspirations of two of these groups—Indians, who, as you know, are a minority in America today, but once were the majority; and women, who of course, are the real majority in America, though the men of this country will not yet admit it.

Most Americans have not thought much about discrimination against Indians—discrimination that is not quite as visible or overt as the kind that black people still experience. But it is no less harmful for being more subtle.

By every measure, the "first Americans" are still the *last* Americans. American Indians still rank far behind everyone else in health, education, housing, employment and income.

The average age of death of the American Indian is forty-four years—compared with sixty-four for all Americans. Infant mortality is three times as high. Unemployment is ten to twenty times greater.

Indian children complete an average of less than 9 years of school—compared with more than eleven years completed by non-Indian children. The average income of an Indian family in America is only $30 a week.

Why is the picture so bad? How did it happen that Indians, who once owned this continent, are even worse off today than black people, who were brought here as slaves?

To begin with, Indians are the only people in America that the government decided, consciously and purposefully, to wipe out—either through outright killing or by destruction of their food sources and by obliteration of their culture.

Those who survived were forced to settle on land that no white man wanted—at least at that time.

But, even then, the Indian was not left alone. His own way of life was destroyed. His children were made pitifully dependent upon the government, not allowed to make decisions for himself.

An eloquent book, *Our Brother's Keeper*, describes precisely the kind of life reservation Indians have endured. It states:

"The Indian is never alone. The life he leads is not his to control. That is not permitted. Every aspect of his being is affected and defined by his relationship to the Federal government."

But that is all changing. It is changing on the reservation. And it is changing in the cities, where nearly one-half of all American Indians now live.

Indians everywhere are beginning to organize in their own communities—just as workers did thirty and forty and fifty years ago. They are bringing political pressure to bear on the people in Washington.

They are rebuilding pride in Indianness. They want to throw out the degrading textbooks and bring their children home from faraway schools.

They are demanding compensatory attention to their health, housing, education and job needs.

They are insisting that they themselves must control their own schools and hospitals and other programs. They want to make their own decisions and do things their own way.

American Indians are asserting the basic American right to be different and still be entitled to the full promise of America.

In this struggle, we need the help—but not the control—of our friends and allies. That's why I am so proud of this great union and the interest you have shown in our cause.

Women, too, are beginning to assert their rights. A lot of men are beginning to understand that discrimination against women is no longer tolerable.

Women are excluded from many jobs they can perform as well as, or better than, men. They are paid less for the same jobs. Quotas keep them out of medicine and other professions. We are wasting human resources.

Discrimination against women must yield to new laws.

Day care centers must make real woman's right to a job. And day care must be more than caretaking. It can and must be an educational and warmly enriching experience for the children of working mothers.

Full equality for women and for American Indians, black people and other minorities is wholly compatible with the idea that the progressive forces in America must maintain their strength as a coalition. In fact, there is no other way to achieve our mutual goals.

There is great danger today that the progressive forces in America will be divided from each other for reasons that have nothing to do with their fundamental interests. If either reactionary or radical words are allowed to divide working people and their natural allies, we will all suffer.

America needs leaders who can carry messages of reconciliation across our no-man's-land. But reconciliation alone is not enough. Action, too, is required. We must work together to get action.

We need each other to make up a majority. There can be no mass movement without the masses. You need us, and we need you. The vested interests are our common adversary.

Chief Joseph of the Nez Perce might have been speaking for all Indians, for all minorities, as well as for working men and women, when he said in 1897:

"Let me be free—free to travel, free to stop, free to work, free to trade where I choose, free to choose my own teachers, free to follow the religion of my fathers, free to think and talk and act for myself."

AMERICAN WAR PRISONERS SHOW EXTRAORDINARY BRAVERY

Mr. HANSEN. Mr. President, for more than 5 years now there are Americans who have been held prisoner by the North Vietnamese. The treatment afforded them has been almost subhuman; their living quarters little better than hovels, their food almost at the starvation diet point, and what little medical attention they get is far from adequate.

And yet, these men have refused to allow themselves to become part of the Communist propaganda barrage against their homeland. They have, even under torture, refused to sign statements attacking the United States and its position vis-a-vis Vietnam. They have refused at all points to degrade themselves by denouncing their country.

The courage of these men is an inspiration to us all, and a mainstay of hope to their families here at home.

These brave and loyal men need our help, and we must do all that is possible for us to do if we are to ease their lot and return them safely to their homes and loved ones.

PRESIDENTIAL ELECTION IN CHILE

Mr. DOMINICK. Mr. President, on September 23, 1970, the Washington Post published a column on one of its editorial pages by Mr. Ralph Dungan, at present Chancellor of Higher Education in New Jersey and formerly Ambassador to Chile from 1964–67.

This article in effect says that the United States should not be concerned by the popular vote received by Mr. Allende for President of Chile, even though he was on the Socialist ticket and actively supported by the Chilean Communist Coalition.

It seemed to me that this article omitted a number of very pertinent facts which should concern the citizens of the United States, not the least of which is that a Soviet-influenced base in the continental South America might be a very disrupting influence in all the Western Hemisphere.

For such reasons, on September 25, 1970, I wrote a letter to Mr. Bradlee, executive editor of the Washington Post, reciting these adverse factors and asking that my letter be published in the editorial page.

As of this date, October 5, 1970, some 15 days after my letter to Mr. Bradlee, I have not had even the courtesy of an acknowledgment, much less any publication of my letter. Since I find this somewhat hard to understand, since it lends added credence to the charges that the Washington Post prints only one side of an argument; and since the Chilean Congressional election among the top three candidates is scheduled for October 15, 1970, I ask unanimous consent that Mr. Dungan's article and my letter reply be printed in the RECORD.

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

CHILE: TEST OF AMERICAN MATURITY

(By Ralph A. Dungan)

Whatever else follows, the recent Chilean election—in which a socialist, Salvador Allende, with some Communist Party support was the victor—provides an opportunity for the United States government to demonstrate a maturity in the conduct of its foreign relations which would be as refreshing as the Chilean situation is novel.

Several characteristics of the election can be acknowledged by almost any objective observer. As has been true historically in Chile,

the elections were as honest as elections are anywhere—perhaps more so. Participation was high, as usual, and proportionately higher than in most Western countries.

Demagoguery, last minute incidents or external events do not seem to have distorted the results. To the extent that there were seriously disturbing factors present, the urban terrorism attributed to and sometimes claimed by the MIR (Revolutionary Left Movement) was more likely to have benefitted center-right candidate Sr. Allesandri. The election by almost every standard was honest, orderly and in the best Chilean and Western tradition.

Therefore, there is every reason for us to adhere fully to our principle of self-determination and maintain strictly neutral posture as the Chilean people move to complete the constitutionally prescribed process on Oct. 24. On that date a joint session of the Chilean Congress will decide in a runoff ballot which of the three candidates will be president. If it adheres to tradition, Sr. Allende having the largest plurality, will be named.

It can be predicted safely that the period preceding the runoff will be marked by political jockeying as the Christian Democrats seek to gain whatever advantage their large number of seats in the Congress will yield after the poor third-place showing of their candidate, St. Tomic.

One can also expect some panic reaction on the part of the wealthy and relatively large petty bourgoisie. It will be difficult indeed to stem the flow of currency into foreign banks, the relatively unimportant capital market, like similar institutions in other countries, will no doubt be chaotic. These and other manifestations of unrest and anxiety are to be expected given Sr. Allende's rhetoric during this and previous campaigns.

And the reaction may be more than the fragile social and economic structure of Chile can stand. Some elements of the military might make a move, as they have promised, to prevent Allende's taking power. Or the MIR, taking advantage of the confusion, might make a desperate move. Or, less likely, one of Chile's neighbors might threaten.

But the democratic process does not guarantee stability; it only guarantees people free choice in the selection of their government. A majority (more than 60 percent) of the Chilean people, quite predictably, have indicated their desire for a government of the left and apparently at least a third of the electorate is not concerned with a Marxist label.

It is hoped that Chileans and Chile's friends outside the country will view the recent election in some perspective and will speak and act with restraint. Foreigners especially should recognize that despite the very substantial progress brought about under the Frei government, continued rising expectations, unsolved problems like inflation, and the desire for a change were important factors in the election.

Chile, like other modern democracies, has a large swing vote not clearly committed to party or ideology. This swing vote is young and left-leaning and looking for solutions. The choice of aging, rigid Jorge Allesandri as the candidate of the Conservatives was poorly calculated to attract center-left elements which could have made the difference in this close race.

Then there is Sr. Allende himself. A man historically in opposition, he has no recent governmental experience. He is intelligent and committed. Above all he is a Chilean and can be expected to look for, as he has suggested, solutions which will suit the Chilean character and spirit. He will inherit large problems including a huge external debt, a probable decline in copper prices, and endemic inflation. Taking nothing away from his ideological convictions, he is too intelligent and sophisticated an observer not to realize that doctrinaire solutions usually don't work.

In any event, the central fact is that the Chilean people have chosen and are in the process of completing a constitutional and free election. It would be most unfortunate if anything interrupted the process which will determine Chile's destiny.

SEPTEMBER 25, 1970.

Mr. BENJAMIN C. BRADLEE,
Executive Editor,
Washington Post,
Washington, D.C.

DEAR MR. BRADLEE: I would appreciate it if you carry this answer to some of the comments and implications set forth in Ralph A. Dungan's article, "Chile: Test of American Maturity," which appeared on your editorial page September 23.

Mr. Dungan's thesis is that Salvador Allende, Marxist candidate for President of Chile, who squeaked through to a thin plurality over two other opponents, should be confirmed in office. Mr. Dungan also states that Allende, a Socialist, "with some Communist Party support was the victor . . ."

Allende did not arrive at his thin plurality "with some Communist Party support." He was chosen specifically by the Communist Party to form the Popular Unitary Movement, a Communist-manipulated front. This is not the first time a Communist Party has used a front to destroy a democratic system.

In a post-election press conference, Allende said that he would tear up Chile's constitution, characterized by him as "bourgeoise and oligarchic," and replace it with one representative of a "peoples' government" incorporating a one-house legislature rubber stamp to be called a "peoples' assembly." This is pure Communist rhetoric known to all who follow the world scene.

It should be of considerable concern to people around the world that Allende also threatens to do away with Chile's free press and substitute "press cooperatives."

In foreign affairs, if confirmed in power on October 24, Allende said: "I have clearly stated that I will have relations with Cuba, North Korea, China and the Democratic Republic of Germany," and threatens to use the five-country Andean Pact to split the Organization of American States.

Mr. Dungan also implies that Allende came to power by plurality because of growing sympathy among Chile's electorate for Marxist programs. In fact, and despite showing up his Socialist-Communist combine with Radical Party and pro-Communist Christian Democrats, Allende's support dropped by three percent over what he received in 1964. The Christian Democrats by 1970 ran a very poor third, losing a whopping 575,000 votes over what they polled when they won in 1964. Therefore, Mr. Dungan's statement that the Christian Democrats made "very substantial progress" while in power the past six years is certainly not translatable into Chilean votes.

Where, then, did the votes go? To the conservative Nationalist Party which came in right behind Allende, only one and one-half percent off the pace. Translated into congressional seats (there was no election for Congress in 1970), the Nationalists would have dropped from his present total of 80 to somewhere around 74 or 75; the Christian Democrats would have fallen from 75 seats to fewer than what the Nationalists command today. And, the vote in Congress would "be something else" on October 24.

A word about the Christian Democrats. Mr. Dungan, as U.S. Ambassador to Chile from 1964–1967, must know that they played the role of "spoiler" in 1970. All the political indicators and polls showed six months ago that the Christian Democrats had no chance of winning. Yet, they fielded their candidate and siphoned off enough of the Democratic electorate to permit the Communists to slip into first place.

Mr. Dungan suggests that our government exercise its "maturity" in foreign relations by doing and saying nothing. I would suggest that a far more mature approach would be to reveal these facts positively and clearly and to urge the Christian Democrats to support second-place Alessandri where the "surge" clearly lies. Given this Christian Democrat support on October 24, Sr. Alessandri has stated that he would accept the presidency only to call new popular elections, would withdraw his party from those elections and resign, making the issue clearly one of Communism vs. Democracy.

The states are great and should be pointed out. Allende definitely "owes" the Communists—meaning, in fact, the Soviet Union which backs Chile's Communist Party. Only the incurable optimist can imagine the Soviets ignoring the opportunity provided by Chile's 2,700 mile coastline to lodge themselves in the Pacific. The Panama Canal would then be flanked on both oceans and our hemisphere security rendered very perilous.

If the Christian Democrats vote for a Communist on October 24, they will be responsible for bringing to power in Chile a regime that will see to it that 1970 is the last year of the free election in Chile. I do not believe that we exercise "maturity" by staying quiet in the face of these facts.

In short, an Allende endorsement by Chile's Congress on October 24 can only result in setting back decades of patient work trying to build hemispheric defense and hemispheric solidarity. None of these considerations are addressed by Mr. Dungan.

And then there is Castro's Cuba. Allende has been a frequent visitor to Havana, supports Fidel Castro's subversive Latin American Solidarity organization and finds in Castro-Communism a desirable model for Chile. A large group of Chileans, called "Chilean Residents for the Cuban Revolution," have been in Havana for years training themselves to build another Cuban revolution in their own country. Whether they stay in Havana or return to Chile to carry out their destructive purpose may well await the outcome of October 24.

Sincerely,

PETER H. DOMINICK,
U.S. Senator.

BOARD OF GOVERNORS OF U.S. POSTAL SERVICE

Mr. JAVITS. Mr. President, I take this opportunity to express my congratulations to those selected by President Nixon to serve on the Board of Governors of the new U.S. Postal Service.

These nine distinguished individuals represent a solid cross section of the country and have a broad variety of professional experience.

Mr. Nixon's nominees include. Mr. Theodore W. Braun, of California; Mr. Charles H. Codding, Jr., of Oklahoma; Mr. William J. Curtin, of Washington, D.C.; Mr. Patrick E. Haggerty, of Texas; Mr. Andrew D. Holt, of Tennessee.

Mr. George E. Johnson, of Illinois; Mr. Frederick R. Kappel, of New York; Mr. Crocker Nevin, of New York, and Mr. Myron A. Wright, of Texas.

These key men will have the responsibility for the overall operation of the new postal system.

Facing this tremendous challenge, I know enough members of this group to feel that as responsible and well qualified individuals they will make every effort

and take every step essential to make the U.S. Postal Service the kind of mail system the Nation needs and deserves.

VISA FOR PROF. MING-MIN PENG, LEADER IN FORMOSAN INDEPENDENCE MOVEMENT

Mr. FULBRIGHT. Mr. President, on September 28, 1970, I was pleased to receive, in answer to an inquiry I made of the Department of State, their reply that Dr. Ming-min Peng, a noted proponent of the Formosan Independence movement, has been granted a nonimmigrant visa to enable him to accept a research position at the University of Michigan.

Dr. Peng was arrested on Formosa in 1946 for advocating the overthrow of Generalissimo Chiang Kai Shek and declaring the independence of Formosa. Earlier this year, he escaped from house arrest to Sweden.

Recalling my long and vain intercession in the early sixties on behalf of another Formosan, Dr. Liao, exiled then in Japan, it appears to me that the Department's action in Dr. Peng's case shows greater maturity and reality. I wish to commend it on its decision.

I ask unanimous consent to have printed in the RECORD an article from the New York Times of October 1, 1970, commenting on the case of Dr. Peng.

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

U.S. ADMITS A FOE OF CHIANG REGIME—PROFESSOR WHO FLED TAIWAN WILL TEACH AT MICHIGAN

(By Robert M. Smith)

Special to The New York Times

WASHINGTON, Sept. 30.—The United States has issued a visa to Peng Ming-min, a member of the Taiwan independence movement who escaped from house arrest in Taiwan early this year and fled to Sweden.

American officials say the visa was granted to Mr. Peng, a law professor, over strong objections of the Chinese Nationalist Government, which regards him as a revolutionary bent on overthrowing President Chiang Kai-shek.

While American sources indicated that the decision had been made on the ground that there was no legal basis for refusing a visa, it is clear that the Taiwan independence movement will take encouragement from the move. It is known that the decision was made at a high level in the State Department.

The sources said the move did not signify a change in American attitudes toward the Chinese Nationalist Government. They indicated that, whatever friction developed, Taiwan must continue to rely on American support.

TO TEACH IN MICHIGAN

Mr. Peng will reportedly leave Stockholm soon for the University of Michigan, where he will teach. He is a graduate of McGill University and holds a law degree from the University of Paris.

The Taiwan independence movement holds that the island should be governed by the Chinese of Taiwan instead of by Chinese Nationalists who died the mainland in 1949 after the Communist take-over. The Taiwanese constitute about 85 percent of the island's population.

The Taiwanese resent the mainlanders because the Taiwanese are excluded from high government and army jobs. The Chiang Government maintains that there is no discrimination.

Largely because of Taiwan's prosperity and the Government's secret police, the independence movement has remained weak. It is estimated that there are 3,000 or 4,000 political prisoners in Taiwan.

Mr. Peng was arrested in 1964 on charges of trying to overthrow the Government. He was sentenced to eight years in jail, but was released after he had served only 13 months and placed under house arrest. He managed to escape to Sweden in January and was granted asylum there.

Many of the Taiwanese students who come to the United States to study—about 1,500 each year—join the independence movement. One of the objections the Nationalists reportedly raised against Mr. Peng's admission was that he would become involved in the movement.

Last April, Chiang Ching-Ku son and heir apparent of General Chiang, was fired at by a gunman at the Plaza Hotel in New York. The police identified the gunman as a member of the Taiwan independence movement.

OREGON NEWSPAPER APPLAUDS CLEAN AIR LEGISLATION

Mr. HATFIELD. Mr. President, I was pleased to note an editorial by the East Oregonian of Pendleton, Oreg., applauding the Senate's recent passage, by unanimous consent, of the air quality standards legislation.

I invite particular attention to the editorial's assertion:

That 73 to 0 vote in the Senate accurately reflects, we think, the temper of the American people.

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

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

DEADLINES ESSENTIAL

The Senate has passed, 73-0, legislation which sets a series of deadlines over a five-year period in which national air quality standards would be set and enforced. The most rigorous requirement would force automobile manufacturers to begin mass production of cars emitting 90 per cent less pollutants by no later than Jan. 1, 1975. The deadline could be extended one year if the manufacturers could show they had expended every effort in good faith and could not meet the earlier deadline.

The legislation came out of a committee of which Sen. Edmund Muskie of Maine is chairman. It goes far beyond pollution legislation enacted in the House and that points to a potential brawl within a conference committee.

Most of the auto manufacturers insist that they don't know how to build effective control devices. Sen. Muskie and many others in the Senate concluded that the manufacturers would make no effort unless they were faced with deadlines.

After hearing a lengthy discussion of this problem at a meeting of the American Society of Newspaper Editors this year we decided that only one of the big three auto builders is trying to solve the problem. The others have done virtually nothing and don't intend to unless forced to.

That 73 to 0 vote in the Senate accurately reflects, we think, the temper of the American people. A nation that has the technical knowledge to put a man on the moon can solve this problem. Auto manufacturers who resist tackling the problem need not be concerned with the expense of solving it. They will pass that on to the consumers. And the consumers are willing to pay.

DISCRIMINATION IN DISGUISE

Mr. DOMINICK. Mr. President, for years we have been expanding programs and spending billions of dollars of tax funds to fight poverty. Many citizens have enthusiastically supported these effects even though there have been recurring reports of failures, wasting of funds at all levels, overpayment of inadequate personnel, and increasing numbers of low-income people and poverty.

Recently I recieved a report from a young woman who had been a music supervisor and teacher's aide in a school for migrant children located in Colorado. This young lady, although only 16 years old, is obviously highly intelligent and very thoughtful. Her name is Vicki English, and she is presently working with "Up With People." She is the daughter of some very fine citizens in Wiggins, Colo., and would like to help people help themselves.

After her summer experience in this school for migrant children, Miss English comes to the conclusion that many of our idealistic and well-promoted programs in fact perpetuate minority groups, create instead of extinguish discrimination, multiply problems, and downgrade children.

This report is so well written and so poignant that I believe it should be considered by all Senators; hence I ask unanimous consent that it be printed in the RECORD.

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

DISCRIMINATION IN DISGUISE

(By Vicki English)

We all know that we can't get something for nothing. Right? Well, I happen to know quite a few people who might disagree with you.

I recently had the opportunity to work in a six-week summer migrant program. For years this give-away program has been promoted and carried through on a huge federal budget. The tiny rural town of Wiggins, Colorado, in which the school is located, is in the heart of sugar beet country. Every summer toward the last of May hundreds of Mexican-American laborers come to work the fields when the beets are ready to hoe, so naturally the bulk of children recruited for migrant school are the children of these workers. Actually, any child that has resided in Colorado for less than five years, and whose parents engage in any phase of agriculture is eligible, but many people are not aware of this.

It sounds great, doesn't it? The migrant school keeps the children out of the field, takes them swimming and to the zoo, allows them to watch "Sesame Street" in color, keeps them well fed, and just generally keeps them out of the way—"baby-sits" in other words.

In only two days working as a teachers' aid, I began to change my mind about the greatness of such a program. Besides witnessing a tremendous waste of money and food, it seemed to me I was witnessing a much sadder waste—the waste of little children's lives. Suddenly I realized we were not doing all the "good" the program was supposed to do for these so-called "disadvan-

taged children". In reality, we were doing those children a great injustice, and in my mind, serving them one of the worst possible kinds of discrimination—treating them as though they really were "disadvantaged".

There are many free, give-away programs in America today that are destroying the very people the "do-good" liberals were supposed to "help". In the book, Learning On The Move, A Guide for Migrant Education, which is put out by the Colorado State Department of Education, there are sections that degrade the migrant person and add a little insult to injury. For example, there are statements about "The Internal Factors":

Many migrants appear deficient in the will to *cause* events and *shape* events to their own advantage. Such characteristics may stem from either inherited or environmentally developed causes or a combination of both. He may not have inherited the ability of reasoning.[1]

And there are statements about his "attitudes and values":

The lack of purpose is a characteristic from which important value concepts emanate. Among migratory people, the value concepts are generally not on a plane that is common in everyday American society. Some lower value standards seem to be possessed by migrant people in most all areas of human endeavor.[2]

And about his "personality traits":

The migrant person may have the tendency to take the easiest course of action when a problem arises, decision is needed, or action required. This characteristic of weakness is associated with a lack of persistent life planning.

These statements really put the average migrant person at the bottom of the totem pole, and I won't agree with them and don't you either! If a migrant school teacher should read such a "guide" as this, how could she not help feeling defeated before she even begins? She develops the attitude, "Well, if these children are so disadvantaged, there is hardly anything I can do to change their 'inherited' traits." And that is exactly what she ends up doing—hardly anything.

When little innocent children of Mexican-American laborers are "saved" by migrant school programs and other government handouts, the children not only *acquire* undesirable traits, but these traits are actually nourished by the very same programs meant to "help" them. And do you know how they succeed doing this? They actually make the child feel as he really is disadvantaged and different from other children!

I used to think that making a minority person feel different and disadvantaged was exactly what this country was trying to eliminate. But instead of treating these children like the Americans they are, and instead of teaching them the ideals that built this country, (like *working* for a living or for a personal goal) we are treating these little impressionable children with the attitude, "Now don't you worry about a thing, you poor disadvantaged child. The government will take good care of you."

This attitude is not only being stressed to little migrant children in Wiggins, Colorado, but it is being stressed to blacks, Puerto Ricans, and other minority groups throughout the United States. These "something-for-nothing" programs stressing such philosophy are far from new, however. Roosevelt's "New Deal" of nearly 40 years ago was intended to help people get on their feet once again after staggering setbacks. But even in today's prosperous era we can see some people still using this "crutch" to unfair advantage. They didn't even try walking on their own—why bother?

I happen to be the daughter of a farmer, so I have seen other ways the "hand-out" programs have done more harm than good. These programs have nearly ruined the farmer and the field of agriculture, by making him subservient to the government. Instead of "helping", poverty programs have just succeeded in keeping people down and putting the "peons in their proper places."

I know that in the past there have been certain liberal "do-goooders" who have screamed the immortal words, "We are for human betterment. We are against poverty. Give to the poor, disadvantaged souls. Help them. Give them *everything*!

Well, fellows, we are *all* for human betterment. We are *all* against poverty. But I am beginning to think that behind all of your beautifully stated phrases and words, there lie a hideous plan and insidious conspiracy. Keep the minorities down. Turn the cards around, and instead of creating a desire within the poor person to better himself and work for himself, *give* him anything he needs to get by. Thus, the plan succeeds by destroying the minority person's spirit and his pride. Then the "do-gooders" will never have to give him another thought—except to see that he gets his monthly welfare check.

I think that this is really what saddens me most. During the six weeks I worked as an aid, I learned to love the migrant children, and in many of them I saw great promise and potential. However, if you had been brought up in migrant schools with the philosophy "Leave it to Uncle Sam", would you have bothered to make an effort to change your situation for the better? Of course not. It wouldn't make sense. Let Uncle Sam feed, house, and take care of you.

The average migrant is no different. And believe me, he's no dumbbell about government checks. He knows every single one entitled to him—and if he doesn't, the smiling welfare office girl will soon clue him in on the ones he's missing.

No doubt the people who will probably yell the loudest about this article, will be those in on the government "gravy-train". Strange the way programs against poverty seem to reduce the ordinary taxpayer's pocket book to almost nothing, and yet spell M-O-N-E-Y to a fortunate few. Oh yes, there were a lot of teachers in the migrant program who were genuinely concerned for the migrant child and his development. But I assure you there were those few who were concerned for their own development only—and how is $5.00 an hour, nine hours a day for developing? (I'll admit I was one of the fortunate. Not quite fortunate enough for $5.00 an hour, but it wasn't bad for a 16-year-old girl!)

Before I go further, I would be unfair to you and myself if it were not stressed that the migrant school program was effective in many ways. I saw many children put to good use what the government was giving them—what I did not see, however, was any sign of appreciation. Even a simple "thank you" was rare, and the general attitude was one of "Oh well, I deserve it".

For example, migrant school began at 8:00 a.m. The children were bused to and from school, so transportation was no problem to the parents. The first item on the agenda was breakfast. All a child could eat of cinnamon rolls or eggs, orange juice and butter. There was also lunch *and* a snack to look forward to, all free of course, with no token of any kind required of the child. This is where I feel the program failed most. If the children had been required to bring at least 10c from home, then he would have been learning that he had to work and pay for what he ate. The bulk of the children knew they were eating for nothing, and enjoyed heaping their plates as high as possible and then throwing away nearly half. Once I asked a little girl why she had not been more careful with her new tennis shoes. (They were also free, and she had just succeeded in spilling nearly half of her art paint on them.) The six-year old looked at me with puzzled surprise and replied, "But Miss English, they're *just* tennis shoes."

Why aren't we more concerned with creating a sense of value in people and treating them as constructive citizens? Why are we financing big money programs that give minority groups just enough spirit to beg "Give me"? I am so against these programs and the "something-for-nothing" ways they are run, and at the expense of everyone, you and I. But it's not just the money involved. Far from it. I don't believe we are doing right by a whole generation of children who someday will create problems. Not just to themselves, but to the society that helped create them.

[1] Neil W. Sherman, and Alfred M. Potts, 2d, Editors *Learning On The Move, A Guide For Migrant Education*, p. 3.

[2] Ibid., p. 4, 5.

MILTON H. BERGERMAN—CIVIC LEADER

Mr. JAVITS. Mr. President, early last month, New York lost one of its most civic-minded citizens when Milton Bergerman died at the age of 67. Mr. Bergerman, who was a lawyer by profession, spent most of his time working to improve conditions in New York City. He served as chairman for more than 20 years of the Citizens Union, a nonprofit organization founded in 1897 to serve the public interest. During his years with the Citizens Union, he constantly probed into the actions of the legislature and kept a close check on the public officials in the city to see that they were doing their job.

Mr. Bergerman was the personification of the interested and concerned citizen who devoted large amounts of time to serving the public. As Governor Rockefeller so aptly remarked at a memorial service for Mr. Bergerman at Carnegie Hall on September 21, 1970:

Milton Bergerman kept us on our toes.

He did indeed and his country needs more like him. Mrs. Javits and I again extend our deepest sympathy to the members of the Bergerman family.

I ask unanimous consent that the transcription of the memorial services for Milton Bergerman on September 21, 1970, and an obituary published in the New York Times on September 9, 1970, be printed in the RECORD.

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

TRANSCRIPTION OF MEMORIAL SERVICE FOR MILTON M. BERGERMAN

Date: Monday, September 21, 1970.

Time: 10 a.m.

Place: Carnegie Hall, 154 West 57th Street, New York City.

Presiding: Ben Grauer.

Organ music: Organist: Vernon deTar.

Ben Grauer: On returning from the Labor Day holiday, we were all sorry to learn the sudden and very sad news of the passing of Milton Bergerman. The New York Times, in an extended obituary notice, spoke of Milton's extraordinary contributions to the community and to the wider audience that notes, records and reflects on the activities of citizens who enlargen their own community personally by their dedication and commitment. We felt that because of the wide-ranging nature of Milton's contribution to our scene that many would want to join us in a memorial tribute where we review his life very informally and from two aspects—one, from the area of his personality, expressed by a friend; and again, indicating his

energies and dedication as a guardian of the community's values, by a most distinguished citizen. I have the pleasure—the sad duty and the pleasure—to recall through the 15 or more years in which we were associated, not only as friends but as colleagues on the WNBC radio program "Searchlight"—the incisiveness, the grasp, the range of Milton's knowledge—the very real sense, in the midst of his knowledge, of the ideals of government—of the realities, and sometimes the sordid nature of the activities that take place—and his undying courage to bring these facts forward. We're happy that you've gathered here—all friends of Miltons, including at the organ console his friend Vernon deTar, the distinguished organist of the Church of the Ascension—to express only a measure of what Milton Bergerman meant and has contributed. Let me then introduce a friend of many, many years of ours and of Miltons—distinguished New York lawyer, Marvin Lyons.

Marvin Lyons: We are gathered in remembrance of Milton, whom we lost so surprisingly and so suddenly. He was my devoted friend for more than 40 years. I last saw him when my wife and I visited him and his lovely wife Ems in their home in Rowayton only a few days before he fell ill. He seemed to be in full vigor that day. We played several sets of tennis. We swam together, and he and Ems together prepared, and we enjoyed, one of their famous barbeques. So the news came only a few days later of his sudden illness and then of his death. I never had a greater shock. And I think all who knew him were greatly shocked. He was an extraordinary man. He was a talented lawyer with a searching and wide-ranging mind—a gift for advocacy. He was resourceful, bold, courageous. Above all, his integrity was unshakable. He was a wise counselor. He had an instinctive sense of balance—judgment—native wisdom. He had a tremendous capacity for work—thoroughly enjoyed the practice of law—and thoroughly enjoyed his many public activities. He loved sports. Tennis was his favorite game, and he threw himself into sports as he did in his professional and public activities, with great zest and intense concentration and with a striving perfection. Of course his over-riding interest and concern was with public affairs. The gracious participation of Governor Rockefeller in this memorial, as well as the presence of so many friends and admirers of Milton, attests the public acknowledgment and appreciation of his great contribution as a volunteer in the cause of good government. He devoted himself to this cause for more than 40 years. Today each of us is remembering Milton in particular ways. I remember him as a fun-loving, warm, generous and gentle man—and a delightful companion. I remember the day, just 31 years today, when he and Ems—Ems Wyleman then—were married. And I know how much they meant to each other in all the years that followed. I recall the pride and enthusiasm with which Milton and George Hourwich joined together more than 25 years ago to oganize their law firm. I remember Milton's job when his daughters Jane, and then Jill, were born; and the many glorious summers which our families spent together as our children were growing. And I remember how proud he was in the role of "Father of the Bride" at the weddings of his two girls and the pleasure it gave him to welcome two fine sons into his family. Milton was so vigorous—so strong—and he so loved life—that it is hard to believe that that staunch heart of his gave out. Yet his life was a full and rewarding one. And each of us here today has in some way shared what he gave in love—in loyalty—in companionship—in professional skill—and in his contribution to the public weal. We all share together the common loss of an uncommon man; and we share our deep sympathy with his beloved family, his sister and his brothers.

Ben Grauer: It is only a small measure of the wide-ranging activities and the deep respect that is held in Milton Bergerman's life and career that our tribute is joined by the Governor of the State, who is here not only in his distinguished official capacity but also as a friend of many years of Milton Bergerman. We introduce Governor Rockefeller.

Governor Rockefeller: Milton Bergerman was not a man to congratulate himself very much. And so it might be consistent with his own way of doing things if we were to describe him simply as a good man. But that's not enough. For goodness is only one element of integrity. Milton Bergerman was a symbol of integrity. He was honest and consistent. He was intolerant of malfeasance and hypocrisy. He inspired confidence and idealism. He was described as the conscience of this City, and certainly he deserved that high compliment as much, or more, than anyone. During two decades as Chairman of the Citizens Union he made it clear to those in public office that there were ethics to be observed and morals to be honored. He asked very little of us. And—at the same time—he asked a great deal. He asked that public servants serve the public. He sought, moreover, to assure that this service be rendered with energy, rectitude and foresight. The Citizens Union, under his stewardship, was an enemy of special interests. He fought against anyone who viewed a public position as one of privilege rather than trust. I knew Milton Bergerman for most of the 20 years he headed the Citizens Union. Two years before I became Governor, he accepted my appointment to the temporary State Commission on Revision and Simplification of the State Constitution. We had many arguments—and a few disagreements. Milt was not a man to put political leaders on pedestals. He criticized us when he thought we were wrong. And he was equally quick to commend us when he felt we deserved it. On the "Searchlight" television program his incisive questions, delivered in his characteristically deep and husky voice, demanded nothing less than the facts. In this and in other ways, Milton Bergerman kept us on our toes. We, in turn, admired his knowledge of government and politics—his progressive attitudes—and his respect for sincerity—and his unrelenting struggle to induce government to do the right thing. And so we say goodbye to Milton Bergerman. We're grateful for his enormous contribution to this City—and this State. We will remember him for a long time. We will remember him because during his lifetime he taught all of us what it really means to be a citizen.

Ben Grauer: Our thanks to Governor Rockefeller and to Marvin Lyons and to Vernon deTar for joining us today. I would like to add just one small word. I'm thinking . . . in this Hall—where we were presenting the NBC Symphony Orchestra of blessed memory with Toscanini, on this very stage; and I was in that broadcast booth up there, which is now removed . . . Milton Bergerman was the Chairman of the Carnegie Hall Corporation at that time. It struck me, as we were sitting here, that I hadn't mentioned how enormously appropriate it is that we pay this very special and affectionate tribute to Milton and his memory here. I'd like to read just one sentence that came out of the heart of the extended obituary which William Freeman wrote in the New York Times: "Milton Bergerman was Mr. Average Citizen in person—with a quick mind, a sharp tongue, and a resonant voice—ready to duel, parry and thrust in behalf of better government. He acted as the conscience of New York." I sat as witness of that for 15 years. And to use the current civic phrase—Governor, and Marvin—in it's very best sense, Milton Bergerman really "gave a damn." I'm going to ask for all the audience to rise for a minute of meditation—of affectionate, loving memory of the spirit and unique qualities of Milton Bergerman.

Organ music as service ends.

MILTON H. BERGERMAN IS DEAD; CITIZENS UNION CHAIRMAN, 67

(By William M. Freeman)

NORWALK, CONN., September 8.—Milton M. Bergerman, chairman of the Citizens Union of New York, died last evening at South Norwalk Hospital after a brief illness. He was 67 years old and lived at 27 Bluff Avenue, Rowayton.

A SPUR TO OFFICIALS

Mr. Bergerman was John Q. Public or Mr. Average Citizen in person, with a quick mind, a sharp tongue and a resonant voice to duel, parry, feint and thrust on behalf of better government.

As chairman for more than 20 years of the Citizens Union, a nonprofit organization founded in 1897, he asked embarrassing questions of public officials, he probed for the reasons behind legislative decisions and he all but bullied public servants into doing their jobs as servants of the public.

Mr. Bergerman, a lawyer by profession, spent most of his time working to better New York City.

An authority on municipal government, he was one of the earliest supporters of Fiorello H. La Guardia, a Fusion Mayor. He advocated and supported the movement for charter revision and made the Citizens Union a participant on the "Searchlight" program over WNBC–TV.

A QUESTIONER ON ISSUES

He had appeared regularly each Sunday on the program since its inception in 1953, and each week he and members of a panel questioned a prominent official or other highly placed person who was in the news.

With Ben Grauer, the moderator, keeping tempers somewhere below boiling point, Mr. Bergerman and the other panelists, who varied from time to time, dug out reasons, pressed for the truth and fought for improvements in operations of the city, its laws and its methods.

Mr. Bergerman used many approaches in fighting for better government. Once, referring to the Citizens Union's wide-ranging influence, he commented:

"We have a prophylactic effect, just by our being there and keeping an eye open. I'd say we supply moral leadership in blowing the whistle on some poor moves by city officials from time to time. That's very necessary, because sometimes you run into a bunch of smart alecks who can confuse the public on the difference between right and wrong."

OPPONENT OF MOSES

His words had a direct reference to Robert Moses, the city planner, bridge and tunnel authority, World's Fair impresario and holder of a score or more allied positions.

Mr. Bergerman had suggested to Mayor Wagner that Mr. Moses should be dropped from the city's slum clearance committee. That was the first time—in 1959—that a respected and responsible civic organization had said, in effect, that Mr. Moses could be replaced.

Mr. Bergerman disclosed that the Citizens Union had authorized him to speak or to keep silent, although some members of the organization had backed Mr. Moses.

Mr. Moses took a full week to assess the blow. Then he made a sharp reply in which he referred to "Citizens Union smart alecks," picking up Mr. Bergerman's colloquialism.

ENTERED GAMBLING INQUIRY

On another occasion, when Brooklyn's racket-investigating grand jury and District Attorney Miles F. McDonald asserted that they would not be "intimidated" by outside pressure in investigating a possible link be-

tween the police and gamblers, Mr. Bergerman wrote to Mayor William O'Dwyer to suggest that a prominent person "with a background and standing to inspire public confidence" be appointed to conduct the investigation.

"You owe it not only to the public, but to the department itself," he wrote, "since it goes without saying that the great majority of the police are decent men, carrying out their difficult and dangerous duty with skill and fidelity."

The letter then became sharply worded:

"You have seized upon an individual tragedy and turned it into a theatrical demonstration of your disapproval of the District Attorney's activities." [The Mayor had attended the funeral of a police captain who killed himself while the investigation was going on.]

"That kind of display of sympathy, however well-intentioned, might have the effect of building up a backfire of hostility in the police force against the enforcement officials in Brooklyn. Yet, so far as can be judged, the District Attorney is simply doing what he is there for. He is making an investigation and he is getting somewhere."

MAYOR REFUSES COMMENT

Mr. O'Dwyer conceded that he had received the letter, but said he had not read it and therefore would not comment. The intended effect was accomplished: The gambling inquiry was on the front pages and Mr. Bergerman's letter was part of the day's big story, which meant that the public knew in detail the views of the Citizens Union.

Mr. Bergerman was not always the amicus curiae. He served as a member of the Special Legislative Committee on the Revision and Simplification of the Constitution, by appointment of Gov. W. Averell Harriman, and as a member of the Temporary State Commission on the Revision and Simplification, by appointment of Governor Rockefeller. He was named by Mayor Robert F. Wagner to the Mayor's Committee on Judicial Selection.

He served also as a member of a Lawyers Committee on Court Decorum and Allied Problems by appointment of Harold A. Stevens, Presiding Justice of the Appellate Division, First Department.

Mr. Bergerman was born in New York on May 20, 1903, and received his A.B. and LLB. degrees from Columbia College and Columbia University in 1925 and 1927. The Class of 1925 of Columbia College presented him with its Distinguished Classmate Award.

He engaged in the practice of law in this city for the rest of his life, as a member of the firm of Bergerman & Hourwich.

He was a trustee of the New York Shakespeare Festival, a member and since 1965 president of the Lawyers Club as well as a member of the Association of the Bar of the City of New York and other professional organizations.

He was the co-author of "New York Real Property Forms, Annotated."

His home was at 863 Park Avenue and he had a summer home in Rowayton, Conn.

He leaves his wife, the former Ems Wyleman; two daughters, Mrs. Martin J. Usdan and Mrs. Gerald Demarest 3d, four brothers and a sister.

The funeral service will be private, with a memorial service to be held later.

WITHDRAWAL OF U.S. TROOPS FROM VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD the Gallup poll of September 27, 1970, which shows that 55 percent of the American people favor having Congress set a definite date for the withdrawal of all U.S. troops from Vietnam. The date is not later than December 1971.

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

PUBLIC FAVORS WITHDRAWAL FROM VIETNAM BEFORE 1972

(By George Gallup)

PRINCETON, N.J., September 26.—A majority of the U.S. public favors the Hatfield-McGovern plan which would end U.S. troop involvement in Vietnam by the end of 1971, according to findings in the most recent Gallup Poll.

The public's favorable vote, recorded in a September 11-14 survey, contrasts with the vote in the Senate on September 1, when by a 55 to 39 vote the upper house rejected the plan.

If the vote on withdrawal were left to the men of the nation, a fairly even division of opinion would be recorded. The scales are tipped dramatically in favor of withdrawal when the vote of women is taken into account. The latter favor getting out of Vietnam by the end of next year by the ratio of more than 2-to-1.

The difference in the views of men and women is one of the greatest recorded on any national issue in recent years.

The issue of Vietnam has acquired more and more partisan overtones during the last year, with rank-and-file Democrats now favoring withdrawal by a 61 to 29 ratio—while Republicans are almost evenly divided. Significantly, the Democrats in the Senate voted in favor of the plan by a 3-to-2 ratio.

One consolation for those who oppose a fixed-time withdrawal is that the best-educated group—with the highest voting turnout—is almost evenly divided.

SMOLDERING ISSUE

The Senate bill was sponsored by Oregon's Senator Mark Hatfield and South Dakota's Senator George McGovern and provides that the only military funds that could be spent in Vietnam after April 30, 1971, were those for the orderly termination of operations and the systematic withdrawal of armed forces by December 31, 1971. The House has not yet taken up the proposal.

The Vietnam issue lately has not loomed large in the minds of the voters compared to earlier days, but it does lie smoldering and could easily become a controlling issue between now and November 3.

To obtain the results reported today, a total of 1,513 adults were interviewed in person in more than 300 scientifically selected cities, towns and rural areas of the nation. This question was asked:

A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of next year. Would you like to have your congressman vote for or against this proposal?

The following table shows the results nationally and by key groups in the population:

HOW SHOULD CONGRESSMAN VOTE?

	Yes	No	No opinion
National	55	36	9
Men	46	45	9
Women	64	27	9
Republicans	48	43	9
Democrats	61	29	10
Independents	53	39	8
College	47	45	8
High school	57	35	8
Grade school	61	27	12
21-29 years	63	32	5
30-49 years	52	39	9
50 and over	55	34	11
East	62	29	9
Midwest	56	35	9
South	49	38	13
West	51	44	5

Persons in the survey who favor bringing home all U.S. troops before the end of next year feel the only way to make sure that the U.S. really gets out is to set a date, letting the South Vietnamese know they must stand on their own feet thereafter.

Those who oppose the plan believe that the President, by his troop withdrawals, is clearly moving to get the U.S. out of Vietnam and should be given the chance to deal with the war as he thinks best. Fixing a date for total withdrawal, they say, would tie the President's hands and make it more difficult to negotiate in Paris.

This group also feels that the North Vietnamese might wait until after our withdrawal and then wage a massive attack.

THE TEXTBOOK PRESIDENCY AND POLITICAL SCIENCE

Mr. ALLOTT. Mr. President, today I want to share with the Senate a most stimulating and important essay by Dr. Thomas E. Cronin, of the Brookings Institution.

The title of this essay is "The Textbook Presidency and Political Science." It was prepared for delivery at the 66th annual meeting of the American Political Science Association in Los Angeles, September 7 through 12.

Dr. Cronin is interested in the contribution which a more accurate political science can make to a more resilient civic culture. He feels that there is a pervasive inaccuracy in the prevailing textbook treatment of the office of President, and that this inaccuracy is debilitating to democracy.

His survey of the relevant literature has led him to the conclusion that most studies of the presidency involve "inflated and unrealistic interpretations of presidential competence and beneficence." As a result:

American young people grow up expecting their presidents to be sufficiently powerful to win and end wars as well as cure the nation's socio-economic ills.

Dr. Cronin suggests that these expectations lead to myriad unfortunate consequences. For example, a myopic fixation on the presidency as the focus of all responsive governmental power "has costs for quality of citizen relationships with the presidency" and it also "can affect the way the presidents conceive of themselves and their jobs." It encourages citizens to feel awed by the "social distance" between them and the President; it makes it difficult for the President to maintain human contact with the people; it leads to a diminished stature for Congress—the real "first branch of government."

Clearly, many young people are being led into inflated expectations concerning the commodities governments can deliver. In addition, too many young people have over developed capacities for personalized politics and underdeveloped understandings of institutional operations. It is clear that the current textbook treatments of the presidency encourage all this.

Mr. President, I have frequently voiced my concern about the imbalance that today afflicts the classic balance of powers struck by the Founding Fathers. I am delighted to see serious scholars such as Dr. Cronin giving proper attention to the

fundamental cause of this imbalance—the explosive growth of the Presidency since the New Deal.

It is well known that a large number of those who spent years advocating an ever-larger Presidency have now begun to have second thoughts. They are beginning to understand that an extensive Republic of 205 million free citizens cannot and should not be governed by a single institution such as the modern Presidency. And they are beginning to understand the absurdity of the notion that the American people need a Chief Executive to energize them or to get them moving in this or that direction.

First, it is absurd to think that this most energetic Nation derives its energy from political people. Second, it is absurd and dangerous to think that all Americans should be moving lockstep in the same direction.

I do not think Dr. Cronin is sufficiently generous in crediting Republicans with keeping the Founders' faith as regards legislative supremacy, federalism, decentralization, and other matters relating to the inadequacies of the Central Government bequeathed by those leaders who championed the cause of presidential government. For example, it is odd that Dr. Cronin fails to even mention Senator GOLDWATER, who has been a consistent spokesman for some of the ideas Dr. Cronin approves.

Perhaps we Republicans have been guilty of premature insight regarding the correct institutional order for this Republic.

Still, Mr. President, I want to salute Dr. Cronin for a necessary job well done. He has surveyed the relevant literature; he has brought theory and practice together in a firm and conclusive critique of some current trends in academic political science; and he has given new momentum to a cause that I think involves the ultimate fate of this Republic—the battle on behalf of small and decentralized government.

So that all Senators may profit from this splendid essay, I ask unanimous consent that it be printed in the RECORD.

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

THE TEXTBOOK PRESIDENCY AND POLITICAL SCIENCE

(By Thomas E. Cronin of the Brookings Institution [1])

A few years ago Lawrence Herson suggested that serious attention be given to our textbook literature because "textbooks constitute the well spring of any stream of political science, for they serve not only to summarize the current state of the literature, but also to guide the work of future contributors to it." [2] And indeed it was while re-reading and exploring post New Deal treatments of the American presidency in government texts as well as in the general literature that I became increasingly aware of what I consider inflated and unrealistic interpretations of presidential competence and beneficence. My thesis here is that most recent textbook versions of the presidency overemphasize the policy change and policy accomplishment capabilities of the presidency. It is not that textbooks are wrong as much as they incline toward exaggerations about past and future presidential performance. If this is the case, we run the risk of misleading both students and leaders with respect to the invention and carrying out of civic and political roles.

In this paper I advance a general outline of the recently prevailing textbook orthodoxy. In the process I take liberties with many of the rich nuances in the literature—but I do so in the hope of crystallizing the pronounced propositions about the American presidency and its role in American political life. Second, I put forth several explanations for the persistence of the textbook presidency during the past fifteen years or so. Third, some consequences and costs of the textbook ideal type propositions about the presidency are suggested and discussed. In later sections, I present several countervailing propositions which challenge textbook orthodoxy. Some of these are now being affirmed or reaffirmed in several critiques of centralized leadership and post New Deal liberalism. Others are this author's interpretations based primarily on recent research findings about national policy politics. Together these contrary or revisionist viewpoints point in the direction of evidence indicating the shortcomings of textbook presidency views. But the need for further empirical analysis of both sets of these contrasting propositions is apparent.

I. THE TEXTBOOK PRESIDENCY: A RECENT VERSION

Franklin D. Roosevelt personally rescued the nation from the depths of the great Depression. Roosevelt, together with Harry Truman, brought World War II to a proud conclusion. Courageous Truman personally committed us to resist Communist aggression around the globe. General Eisenhower pledged that as President he would "go to Korea" and end that war—and he did. These are prevailing images that most American school children read and remember. For convenience, if not for simplicity, textbooks label certain periods as the "Wilson years," the "Hoover depression," the "Roosevelt revolution," the "Eisenhower period" and so forth.

Presidents are expected to perform as purposeful activists, who know what they want to accomplish and relish the challenges of the office. The student learns that the presidency is "the great engine of democracy," the "American people's one authentic trumpet," "the central instrument of democracy," and "probably the most important governmetal institutions in the world." With the New Deal Presidency in mind the textbook portrait states that presidents must instruct the nation as national teacher and guide the nation as national preacher. Presidents should be decidedly in favor of expanding the federal government's role in order to cope with increasing nationwide demands for social justice and a prosperous economy. The performances of Harding, Coolidge, and Hoover, lumped together as largely similar, are rejected as antique. The Eisenhower record of retiring reluctance elicits more ambiguous appraisal; after brief tribute to him as a wonderful man and a superior military leader, he gets categorized as an amateur who lacked both a sense of direction and a progressive and positive conception the presidential role. What is needed, most texts imply, is a man with foresight to anticipate the future and the personal strength to unite us; to steel our moral will, to move the country forward and to make this country governable. The vision, and perhaps the illusion, is that if only we can identify and elect *the right man*—our loftiest aspirations can and will be accomplished.

American young people grow up expecting their presidents to be sufficiently powerful to win and end wars as well as cure the nation's socio-economic ills. Studies in political socialization repeatedly stress the children's emerging views toward authority and government center on an American president who looms as a towering, "glittering mountain peak" of benevlence and veritable storehouse of power and wisdom.[3] It is a commonplace assumption, however, that as the child grows older and is exposed to textbooks and current events discussions, his parentally transmitted "regime norms" become more tempered and he becomes, perhaps, even cynical about government and political leaders. But introductory high school and college level textbooks and intermediate treatments may reinforce rather than measurably refine youthful expectations about presidential leadership.[4] In a period when considerable stock is placed in opinion polls and much talk is made about the views of America's "great silent majority" it is appropriate to give closer scrutiny to the textbook knowledge and expectations about presidential performance.

An inspection of introductory American government and related political science texts indicates a strong endorsement of the activist-purposeful-progressive and powerful presidency. Approximately thirty standard college level textbooks or "presidency" treatments were reviewed, and quotations and illustrations used in this paper have been gathered almost exclusively from these sources.[5] The intended effect is a recognition of the tendency toward inflated propositions about the presidency rather than to devise specific indicators and calculate the degree to which exaggeration is or is not present in given texts.

With small variation, the college text includes two chapters on the presidency. Invariably, these stress that the contemporary presidency is growing dramatically larger in size, gaining measurably more responsibilities (often referred to metaphorically as more hats) and greater resources with which to discharge the increase in responsibility. A widely shared premise of most introductory analyses of presidential leadership postulates that more authority and policy determining discretion devolves to the president during war and crisis times, and since our country is now engaged in sustained international responsibilities such as the Cold War and Vietnam, presidents are consequently even more "powerful." Likewise as one text points out: "as the world grows smaller, he will grow bigger." The following have been taken from four best selling introductory texts:

The President is the most strategic policy maker in the government. His policy role is paramount in military and foreign affairs.[6]

He [John F. Kennedy] also became the most important and powerful chief executive in the free world. His powers are so vast that they rival those of the Soviet Premier or of any other dictator. . . . He is the chief architect of the nation's public policy; as President, he is one who proposes, requests, supports, demands, and insists that Congress enact most of the major legislation that it does.[7]

He reigns, but he also rules; he symbolizes the people, but he also runs their government.[8]

The President of the United States of America is, without question, the most powerful elected executive in the world. He is at once the chief formulator of public policy as embodied in legislation, leader of a major political party . . ., chief architect of American foreign policy . . . . And his power and responsibility are increasing.[9]

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Then, too, there is a tendency among textbook writers to underline the vast resources available for presidential decision-making. Extensive arrays of "experts," strategic support staffs and intelligence systems are pointed out. There follows a lengthy listing of a National Security Council, a Bureau of the Budget, and Office of Science and Technology, a Council of Economic Advisors, expanded White House staffs, and so forth. To the teenager or young adult, these discussions cannot help but convey the impression that a president must have just about all the inside information and sage advice possible for human comprehension. A casual reading of such chapters fosters the belief that contemporary presidents can both make and shape public policy directions and see to it that these public policies *work as intended*. Why not? For he is pictured as unusually well informed and constantly surrounded by this nation's ablest "experts."

The conviction that the "president knows best" and that his advisory and information systems are unparalleled is easily encouraged by passages such as the following taken from a leading American government text:

The President has not only the authority but the *capacity* to act. For example, he has at his command unmatched sources of information. To his desk come facts channeled from the entire world. Diplomatic missions, military observers, undercover agents, personal agents, technical experts gather tons of material which are analyzed by experts in the State Department and elsewhere. Since the President draws on the informed thinking of hundreds of specialists, his pronouncements have a tone of authority. The President and his experts are sometimes wrong, and many gaps appear in their information, but his sources of information give him a clear advantage over Congress.[10]

The capacity of the presidency for systematic thinking and planning is similarly described as awesome and powerfully suited to the challenges of the day. James M. Burns, for example, gives us this view:

Presidential government is a superb planning institution. The President has the attention of the country, the administrative tools, the command of information, and the fiscal resources that are necessary for intelligent planning, and he is gaining the institutional power that will make such planning operational. Better than any other human instrumentality he can order the relations of his ends and means, alter existing institutions and procedures or create new ones, calculate the consequences of different policies, experiment with various methods, control the timing of action, anticipate the reactions of affected interests, and conciliate them or at least mediate among them.[11]

This same theme is also outlined in Theodore White's *The Making of The President 1960*, which often is used as a supplementary text:

So many and so able are the President's advisers of the permanent services of Defense, State, Treasury, Agriculture, that when crisis happens all necessary information is instantly available, all alternate courses already plotted.[12]

Elsewhere in his prolific writings, White pays lavish tribute to America's "action-intellectuals," whom he designates as the "new priesthood" of national policy making. These select White House aides and presidential advisors recruited from prestigeous universities and research centers are credited with being a benign and "propelling influence" upon our government: "shaping our defenses, guiding our foreign policy, redesigning our cities, reorganizing our schools. . . ."[13]

Clinton Rossiter wrote one of the most lucid venerations of the American presidency. In the *American Presidency*, published in 1956, though still one of the most widely read introductory analyses of presidential leadership, he views the presidency as a priceless American invention which has not only worked extremely well but is also a symbol of our continuity and destiny as a people. His treatment is sympathetic and optimistic:

Few nations have solved so simply and yet grandly the problem of finding and maintaining an office or state that embodies their majesty and reflects their character.

There is virtually no limit to what the President can do if he does it for democratic ends and by democratic means.

He is, rather, a kind of magnificent lion who can roam widely and do great deeds so long as he does not try to break loose from his broad reservation.[14]

Rossiter's rich prose and analogies can hardly reduce his readerships' awe and admiration, if not exactly reverance for the presidency. He was both fully aware of his own biases and seemingly quite convinced that the myth of presidential greatness and grandeur is to be cultivated. Hence, he could write about the Lincoln legacy:

Lincoln is the supreme myth, the richest symbol in the American experience. He is, as someone has remarked neither irreverently nor sacrilegiously, the martyred Christ of democracy's passion play. And who, then can measure the strength that is given to the President because he holds Lincoln's office, lives in Lincoln's house, and walks in Lincoln's way? The final greatness of the Presidency lies in the truth that it is not just an office of incredible power but a breeding ground of indestructible myth.[15]

One of the best respected specialized treatments of the presidency is Richard E. Neustadt's *Presidential Power* (1960). Neustadt's point of view countered much conventional wisdom about the presidency by stressing the highly political administrative-bureaucratic context in which presidents must operate and the obstacles posed to presidential directives by Washington empire-builders. Yet Neustadt, at least in this earlier work, is also seemingly committed to much of the conventionally outlined textbook presidency norms.[16] He assumes that presidents can and should be powerful engines of change. Neustadt's recommendations aim to strengthen the presidency by protecting his options and enhancing his personal influence.

Neustadt applauds the FDR ideal type and details possible strategies that might promote similar presidential performance. While diagnosing the operational hazards of certain presidential influence tactics, he calls attention to critically important "personal" attributes necessary for effective presidential leadership. "The men who share in governing this country frequently appear to act as though they were in business for themselves. So in a real though not entire sense, they are and have to be."[17] In this latter sense, Neustadt actually elevates the image of a "proper" presidential performance to yet a higher stage of expectations. Hence, though sensitively dealing with the problematic variables involved in presidential bargaining, Neustadt's portrait of the presidency does little to reduce the image of a potentially powerful independent architect of United States public policy. And in many ways, his volume is a singularly period-piece treatise which indicts Dwight Eisenhower for failing to honor the power oriented activist-purposeful text ideal.

Had Eisenhower been more purposeful as President his own sense of direction might have come to the rescue of his power sense. Occasionally this seems to have occurred, but not often. His purposes were not well suited to the task . . . Eisenhower's purposes seem tangible enough to have kept such a man in motion without being so precise as to impel him down blind alleys or to turn him against history. Their very imprecision, though, made them unsuitable to sharpen a dull power sense. If anything, they dulled it more. Eisenhower often seemed to mistake generalities for concrete undertakings; when he did pursue a concrete aim he often seemed to lose sight of his broad objectives.[18]

It is as though he was rescuing and reclaiming the New Deal presidential image *and* the textbook presidency from the Eisenhower Reformation.

Recently written or revised government textbooks similarly emphasize the importance of personal attributes:

The President's values, his qualities of character and intellect, his capacity for leadership, his political skills, his definition of his own role, and the way he performs it—*these are fundamental determinants* of the working of the American government and of American Politics.[19] [italics mine]

There is little doubt that emphasizing the President's personal qualities helps to capture the attention of student learners. And, the linkage between personal style and presidential policymaking, though frequently subtle, can sometimes be important. Major methodological difficulties exist however, and though social scientists are unable to demonstrate with any degree of confidence that a president's personality or style is irrelevant, they are equally at a loss to show the degree and type of connection between such factors and major policy change or non-change.[20]

Not surprisingly, this personalization of the presidency also is reflected in a great deal of campaign rhetoric. Presidential candidates go to a considerable length to stress how personally courageous and virtuous a president must be. Nelson Rockefeller's (1968) litany of necessary qualities is as exaggerated as anyone else's:

The modern Presidency of the United States, as distinct from the traditional concepts of our highest office, is bound up with the survival not only of freedom but of mankind. . . The President is the unifying force in our lives. . . .

The President must possess a wide range of abilities: to lead, to persuade, to inspire trust, to attract men of talent, to unite. These abilities must reflect a wide range of characteristics: courage, vision, integrity, intelligence, sense of responsibility, sense of history, sense of humor, warmth, openness, personality, tenacity, energy, determination, drive, perspicacity, idealism, thirst for information, penchant for fact, presence of conscience, comprehension of people and enjoyment of life—plus all the other, nobler virtues ascribed to George Washington under God.[21]

John Kennedy as presidential candidate similarly stressed the crucial personal requisites of a potential president. Certain men, he claimed, could so enjoin the nation's best inclinations that these United States could and would "move forward" and he promised to be that type of individual:

The President of the United States is the key office, and only the President of the United States can mobilize the resources of this country so that we begin to move ahead again. . . .[22]

I stand in the tradition of great Democratic Presidents who in this century moved this country forward, Woodrow Wilson, Frankin Roosevelt and Harry Truman, and we are going to do it again in 1960.[23]

Both the Rockefeller and Kennedy statements are in full accord with the post New Deal textbook orthodoxy.

The personalized presidency is also a central feature of contemporary political journalism, and no journalist does more to embellish this perspective than Theodore White. His "Making of the Presidents" series not only enjoys frequent university use but additionally serves as presidency "'textbooks"

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for millions of adults who savor White's "insider" explanations of presidential election campaigns.

White's unidimensional concentration on the presidential candidates, their styles and personalities promotes a benevolent if not reverential orientation toward the American presidency. White's narrative histories of American political campaigns have an uncanny way of uplifting and seducing the reader to watch and wait an election's outcome with intense concern—even though the books are published almost a year after the event. His melodramatic style ferments great expectations and a heightened sense of reverence for the eventual victor. At first there are seven or eight competing hopefuls, then four or five, penultimately narrowed down to two or three nationally legitimized candidates and finally—there remains just one man. Clearly the victor in such a drawn-out and thoroughly patriotic ritual deserves our deepest respect and approval. White subtly succeeds in purifying the victorious candidate: in what must be a classic metamorphosis at the root of the textbook presidency image, the men who assume the presidency seem physically (and implicitly almost spiritually) to undergo an alteration of personal traits.

On JFK's first days in the White House, 1961:

It was as if there were an echo, here on another level, in the quiet Oval Office, of all the speeches he had made in all the squares and supermarkets of the country . . . He had won this office and this power by promising such movement to the American people. Now he had to keep the promise. He seemed very little changed in movement or in gracefulness from the candidate—only his eyes had changed—very dark now, very grave, markedly more sunken and lined at the corners than those of the candidate.[24]

On Richard Nixon soon after his ascendency, 1969:

He seemed, as he waved me into the Oval Office, suddenly on first glance a more stocky man than I had known on the campaign rounds. There was a minute of adjustment as he waved me to a sofa in the barren office, poured coffee, put me at ease; then, watching him, I realized that he was not stockier, but, on the contrary, slimmer. What was different was the movement of the body, the sound of the voice, the manner of speaking—for he was calm as I had never seen him before, as if peace had settled on him. In the past, Nixon's restless body had been in constant movement as he rose, walked about, hitched a leg over the arm of a chair or gestured sharply with his hands. Now he was in repose; and the repose was in his speech also—more slow, studied, with none of the gear-slippages of name or reference which used to come when he was weary; his hands still moved as he spoke, but the fingers spread gracefully, not punchily or sharply as they used to.[25]

What, then, constitutes the recent textbook version of the American presidency? As always, any facile generalization of such a hydra-like institution is susceptible to oversimplification. Yet, the similarities of textbook presidency renditions far outweigh the nuances of disagreement. Surely some books are more sophisticated than others, certain propositions are given more stress here than there, but on balance more consensus than contention characterizes the introductory American presidency literature. Four summary propositions can be singled out: two of these accentuate the descriptive and expectational dimension of omnipotence; two others emphasize the moralistic-benevolence dimension. (These are suggested here as ideal type constructs for schematic purposes and as a group do not necessarily describe particular texts or text author orientations.) Taken together, this admixture of values, legend and reality comprise the textbook presidency of the past fifteen years.

Omnipotent dimension

1. That the president is the strategic catalyst in the American political system and the central figure in the international system as well.

2. That only the president is or can be the genuine architect of the United States public policy and only he, by attacking problems frontally and aggressively, and interpreting his power expansively, can be the engine of change to move this nation forward.

Moralistic-benevolent dimension

3. That the president must be the nation's personal and moral leader; by symbolizing the past and future greatness of America and radiating inspirational confidence, a president can pull the nation together while directing us toward the fulfillment of the American Dream.

4. That if only the right man is placed in the White House—all will be well, and, somehow, whoever is in the White House is the right man.

II. EXPLANATIONS FOR THE RECENT TEXTBOOK PRESIDENCY

Radio, TV, and the emergence of the United States as a strategic nuclear power have converged to make the presidency a job of a far greater prominence than it was during the Nineteenth and early Twentieth centuries. While this is readily appreciated, what is less understood is why have we been recently visited with such a decidedly idealized textbook version of presidential leadership? Additionally, there is a series of mutually reinforcing factors or circumstances which seem to promote the textbook presidency: (1) *human and cultural expectations* (e.g., a need for symbols and the reassurance that great men exist), (2) *political and electoral system values* (e.g., the desire for national stability and loyalty to national institutions, (3) *textbook author values* (e.g., to train citizens and celebrate the Roosevelt presidency, (4) *research methods* (e.g., limited access and data, etc. . . .), and (5) *institutional focus* (e.g., compartmentalism vs. comparative and contextual analysis).

(1) A first and somewhat general explanation for the textbook presidency is derived from the basic human and social tendency of belief in great men. Most people grow up with the expectation that someone, somewhere can and will cope with the major crises of the present and future. In the post New Deal, post Franklin Roosevelt era most Americans have grown accustomed to expect their presidency to serve this type of role. Who, if not someone like the president, is going to prevent the communists from burying us, pollution from choking us, crime and conflict from destroying our cities, etc . . .? Within the complexity of political life, the presidency serves a basic need of having a visible national symbol around, to which we can attach our hopes. Something akin to presidential cults exists in the United States today just as hero-worship, gerontocracy reverence and other forms of authority-fixation have flourished in most, if not all, larger societies.[26] Portraits of Washington, Lincoln, the Roosevelts and Kennedy paper many a classroom wall along side the American flag. While deification is presumably discouraged, something similar is a common side product during the early years of schooling. Thomas A. Bailey points out, "The American people are prone to place their Presidents—especially the dead ones—on a pedestal rather than under a microscope."[27] Dixon Wecter adds that we have a long tradition of this behavior and are just as persistent in it as most other peoples:

To some people, sainthood or godhead may seem terms too strong for description of American hero-worship. We like to think we are a hard-headed nation of realists. But our folk attitude toward our greatest heroes approaches the religious. We insist upon stainless perfection of our greatest idols—like Washington, Lincoln, Lee—and many of our biographers, seeking to make them into Christlike characters, have succeeded only in converting them into Sunday school prigs. This mould of perfection is set, and an attempt to break it is hotly resented by the majority.[28]

And, as the following quote illustrates, a textbook interpretation can generously generalize from past performances to a future of bright performance:

When Presidents are great heroes elected by a vast and vigorous majority, or when they are forced by a catastrophe and crisis to unexpected greatness, then the Presidency is as powerful as the sun, obscuring all other stars with its own light. But when neither heroic personality nor calamitous circumstances expands its influence, then it is only one star among many almost unnoticeable in a Milky Way. Yet through all this fluctuation one can discern a long-run trend of increasing brightness.[29]

Occasionally, in what appears to be a serious rejection of the traditional liberal textbook norms, we turn to men like Dwight Eisenhower and Eugene McCarthy who speak out against ambitious or possessive presidential leadership. Even these recent contemporaries, though, have subscribed to the notion that the presidency should be a place for high moral example and should serve to uplift, if not physically liberate the American people from their problems and weaknesses. Seeming contradictions are indeed present, but the underlying hallmarks of the textbook presidency remain; see, for example, Eugene McCarthy's 1968 campaign conceptions of the presidency:

The role of the President must be to unite the nation. But he must unite it by inspiring it, not unite it by just adding it up or piecing it together like some kind of jigsaw puzzle. Rather than trying to organize the nation he must try to encourage the common purpose of creating an order of justice in America. . . . He should understand that this country cannot be governed by coercion, and that it needs a special kind of leadership, which itself recognizes that the potential for leadership exists in every man and woman.[30]

On all but two occasions during the past seventeen years, the president of this nation has won the Most Admired Man contest conducted annually by the Gallup Polls.[31] The exceptions in 1967 and 1968 saw President Johnson lose out to former President Eisenhower. Mentioning this pattern of popular response to a recent conversation partner, I was informed that "If they were not the most admired men in the country they wouldn't have been elected president!" And his response is, I believe, a widely respected point of view in America. On the one hand we are always looking for reassurance that things will work out satisfactorily. On the other hand we admire the dramatic actions of men in high places who are willing to take action, willing to cope with the exigencies of crisis and uncertain perplexity. No political scientist has spoken of this in more lucid terms than Murray Edelman, who states:

And what symbol can be more reassuring than the incumbent of a high position who knows what to do and is willing to act, especially when others are bewildered and alone? Because such a symbol is so intensely sought, it will predictably be found in the person of any incumbent whose actions *can* be interpreted as beneficient or because their consequences are unknowable. . . .[32]

Because it is apparently intolerable for men to admit the key role of accident, of ignorance, and of unplanned processes in

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their affairs, the leader serves a vital function by personifying and reifying the processes.[32]

(2) A second reason for the textbook presidency lies in the very nature of the American political and electoral system. We elect a president by a small (often slim) margin, but after election he is supposed to speak for all the people. The textbook and school norms suggest that one can vigorously question a presidential candidate but not a new president; after the election, it is one's duty to unite behind the legitimized winner, since united we stand, divided we might not. The mood is one of beginning anew, of reasoning together, and of joining together with renewed support for both presidency and country. It is as though the president were the pilot of an aircraft with all of us as passengers—whether we like it or not. Hence, we have a stake in his success. "Give the man a chance!" To behave otherwise is either unpatriotic or smacks of "unsporting" partisan opposition. A losing party gets little sympathy during post-election periods—the time for complaints is at the next election, at least not during the first year or so while the present incumbent is trying hard to get on with the job.

Advancing some justification for our approach to teaching about the American presidency, some political scientists point out that childhood romanticists and deferential respect for the presidency may be a blessing in disguise for system stability and national order. Concluding a study of children's images of the presidency, Hess and Easton have argued that:

From the point of view of the stability of the American political structure, some such attachment early in life has positive consequences. As the child grows to adulthood, he is exposed to considerable debate and conflicts over the merits of various alternative incumbents of the Presidency and of other roles in the political structure. There is constant danger that criticism of the occupant will spill over to the role itself. Were this to occur under certain circumstances, respect for the Presidency could be seriously impaired or destroyed. But the data here suggest that one of the factors that prevents this from occurring is a strong parental-like tie with respect to the President's role itself, developed before the child can become familiar with the contention surrounding the incumbent of the office.[34]

Our system of adversary elections in which ambitious and competing hopefuls strive to outdo each other in their demonstration that they and not the others can do the best job is counterbalanced, then, by an institution of ritualistic unification. By viewing the presidential office and role as a national symbol of unity it absorbs much of the discontinuity and tension promoted in our often hectic and fragile electoral competitions. No doubt, college texts disabuse students of some of the more hyperbolic notions of presidential greatness. But apparently, textbook writers minimize the disunities and ambiguity of the electoral system and stick to the simpler option of emphasizing the symbolic and unifying functions of the presidential system.

(3) A third and important explanation of recent textbook orthodoxy is unmistakenly related to the commercial and political values of most text writers. Market considerations are hard to ignore and several text authors unabashedly cite commercial remuneration as their major incentive. The "Selling of a Textbook" may not be unrelated to a book's function and idealogical orientation.

Few text authors achieve a genuine value free detachment from contemporary political developments. In spite of their efforts to achieve scholarly objectivity, the imprint of author biases usually can be detected in the resulting analytical and normative images of presidential leadership. I am not suggesting that this is amenable to easy improvement or that it is entirely undesirable, merely that it appears to be a persisting phenomenon.

Most text writers would probably agree that introductory American government texts have two preeminent functions: (1) to instruct students and (2) to train citizens. Most textbook authors are motivated by the goal of training "good" citizens just as much as by the goal of instructing people about the realities of the highly competitive and often cruel world of national party and policy politics. But the training of citizens often emphasizes the socialization of students with the norms of a civic culture and the cultivation of respect for society's political institutions. More than occasionally, the instruction and training functions come into conflict. When this occurs, as one text writer told me, "the author almost invariably emphasizes citizen-training, usually at the expense of instruction." On balance, most authors willingly accept the assignment of combatting student cynicism and stress the practicality of our democratic system, pointing out the benefits, opportunities and possibilities of the American Dream.[35]

Moreover, most text writers identify with a liberal persuasion that places considerable faith in the possibilities of structural reforms and posit that better and faster reforms are more likely achieved through a vigorous presidency than through alternative institutions. One result of these values is that it is difficult to sort out and separate normative from factual discussions of the presidency. Text discussions of the presidency move back and forth from what is the case to what should or ought to be the case. And in general, disconcerting realities are deemphasized by the textbook authors (sometimes encouraged by their editors), and affirmation of the positive is the general norm. To stress the opposite might too directly contradict the commitment to the activist-heroic-performance portrait of the American presidency.

A Franklin Roosevelt halo-effect also characterizes most of the recent treatments of the presidency. Writers during the 1950's and well into the 1960's were children or young adults during the Depression years. Not infrequently, they became enlisted in one way or another in Executive Branch service to help fight or manage World War II. These times were unusual in many ways—including an extraordinary amount of attention paid to the way in which President Roosevelt employed the powers of the presidency. Moreover in the arena of national and international leadership, FDR upstaged all comers as he magnified the personal role and heroic style of a confident competent leader in the context of tumultuous times. The mantle of world leadership was passing to the U.S., beginning what some writers refer to as the American Era. Understandably these developments, especially the dramaturgy of the New Deal Presidency, affected soon-to-be written interpretations as well as popular images of the presidency.

There is some evidence to suggest, though, that an over-idealized view of the FDR years was to be a few years in coming—and in retrospect seems to have emerged with more clarity in the late Fifties and early Sixties. During the New Deal and soon thereafter text writers and presidency scholars such as Corwin, Herring, Hoftstadter and Laski offered a restrained evaluation of the presidency in general, and of the Roosevelt accomplishments in particular.[36] Perhaps a delayed reaction was at work—with members of the adult generation during the Roosevelt era less inclined toward hero idealization than a younger generation of writers who were at least once removed from the scene and many of whom may have been but junior officers during the last stages of the FDR command performance. It is also plausible that myths or attributed efficacy reached a peak well after Roosevelt was removed from congressional and journalistic scrutiny. In any event, it would be practically twenty-five years before Roosevelt's secure textbook reputation would be called into question by countervailing textbooks.[37]

(4) Another and fourth reason behind "the textbook presidency" lies in the modes of analysis employed by the typical textbook writer. Normally, the text author relies on some combination of the public record, prior texts, presidential cabinet and White House staff memoirs and some interviewing of Washington officials. Newspaper and magazine commentary are used as supplemental sources. Reliance on such sources usually will encourage a positive orientation. For those who have worked closely with presidents are unlikely to downgrade the importance or the dignity of their experiences. On the contrary, as Ted Sorensen once observed (before he wrote *Kennedy* and *The Kennedy Legacy*), "The inaccuracy of most Washington diaries and autobiographies is surpassed only by the immodestry of their authors."[38] As a general rule, former members of the White House "inner circles" are modest neither about their own role nor in their claims for the strengths and virtues of their presidents. Literate members of the White House press corps, referred to by some presidents as their "Newspaper Cabinet" are similarly afflicted. To preserve their access, which in turn is a requisite for their economic survival, they treat presidents graciously and not infrequently become victims of White House largess or calculated image management. Then, too, to the inquiries of the outside academic, insiders may not necessarily "tell it like it is"; many have a tendency toward forgetfulness about those plans or strategies that did not work and sometimes unwittingly will embellish the record with exaggerations of presidential and personal performances. And discussion of mistakes, uncertainties, short cuts and foul play is, more often than not, "off the record," if discussed at all.

Coming to the defense of journalists in general, and Theodore White in particular, political scientist Andrew Hacker has set forth the following reasons for sympathy and tolerancy;

White's profession . . . demands that he refrains from antagonizing those whose hospitality he must have if he is to report the inside story of future campaigns. . . . Somehow this aspect of White's reporting does not bother me as much as it does others. I am not taken in by his claims of statesmanship for every journeyman politician, and I doubt if many of his readers are either. Most Americans are sufficiently sophisticated, even cynical, to have learned how to read between the lines.

At all events, if we are going to have the White series—and no one has suggested that it does not fill a very real gap—then we are going to have to put up with his overgenerous evaluations and his cheerful tolerance of mediocrities.[39]

While Professor Hacker may not be taken in by White's presidency views, I am less optimistic about the general American public. White's kindness toward presidential candidates and the presidency, for whatever reasons, surely contributes to a greater "distance" between public and presidency. Distance or "space" for dignity purposes may well be a positive good. But distance that lessens the possibility of dialogue and criticism can contribute to an undesirable leader-led communication gap.

Another methodological problem is an overreliance on case studies of international crises and domestic emergencies. Studies of Roosevelt's first hundred days, Truman's decision to drop the A-bomb, enter Korea and create the Marshall Plan, Eisenhower's summit conferences, and Kennedy's Cuban mis-

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sile blockage and steel price rise "victories" come to mind. To be sure, this type of focus permits an exciting introduction to the world of presidents and presidential behavior. Moreover, documents, press accounts, memoir material and the like are more available. But to study presidential performance only in the context of crises is usually to magnify the job and the man at the expense of other major policy determinants.

(5) A related and fifth reason for the textbook president image is best understood by examining the structure of textbooks. In the large introductory American government texts, students are being exposed to the whole spectrum of political institutions and processes. Almost always, textbook authors choose to treat each institution separately—hence there may be one chapter on the constitution, another on elections, perhaps a chapter for political parties and interest groups, two on Congress, one on the Courts, and so forth. Unfortunately, the resulting compartmentalism often gives the impression that the processes and the people who populate these institutions are not only distinctly different but also largely unrelated. Although a text may give some attention to the role of the interest groups and lobbyists, only scant mention will be made of these groups and their activities in relationship to the presidency. Likewise, there will be little attention paid to the way federal bureaucrats or mayors and governors become involved in presidential policy implementation.

But more important than the spatial compartmentalism, for naturally certain topics must receive some type of separate treatment, is the tendency for the argument in one section to be unrelated to arguments in other sections. For example, chapters on interest groups may emphasize various positive and functional activities of such groups perhaps stressing the informational and representational role that are thereby performed. A chapter on political parties may stress the multiple opportunities for political participation and the relatively high degree of openness for citizen involvement in the selection of public officials and so forth. Then comes a chapter or two on the presidency that stresses the centrality of the presidency and its paramount role in initiating and making public policy work. Here the student may quite reasonably get the impression that national policy is almost entirely the product of a president and a small few of his intimates, or alternately of a few select national officials along with the president's consent. Only the presidents can slay the dragons of crisis. And only Lincoln, the Roosevelts and Wilson or men of that calibre can seize the chalice of opportunity, create the vision, and rally the American public around that vision. The end result may leave the student quite confused if not ignorant about the complex transactions, interrelationships and ambiguities that more correctly characterize most national policy developments.

III. THE TEXTBOOK PRESIDENCY: SOME CONSEQUENCES

The "textbook presidency" may appear simple and useful to many, or it's oversimplification may strike many people as quite amusing, but in all probability we pay a price, however unwittingly, for the way texts have over-idealized the presidency. It is difficult, though, to separate out the impact of traditional loyalty to the policy and awe of great leaders from the reinforcing influences of the textbook images of presidential performance. Admitting at the outset that I am not about to sort out the former from the latter, I instead merely suggest some of the probable consequences of the textbook presidency and let the reader decide for himself the degree of validity of the argument.

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Most, if not all Americans now believe, along with Theodore and Franklin Roosevelts' celebrated assertions, that the presidency is a "bully pulpit" and preeminently a place for *moral* leadership. Few of our citizenry wince at reporter James Reston's observation that—"the White House is the pulpit of the nation and the president is its chaplain." British Prime Minister Harold Macmillan, however, could quip—"If people want a sense of purpose, they should get it from their archbishops."

Americans now look toward their presidents to articulate national goals, unite the nation, explain the state of the nation—or the "state of the world"—forecast the future and protect us from alien ideologies. We are accustomed to regard our "sense of purpose" and pious presidential pronouncements as nearly one and the same. Richard Nixon's 1969 presidential inaugural was very much in this matrix as he invoked God five times and talked often of spirit and the nation's destiny:

> To a crisis of the spirit, we need an answer of the spirit.
>
> We can build a great cathedral of the spirit.
>
> We have endured a long night of the American spirit. But as our eyes catch the dimness of the first rays of dawn, let us not curse the remaining dark, let us gather the light.
>
> Our destiny offers not the cup of despair, but the chalice of opportunity.[42]

Nixon's inaugural exhortations appear calculated to reclaim a pre-Reformation ecclesiastical mentor role, one that proclaims to lead us, if not exactly to a promised land, at least on a nationwide crusade of spiritual renewal. There are, of course, times and places that warrant political leaders to set high standards, chart out noble missions, raise morale and sustain national commitment.

But the trappings of religiosity, while temporarily ennobling the presidential personage may also run the risk of triggering unanticipated and undesirable consequences. Some presidents apparently feel the need to justify a particular strategy on the grounds that it is the moral and righteous course of action. But this moral emphasis can become elevated to a cause of more overblown courses of behavior. For example, Wilson's attempts to help set up the League of Nations became imbued with a highly moralistic fervor, but the moral environment that generated the commitment was allowed to expand, as Wilson's own role as the nation's preacher expanded, until there was virtually no room for a political negotiator, a non-moralist Wilson to transform the idea into a reality. Perhaps Herbert Hoover's apolitical moral and ideological commitment to rugged individualism similarly, inhibited alternative approaches in response to the Depression. Similarly, President Johnson's drumming up of moral and patriotic support for our Vietnam commitment probably weakened his subsequent efforts at negotiations in the languishing days of his administration because people could not believe he had changed his views.

Part of the problem is related to the way campaigns are conducted, and the intensive hard sell—or at least "oversell" seemingly demanded of candidates. Necessarily adopting the language of promise and sloganism, candidates and their publicists frequently pledge that they will accomplish objectives that are either near impossible or unlikely. Recall the early declaratory intentions of the War on Poverty, Model Cities, the Alliance for Progress, the war on behalf of safe streets, and an ambitious Nixon promise of underwriting "black capitalism." Lyndon Johnson's 1964 campaign illusion was that "we are about to send American boys 9 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves." [43] Much in this manner, Arthur Schlesinger described Robert Kennedy's view of the presidential role as one that: "has to be the active protector of the alienated groups, the tribune of the disinherited and the dispossessed; he had to be the active champion of racial justice and of civil peace; and if any President renounced these obligations, the country might well break up." [43]

The very frenzy of the campaign itself, including the excessive overselling, leads to the heightened expectations of the presidency. So much TV and newspaper time and attention are devoted to the campaign that this phenomenon alone could lead many citizens to expect the election to produce a messiah rather than a president. The net result, as pointed out by Anthony Howard of the *London Observer*, is cause for alarm:

> For what the nation has been beguiled into believing ever since 1960 is surely the politics of evangelism: the faith that individual men are cast to be messiahs, the conviction that Presidential incantations can be substituted for concrete programs, the belief that what matters is not so much the state of the nation as the inspiration-quotient of its people.[43]

Then there is a typical first year grace period in which serious criticism is generally considered "off limits." This presidential "honeymoon" is characterized by an elaborate press build-up in which it appears as though we are trying to transform and elevate the quite mortal candidate into a "textbook president." For however long this lasts, the press and news media feature glowing human interest stories about the president and his family. Horatio Alger stories and "boy wonder" tales extolling the new president's unique skills and intuition fill the air. Early appointments to the cabinet and key agencies customarily elicit high praise and congratulatory press coverage. In what amounts to a predictable ritual of euphoric inflation of the new president's capabilities, his addresses and new proposals are generally greeted by acclaim: "bold," "courageous," "couldn't have been done by his predecessor," and so forth. (Occasionally, of course, this may be true—time in office can close options.)

But the Camelot of the first few hundred days of all presidencies fades away. Inevitably, the president seems to be putting certain party interests above national interest. Soon he may be discredited for not holding enough press conferences or for managing the news. The second round of appointments are questioned either as overt patronage or as unworthy of presidential imprimatur. Congressional committees prove recalcitrant. Predictably, by the second year, reports are spread that the president has become isolated from criticism. And, in an era in which presidents reaffirm the doctrine of American world responsibility, notwithstanding a Nixon-Guam doctrine, unsuccessful U.S. international entanglements are personally associated with the president.

The textbook presidency image may also influence the quality of civic participation. The moral leader to layman relationship is quite often viewed as a one-way street. If the president is our national chaplain (and his aides are our national counselors), how do we cultivate a democratic citizenry that is active and not passive, that may, on selective occasions, responsibly dispute this national moral eminence? Having been nurtured in the belief that presidents are personally powerful enough to end war, depression and corruption etc. . . , it is difficult for most average citizens to disagree strongly with their president no matter what the circumstances. Students are instructed that it is proper to state one's difference in a letter to Congressmen or even to the White House. But beyond these rather limited resources, the citizen-student is left alone and without a sense of personal efficacy. Due to the almost assured deference and relative

lack of opposition, American presidents can expect at least a five-to-one favorable ration in their telegram and mail response, and usually a three or two-to-one ratio in national opinion poll responses (this latter ratio usually being a function of length of time in office) about their handling of the presidency.[44]

There are, of course, those who engage in protest, perhaps trying to discredit presidential claims, perhaps trying to weaken the incumbent president in hopes of obtaining a more suitable leader (more like the textbook version!) at the next election. But protestors, vigil participants and other demonstrators against the presidential mystique get dismissed by large numbers of Americans as "self-righteous and unpatriotic critics," "nervous nellies," or "effete snobs." The "love it or leave it" sloganism revolving around the preciousness of the American flag strikes a similar symbolic refrain.

Most popular is the choice of quietly (if not silently) rallying around the president and offering him permissive support, hoping by such action to strengthen his and the nation's resolve against whatever real or apparent challenges confront the nation. Another pattern of behavior, that of apathy and indifference, is selected by sober citizens who feel secure in the belief that "presidents know best." Thus, presidents can usually take it for granted that when major difficulties are faced, at least for a while, most Americans will support and trust their president, often tendering him even increased support. It is difficult sometimes for Americans to differentiate between loyalty to president and loyalty to nation. As a result, presidential popularity or so-called presidential public support comes not only from those who feel the president is right, but is measurably inflated by those who, regardless of policy or situation, render support to their president merely because he is their president, or because he is the only president they have.

Presidents and press alike might be well advised to deescalate the frequency and extent to which they claim that the American people (or "the great silent majority of middle Americans") "are strongly behind the president on X policy matter!" *This may or may not be the case* regardless of the polls and in all likelihood a substantial portion of the people really do not know much about the subtleties of the policy, and one suspects too that a large number of these would choose not to care about it if they did know.

As mentioned earlier, few people are inclined to protest the actions of their president. However, for those selecting to dissent, the recently conventional textbook-wisdom seems to encourage a direct personal confrontation with the president. If the president alone is so powerful and independent, it appears logical to picket the president, send highly critical telegrams to him, "March on the White House" and, if necessary, engage in more serious tactics aimed at "breaking the president." But this may be one of the least economical strategies. For breaking or changing presidents does not necessarily ensure any major shift in specialized policy sub-systems. Presidents cast as personally romantic and legendary figures are not only passionately supported, but, witness the frightening Secret Service records, they run the reverse risk of physical attack.[45] The list of presidents cut down or nearly cut down while still in office makes this abundantly clear. So, although the vast majority of Americans support and honor their president, presidents are prime targets for psychotics and alienated extremists of every category. Regrettably, presidents become "deeply loved" and "roundly hated," unduly worshiped and unduly feared as fortuitous or hard times are upon us respectively.

If the textbook presidency image has costs for quality of citizen relationships with the presidency, so also it can affect the way presidents conceive of themselves and their job. To be sure, the reverence and loyalty rendered to a new president are a rich resource and no doubt are somewhat commensurate with tough responsibilities that come along with the job. But, at the same time, an overly indulgent citizenry can psychologically distort the personal perspective and sense of balance that are also a key requisite for the job of president. While I disagree with several of his observations, former presidential press secretary George Reedy's acrimonious criticisms of the monarchial trappings of the contemporary White House deserve attention.

The real question every president must ask himself is what he can do to resist the temptations of a process compounded of idolatry and lofty partiotic respect for a national symbol. . . . The atmosphere of the White House is calculated to instill in any man a sense of destiny. He literally walks in the footsteps of hallowed figures—of Jefferson, of Jackson, of Lincoln. The almost sanctified relics of a distant, semi-mythical past surround him as ordinary household objects to be used by his family. From the moment he enters the halls he is made aware that he has become enshrined in a pantheon of semi-divine mortals who have shaken the world, and that he has taken from their hands the heritage of American dreams and aspirations.

Unfortunately for him, divinity is a better basis for inspiration than it is for government.[46]

The quality of advice, intelligence and critical evaluation necessary to balanced presidential decision-making can also be adversely affected by too respectful an attitude towards the chief executive. If presidents become unduly protected or insulated, and if White House aides and Cabinet members tender appreciation and deference in exchange for status and accommodation then the president's decision-making ability is clearly affected, probably at the expense of society. As if to despair of any hope for constructive tension and criticism within White House staff operations, Murray Kemption has observed:

"The best of servants must end up being very like his master. The view is the same; you are looking out upon the countryside from a window of the Court." [47]

Yet, another serious problem with the textbook presidency portraiture is the tremendous underemphasis accorded to the roles played by policy elites and policy bearing interest associations. Just about every textbook includes a chapter called "Congress and the President," or vice versa, in which the student learns that a major function of Congressional behavior is to question and review presidential program requests, and in short, *not be taken in* by the president's overtures Implicitly, if not explicitly, the student gains the impression that Congressmen are supposed to assess and occasionally oppose presidential plans, whether these be taking over a steel mill, raising the taxes, increasing foreign aid, aiding education or whatever. It appears all very professional and proper; presidents are very powerful, they must run the country and solve our problems, fight crime, fear, and Communism, etc. . . . *but* this is a democracy, not a monarchy so we have institutions to ensure that presidential decisions are always in the best interest of the nation. As textbooks tell it—between elections—Congress, (and, to a lesser extent, the Supreme Court), serves as the nation's Insurance policy against executive ineptness or malfeasance.

Textbooks too often have ignored the role of policy elites (about which more will be said in Section V of this paper). The idealized view has it that presidents as policy architects are the lobbyists for all the people and remain steadfastly independent from all power elites whether they are comprised of upper economic classes or managerial, banking and civil-military professionals. It has been regarded as indecorum to point out that presidents are, on the contrary, quite dependent on political and policy elites both within and without the federal government. Apparently, textbook writers probably along with most political scientists during the 1950's and 1960's, defensively overreacted to the cabalistic "power elite" allegations of the late C. Wright Mills and similar critics of national political decision-making.

IV. CHALLENGING THE POST-NEW DEAL TEXTBOOK ORTHODOXY

The relatively sustained fifteen year ascendancy of the textbook presidency's idealized image of presidential leadership may soon be coming to an end. The marketplace of hypotheses and propositions about presidential leadership, which has been characterized by the near monopoly of the New Deal Presidency caricature is now opening to more vigorous competition. The general American public probably still believes in a variation of the presidency version portrayed in the texts. Skeptical or anti-textbook presidency views will take a while before appearing in standard textbooks. The result of this revisionism is as yet impossible to foresee. But I doubt whether the textbook image as we have recently known it will emerge unscathed from a growing list of critiques of liberal presidential government that are now coming into print. We are currently witnessing an apparent recrudescence of an interpretation of the presidency which holds that no one national political leader can galvanize a nation toward the easy achievement of altruistic goals. By no means are all these studies in agreement in either their theoretical interpretations of what has recently happened, or in their identification of the causes of the demise of the active-purposeful-progressive and powerful presidency. Nonetheless, most of these studies share a willingness to contradict, or at least revise, the earlier held textbook presidency views (which for their purposes often are images of the extended "New Deal Presidency") and to express considerable reservations about what the American presidency at this point in time can accomplish.

Little doubt there is that a principal factor in the tarnished image of the contemporary American presidency is directly related to public resentment over the incapacity of President Johnson to end the war in Vietnam. That war unquestionably divided this nation. Some felt it was immoral, others resented it because it was so costly to the private economy or competing domestic priorities, and still others viewed it as a major case of mismanagement and inefficiency. The war contributed measurably to the depletion of good will and deference which is usually accorded a man in the White House; it had the side effect of simultaneously kindling gaps in presidential credibility and communications. Listen, for example, to three former members of the Johnson Administration explain what they believe took place:

From an Assistant Secretary of State:

"No government is ever more than partially responsive; every government is able to hear some people better than others. But the curious fact about the American government recently has been its distance from, its slow reaction to, massive movements of sentiment and opinion. It seems to be listening mainly to itself." [48]

From a White House Staff member:

"Central to any long-range judgment of the Johnson Administration is the Presi-

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dent's decision to commit large-scale American combat forces in the Vietnam War. I happen to be among those who became convinced that the action was a grave mistake, unnecessary for the national security, inconsistent with a mature American foreign policy, disruptive of our world leadership, destructive of urgently needed domestic programs, and dubious in terms of the American tradition of Judeo-Christian morality."[49]

From an Under Secretary of the Air Force—Department of Defense:

"Much of the sense of disconnection, alienation, and simple distrust enshrouding the Vietnam war seemed to derive from the irreconcilability of a political policy described as one of strictly limited objectives and a military policy of ever-increasing, apparently unlimited, means."

The President, himself, sustained by a shrinking circle of true believers, still seemed confident that his goals and methods would ultimately be vindicated. Yet he was a poignant figure: prideful, bellicose, unpopular, a man who could no longer be certain of a friendly audience except at a military installation; beleaguered by an incredulous press, an alienated youth, and an uneasy general public.[50]

By summer 1967 President Johnson's popularity in the Gallup Polls fell into the thirty percentiles and an amateurishly organized "Dump Johnson" movement soon took on bandwagon proportions as it succeeded in rendering the president into a political casualty of the war in Vietnam. A restlessness and impatience among the general public replaced a tolerant permissive mood of benign indifference. Along with President Johnson's demise, came the crystallization of an ill defined popular view that the U.S. was trying to do too much overseas at the risk of humiliating ourselves abroad and undermining the fabric of society at home. A chorus of spokesmen began to urge a reordering of priorities to accentuate domestic justice and social action concerns over international policeman activities. Eventually, even President Nixon, an otherwise partisan internationals, would join in by announcing his Guam Doctrine (sometimes referred to as the Nixon doctrine) which declared that the U.S. would no longer intervene in the affairs of other nations unless genuinely invited to do so and had the inviting nation's all out commitment to fight for it's own self-determination. Semantics aside, Nixon was speaking to the emerging consensus that craved to avert a repetition of our Vietnam misadventures.

Vietnam was not the only signal that we had overextended and overreached in our efforts to establish world order and promote the self-determination of free nations. Most examinations of the celebrated Alliance for Progress toward the end of the decade indicate that the goals of that program were dramatically beyond the scope of feasibility. Expectations in this area have constantly been revised downward until the Alliance for Progress has become a notable embarrassment. Elsewhere too, the prospect of U.S. involvements had met with frequent unanticipated consequences and, in general, the reappraisal that the U.S. should attempt to do less and do that with far greater simplicity and sensitivity.

An excellent case in point is Richard Neustadt's thoughtful analysis of *Alliance Politics* published in mid 1970.[51] In seeming contrast to his argument in *Presidential Power* of ten years earlier, at which time he implied that a strong-progressive-activist presidency would be the best antidote to the difficulties of our highly pluralistic system, Neustadt comes to the point of view that we would do well to reduce expectations and work harder at accomplishing limited objectives. His examination of U.S.-British relations in the Suez and Skybolt cases observes that our national leadership in the Fifties and Sixties was severely inhibited by costly misperceptions and ill-founded expectations.

Our contemporary "big" bureaucracy in national security affairs, so-called, is a blunt instrument. On the record of the past it is effectively responsive to blunt challenges when gripped by a blunt policy. Its character was shaped in World War and in Cold War. Yet the era of such challenges now seems to be behind us. Blunt policy no longer serves. Subtlety, however is a thing for which this instrument was not designed, with which I have my doubts that it can learn to cope. What remains? Simplicity.

Simplicity consists in limiting our claims on other governments to outcomes reachable by them within a wide range of internal politics, under a variety of personalities and circumstances. These are outcomes which do not depend for their achievement on precise conjunctions of particular procedures, men, and issues. Thereby accurate perception of the other side's concerns is simplified down to the point where our officials should be capabale of accuracy enough for influential action.[52]

To judge from multiplying analyses of the Great Society years, U.S. foreign policy troubles are only contributing factors to the emerging orthodoxy of distrust of presidents and central government alike. A growing list of writers have come forth with strident critiques of New Deal—Great Society liberalism. Banfield's *The Unheavenly City*, Drucker's *The Age of Discontinuity*, Hacker's *The End of the American Era*, Lowi's *The End of Liberalism*, and Moynihan's *Maximum Feasible Misunderstanding* are representative of this genre.[53] Gone is the view that the American presidency is the preeminent source of wisdom or benevolence; absent is the assumption that a strong presidency and central government can pass laws and allocate funds for the effective resolution of major "people" problems—e.g., housing, education, health, poverty, etc. These and similar studies display a suspicious, if not cynical, skepticism and suggest that more often than not the federal government's efforts deepen or exacerbate the problems it seeks to solve. Richard Rovere captures the intensity of this countervailing mood when he writes:

Indeed, in this period of discord, one of the few propositions that some kind of national unity might theoretically be built around is distrust and dislike of the central government . . . in general the disaffection is firmly grounded in recent history, and a solid case can be made that the federal government is today, as [Robert] Taft held it to be several decades ago, an incompetent and overextended agency promoting public policies for a nation that has grown too large and diverse for its own well-being.[54]

Many of the recent critiques of national leadership in American life speak only indirectly about the inadequacies, or unrealistic expectations of the presidency. By implication, though, the problems of the centralized government become attributed to the presidency, much in the manner that we evaluate and personalize the wins and losses of football teams as a function of the merits of their respective quarterbacks. In reaction to the New Frontier and Great Society efforts, most of the currently fashionable criticisms conclude that what is needed is not a more vigorous and dominant presidency, but rather some type of decentralization of political authority and deescalation of public commitments. (Again, I need stress that this is not the unanimous view but it is the general tendency in most of these studies.)

This questioning of textbook presidency orthodoxy is as healthy as it is tentative. New emergencies or innovative breakthroughs by the incumbent Administration (e.g., a successful ending of the Vietnam war of an effective solution for inflation) would measurably lessen the extent to which these views become accepted as new orthodoxy. A crude but illustrative list of many of the newly offered recommendations are as follows:

Lower the expectations of what the presidency and a centralized government can accomplish.

Debureaucratize the federal establishment.

Regionalize federal programs wherever feasible.

Reprivatize as many of the federal activities as possible.

Make clear that interest group participation in national decision-making carries with it some high costs in terms of equity and efficiency.

Begin large-scale revenue sharing with states and localities.

Encourage metropolitan and regional governmental units to assume more service responsibility for their varying areas.

Get the federal government out of social action programs by means of an income strategy, family assistance program, and various tax credit provisions.

Do only that which you can do well!

As though Vietnam mattered not in the least, many of these treatises attack the way in which post-New Deal federal government designed and administered domestic and economic programs. Value-free commentary this is not, but neither are the overly indulgent textbook presidency interpretations. Most of the authors explicitly favor different types of processes and different sets of policies and quite willingly make known their disaffection with the recently experienced New Deal encore. These books generally reflect a politics of impatience not unlike that embraced by growing numbers of radical intellectuals and discontented university students. To some extent this disaffection with central government also converges with a conservative businessman's dislike of big government.

Five illustrative propositions can be culled from these efforts to exorcise some of the exaggerations from the textbook orthodoxy.

(1) that politicians have exaggerated the existence of real problems and have stirred up unrealistic and overly altruistic expectations of what governments can do.

(2) that presidential advisers are guilty of not knowing what they were doing and have misled presidents as well as the nation.

(3) that interest group liberalism as it has developed since the New Deal inhibits national decisional processes to the extent that the government cannot plan or govern by just laws.

(4) that bureaucracy and inept governmental administrative processes make it next to impossible for presidents to execute even the best of their policy intentions.

(5) that the American people have become so self-centered and tired of an aggressive, progressive government that they now reject any presidential or governmental effort which would exact genuine personal sacrifices or increases in taxation.

Without passing critical judgment on each of them, I will briefly comment on them and identify one of their more prominent recent sponsors.

Frist, Edward Banfield's important and controversial book—which disputes many of the major assumptions of the Great Society and the purposive-progressive presidency image highlights the notion that politicians have stirred up too much alarmist commotion and, in the process, triggered too much naive social altruism. He writes:

The politicians, like the TV news commentator, must always have something to say even when nothing urgently needs to be

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said. If he lived in a society without problems, he would have to invent some (and of course "solutions" along with them) in order to attract attention and to kindle the interest and enthusiasm needed to carry him into office and enable him, once there, to levy taxes and do the other unpopular things of which governing largely consists. Although in the society that actually exists there are many problems, there are still not enough—enough about which anyone can say to do anything very helpful—to meet his constant need for program material. Moreover, the real and important problems are not necessarily the ones that people want to hear about; a politician may be able to attract more attention and create more enthusiasm—and thus better serve his purpose, which is to generate power with which to take office and govern—by putting real problems in an unreal light or by presenting illusory ones as if they were real.[55]

A second school of critical thought, popular now among liberals as well as conservatives, is that the federal government's capacity to design and evaluate programs is woefully inadequate. Many critics believe the Great Society programs were not only fashioned in a haphazard manner but actually prohibit any sensible management or monitoring procedures. The presidential advisory system is viewed as inadequate and the government's performance as a policy analyst is categorized as amateurist. Not a few members of the Kennedy-Johnson political entourages are among those who have cast these criticisms upon the recent Administrations. Among them is Daniel Moynihan, who is not only quite willing to throw the first stones but also willing to return to the very policy planning fields (albeit under Nixon) to try his own hand once again. Here is his indictment of the Johnson Administration's formulation of the "War on Poverty" and particularly its community action agencies:

. . . during these years in Washington a good many men in the anti-poverty program, in and about the Executive Office of the President, and in the Congress, men of whom the nation had a right to expect better, did inexcusably sloppy work. If administrators and politicians are going to play God with other persons' lives (and still other persons' money), they ought at least to get clear what the divine intention is to be . . .

This is the essential fact: *The government did not know what it was doing.* It had a theory. Or, rather, a set of theories. Nothing more. The U.S. Government at this time was not more in possession of confident knowledge as to how to prevent delinquency, cure anomie, or overcome that midmorning sense of powerlessness, than was it the possessor of a dependable formula for motivating Vietnamese villagers to fight Communism.[56]

Then we have Theodore J. Lowi's broadside condemnation of interest-group-pluralism as it has been practiced in recent post New Deal years. His argument is that a governmental decision process based upon informal bargaining among well organized special interests may well have been a virtuous necessity during the emergency years of the 1930's, but is today a deleterious and debilitating method of policy decision making. Not only are the unorganized left out of all policy making equations, but the standards of justice and respect for law deteriorate amid an informalism of semi-feudal negotiations among those who can adjust the laws to their own advantage and profit. Lowi's description of some of the negative side products of aggressive liberal presidential government deserves a careful reading. Despite the abstractness of some of his prescriptions, his contrary view of the liberal democratic consensus orientation offers a serious challenge to prevailing textbook orthodoxy. The two excerpts below only begin to give some of the flavor of the Lowi point of view.

Interest-group liberalism renders government impotent. Liberal governments cannot plan. . . . The Departments of Agriculture, Commerce, and Labor provide illustrations, but hardly exhaust illustrations, of such impotence. Here clearly one sees how liberalism has become a doctrine whose means are its ends, whose combatants are its clientele, whose standards are not even those of the mob but worse, are those the bargainers can fashion to fit the bargain. Delegation of power had become alienation of public domain—the gift of sovereignty to private satrapies.[57]

The operative principles of interest-group liberalism possess the neutrasity of a world universalized ticket fixing: Destroy privilege by universalizing it. Reduce conflict by yielding to it. Redistribute power by the maxim of each according to his claim. Reserve an official place for every major structure of power. Achieve order by worshipping the processes (as distinguished from the forms and the procedures) by which order is presumed to be established.[58]

A fourth critique of activist-progressive-presidential government is a variation of the classic businessmen's criticism of big government. Management analyst Peter Drucker's modern revival of these themes, so we are told, became a well read and frequently mentioned guidepost for the White House staff during the early Nixon presidency. Drucker nostalgically recalls that not long ago men like Franklin Roosevelt and Winston Churchill could "get things done" because they possessed strong convictions, could mobilize public vision and were willing to lay down specific policy directions. Drucker tells us that possession of such qualities today is no longer sufficient for successful national leadership. Indeed, he suggests that John Kennedy, for example, was clearly a "strong" president in this traditional sense, but nonetheless was "a singularly ineffectual" one.

John Kennedy had all the strength of conviction and all the boldness of a "strong" president; this is why he captured the imagination, especially of the young. He had, however, no impact whatever on the bureaucracy.[59]

Drucker identifies the antagonist, in no uncertain terms. He asserts that modern government is ungovernable and that executive leadership has lost control of its bureaucracy and its various agencies. His critique is worth quoting in detail for it embodies a popular image of what some call the new machine of public employee pluralism:

Government agencies are all becoming autonomous, ends in themselves, and directed by their own desire for power, their own rationale, their own narrow vision rather than by national policy and by their boss, the national government.

This is a threat to the basic capacity of government to give direction and leadership. Increasingly policy is fragmented, and policy direction becomes divorced from execution. Execution is governed by the inertia of the large bureaucratic empires, rather than by policy. Bureaucrats keep on doing what their procedures prescribe. Their tendency, as is only human, is to identify what is in the best interest of the agency with what is right, and what fits administrative convenience with effectiveness. As a result the welfare state cannot set priorities. It cannot concentrate its tremendous resources, and therefore does not get anything done.[60]

In a fifth recent critique, Andrew Hacker offers the somewhat gloomy appraisal that despite all textbook pronouncements about the need for meaningful leadership, the American people are neither willing nor able to be led. He suggests that the recent failure of national leadership can be explained by the distinctively selfish mood of our contemporary citizenry, most of whom have apparently tired of purposive leadership calling for sacrifice. Sacrifice translated into the language of the common man reads higher taxes and a government which tells you far too much about what you can do and what you cannot do. Hacker's conclusions unmistakenly suggest that the performance of the American presidency is a function of its following or its constituency and the latter are now largely uninterested in the collective pursuit of noble goals that run counter to personal satisfactions. Hacker in *The End of the American Era* goes further than many recent critics, for he does not foresee any resuscitation of the ideals embodied in textbook presidency interpretations and observes, in addition, that the American nation has lost its credentials as a teacher of moral lessons.

America has become an ungovernable nation whose inhabitants refuse to regard themselves as citizens of a social order in which authority of government plays a principal role. While no society can be totally anarchic, the United States has as powerless a government as any developed nation of the modern world . . .

Much talk is heard, for example, of the need for purposive leadership. The argument runs that while the American people may be overly self-centered, this condition could be overcome by the emergence of leaders capable of inspiring the citizenry to personal sacrifices for public ends. Yet the fact remains that there arrives a time in a nation's history when its people have lost the capacity for being led. Contemporary Americans simply do not want—and will not accept—political leadership that makes more than marginal demands on their emotions or energies. Thus, for all the eloquence about the need for leadership, Americans are temperamentally unsuited for even a partial merger of personality in pursuit of a common cause.[61]

This digression into the world of countervailing interpretations of the presidency and national government will have been in vain if it conveys the impression that the textbook presidency is doomed for extinction and that upon the foundation of these current critiques a new textbook wisdom will rise. Not so and for a number of different reasons. Partly, the critics of recent presidents have themselves been influenced by idealized visions of what presidents are supposed to deliver. Hence in their harsh complaints of "failure" they in some ways add to the inflated expectations that surround the institution of the presidency.[62] Then, too, for each recent "reappraisal" or revisionist critique there exists at least an equal number of new texts or lectures from the James Restons, McGeorge Bundys and Arthur Schlesingers that there must be a restoration of confidence and commitment to the view of the presidency as "the central instrument of American democracy."[63] Lest this above section make too obscure the orthodoxy of the presidency ideal, listen to this 1969 Schlesinger version:

No one else represents the whole people; and the answer to the crisis of alienation surely does not lie in the weakening of the center. . . . If the President does not serve as the representative of the unrepresented it is hard to see where the excluded groups will find a connection with American society. One sees no other way of restoring the moral energy of American politics and of incorporating the grave forebodings and desperate urgencies of our time into the democratic process.[64]

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V. ALTERNATIVE PERSPECTIVES TO THE TEXTBOOK PRESIDENCY

To the relevant question "Is the textbook orthodoxy wrong or misleading if the American people believe it?," I have no adequate or felicitous answers. And lest this final discussion appear to be promoting an unrealistically sophisticated or rational treatment of the presidency, let me merely suggest that proper recognition of the exaggerations generated by the recent textbook presidency would itself be a significant service. I would, however, suggest that the following perspectives deserve more attention, testing and recognition in the contemporary textbook literature.

A. That while the American people generally do view their president as very important, trustworthy and somewhat powerful, they similarly affirm these qualities in other major American governmental institution. B. That much of the "policy" that presidents "formulate" and "implement" has in fact been inherited from pronounced party leanings, previous presidencies, and from Congressional incubation. C. That the presidency usually is more influenced by policy bearing interest elites (in and out of government) and the degree of permissiveness in public opinion than it is an influence upon these "forces." D. That the degree of influence of political institutions, including the presidency, is subject to ambiguously defined ebb and flow patterns, as is the support rendered those institutions. E. That presidential leadership operates within a framework of shifting value orientations, e.g., dynamic leadership vs. participatory representation, centralization vs. decentralization, and nation unity vs. regional and personal individualism, all of which are generally endorsed but are alternately emphasized or accentuated.

(A) Despite current pockets of anti-system, anti-national government dispositions, shared in varying degrees by radical students, southern conservatives and elements among the Black population, most people are proud of their president and think it matters a lot who becomes president. A national survey conducted in early 1969 indicated that close to 9 out of every 10 adult Americans considered that it "makes a lot of difference" to them who becomes president.[65] And again, contrary to the radical interpretation of current American politics that politicians cannot be trusted, most adult Americans believe that the president can be trusted "to do what is good for people like me." But, as indicated in Table 1 the general public places a similar, though not quite so great, trust in their Governors, U.S. Senators and Supreme Court. That the Court is slightly less trusted may be due to the fact that the people do not elect its members and are less able to hold it somewhat accountable. It may also be, as Alexander Bickel has recently suggested, that the public resents the subjectivity and overextended policy making activities of the Warren Court.[66] What is to be appreciated here, however, is that respect and deference toward the presidency is almost matched by public respect for other governmental institutions. The statistically significant differences are minimal and, one wonders, even these may partly be the result of the "presidential honeymoon." Americans, while trusting their presidency, apparently do not do so at the expense of lessened trust for alternative sources of government leadership.

In the same survey mentioned above a sample of adult Americans were asked whether the president or other government institutions had the power to get people to do what they wanted. This question, stated in bold terms, elicits a pretty fair indication of whether people think these institutions are *powerful* and *influential* in the strict sense of these terms.

TABLE 1.—ADULT AMERICANS' PERSPECTIVES ON THE TRUST OF GOVERNMENTAL INSTITUTIONS, MARCH 1969

Question: "X" institution can be trusted to do what is good for the people.

Institution X	Percentages (N=1504)				
	Agree	Undecided	Disagree	No opinion	Total
President	64	9	21	6	100
Governor of this State	58	9	27	6	100
U.S. Senators	54	9	30	7	100
Supreme Court in Washington	51	9	33	7	100

Source: National survey conducted by the Southeastern Regional Survey Project, Political Science Department, the University of North Carolina, March 1969.

For as Andrew McFarland suggests:

A leader may be defined as one who has unusual influence. Influence may be viewed as one's capacity to make people behave differently than they would have otherwise. A leader may also be defined as one who has unusual *power*. . . . When the leader successfully exercises influence, he causes change in human activity. When the leader exercises power, he causes manifest effects in human activity, i.e., . . . the leader causes changes that he originally desired."[68]

Forty percent of this sample of American adults agreed that the president could get almost anyone to do what he wanted him to. Though many readers may be surprised that even forty percent of the respondents affirmed this seeming presidential omnipotence, even if in an abstract sense, the data can also be interpreted as evidence that most adults reject a purist view of presidential omnipotence. (See Table 2.) Interestingly, the Supreme Court was viewed as equally powerful; governors and U.S. Senators were ranked as lesser agents of unrestricted power. Here again, it is to be appreciated that the president is not viewed as uniquely different in power terms from other national and state leadership institutions.

TABLE 2.—ADULT AMERICANS' PERSPECTIVES ON THE POWER OF GOVERNMENTAL INSTITUTIONS—MARCH, 1969

Question: "X" institution has the power to get almost anyone to do what he (they) want them to.

Institutions	Percentages (N=1504)				
	Agree	Undecided	Disagree	No opinion	Total
President	40	5	50	5	100
Governor of this State	26	8	58	8	100
United State Senators	22	8	61	9	100
Supreme Court in Washington	40	8	43	9	100

Source: National survey conducted by The Southeastern Regional Survey Project, Political Science Department, The University of North Carolina, March, 1969.

(B) Recent investigations into the origins and enactment of most New Frontier and Great Society legislative programs indicate that presidential initiatives in this era were greatly influenced, if not shaped, by the historic leanings of the Democratic Party. Programs such as medical care, federal aid to education and a more activist stand on civil rights had their roots in the Truman and Adlai Stevenson years. James Sundquist makes the point that most of John Kennedy's legislative program was in fact handed to him by Senatorial and partisan policy activists who had been affiliated with the presidential and progressive wing of the national Democratic Party during the Fifties:

"In any case, the Democratic program that was presented to the country in 1960 was truly a *party* program. The platform writers and the presidential nominee contributed emphasis, style, and form, but the substance of the program had been written with unusual precision and clarity during the eight years out of power—eight years that at the time seemed endlessly frustrating but were, it is clear in retrospect, extraordinarily fruitful."[70]

Much of the recent presidency literature suggests that Congress merely delays and amends that which it is presented—but basically is incapable of creative legislating or policy formulation. To the casual observer, the highly "successful" 89th Congress typifies the popular impression that it was the presidency who proposed and created while Congress merely ratified. A closer look at what actually happened suggests that this version of presidential-congressional relations is vastly overdrawn. For most of the Johnson legislation had been "incubated" in the Congress. Nelson Polsby defines the concept of policy incubation as "keeping a proposal alive while it picks up support, or waits for a better climate, or while the problem to which it is addressed grows."[71] This is not to say that getting a bill on a president's legislative agenda is not important—but rather to stress that often the best route to that objective is occasioned by a series of thoughtful congressional hearings and the sponsorship of a bill by respected senators who have already begun generating publicity and support for the "new" proposal.

Sometimes the presidency, and sometimes Congress, play the dominating role in initiating legislation. But the initiation as well as the enactment of virtually all major legislation in domestic and economic policy matters results from extensive "conversations" between presidency and Congress, and between both of these institutions and strategic interest groups.[72] To conceive of the presidency as representing the *national interest or general welfare* and Congress merely as the tool of *special* or *particularistic interests* is as naive today as it was thirty years ago when Pendleton Herring cautioned—"In fact presidential policy, however "pure" in motivation, must mean the promotion of certain interests at the expense of others."[73]

That no recent congressional session passed more (both qualitatively and quantitatively) social action legislation than did the 89th Congress makes it a most useful laboratory in which to test the notion of presidency-Congress interdependence. Happily, David Price has done so, and he concludes that Congress was a very instrumental partner—and more durable than is usually supposed.

Formulation, instigation and publication were widely shared function; executive resources were in many ways superior, but Congress often displayed greater flexibility and permeability. If it was wise for executive formulators to touch bases on Capitol Hill, it was virtually impossible for congressional formulators to proceed without the assistance of the bureaus already operative in the field. Nor was any publicizing move more important than securing a place for one's bill on the presidential agenda. But the case studies suggested that congressional activists had some advantages of their own. A proposal could become visible much more quickly in the legislative branch. This not only gave legislators and their staffs an incentive to assume the instigator role; it also made it likely that instigators from outside like Mrs. Lasker, Ralph Nader, and the oceanographers would seek congressional alliances. A legislator with a permissive chairman and access to committee resources could de-

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velop a proposal and get it into the newspapers with relative ease. Ideas rose to the top with more difficulty in the executive branch . . .[74]

One of the misleading indicators of presidential "power" is the so-called presidential "box-score" of legislative program successes and losses used by the *Congressional Quarterly* and other publications, and not infrequently incorporated into introductory texts. The impression often given is that the president is the super "pitcher," the independent, creative galvanizing impetus in the legislative process who usually gets his own way. The *Congressional Quarterly Almanac* reports, for example, that Lyndon Johnson had a 69% approval record in 1965 and a 56% record in 1968 and the story told is essentially the "Congress Acts Favorably on Johnson Requests."[75] Several cautions are necessary here. First, legislative measures are by no means equal in importance. Secondly, presidents are often quite skilled in tailoring their legislative program requests to the possibilities of passage. And much, if not most, of what a president does not achieve with Congress consists of what he does not attempt, rather than what he proposes but which does not pass.[76] Thirdly, presidents who help lay the foundation for later passage of an important innovation are not accurately rewarded by the box score calculations. For instance, much of what Presidents Kennedy, Johnson, and Nixon proposed and often got passed had been priority items or "back burner" second level aspirations of their immediate predecessors. Just the mention of the "Kennedy" Alliance for Progress, the "Johnson" War on Poverty and the "Nixon" Hunger Program recalls the ground work undertaken by the preceding administrations in these areas prior to the formalizations of these "new" national initiatives. Time in office can foreclose options and can erode political currency. And sometimes the opposition party, despite its ideological leanings, has more leeway to push a previously incubating but languishing policy measure onto center stage. In 1960 it was easier for *Democrat* Kennedy than *Republican* Eisenhower or Nixon to campaign on the issue of a nuclear missile capability gap. Likewise in 1969 *Republican* Nixon could somewhat more easily endorse and back an innovative, income strategy-welfare reform package with more political freedom than could a Humphrey or Johnson. In a slightly different but related manner, *Southerner* Lyndon Johnson had greater political leeway in championing new initiatives in civil rights legislation than did *Northerner* John Kennedy.

(C) In addition to the very real cue-giving influence of Congress upon presidential behavior, two other influences less well appreciated but invariably involved in presidential policy participation are (1) the centrist moderate moods of the American people and (2) the role of strategic policy elites. As partial evidence of the former, I will merely refer readers to the work of V. O. Key, James Sundquist, the recent work of Samuel Lubell and the joint volume by Richard Scammon and Ben Wattenberg.[77] Let me here dwell mainly on the latter.

The notion of strategic policy elites needs clarification. The question as to whether there exists a united "power elite" in the United States has been the subject of continuous and contentious debate in recent years, but the debate is less important now than the research which it has occasioned. As Lasswell has suggested "Government is always government by the few"; the salient concern for political inquiry is whether it operates "in the name of the few, the one, or the many?" What we need now is better identification of those policy interested individuals or groups who are especially cultivated, taken into account or consulted by important government officials. Government officials are unavoidably in the position of promoting certain interests or distributing certain opportunities at the expense of others. For example, what is the extent to which cohesive special interests have access to and help shape the more important decisions of executive branch officialdom?

There are those like C. Wright Mills or G. William Domhoff who argue that the upper social and economic class in the United States has an enormous influence on the way in which major decisions are made in this country.[78] Others like Lowi and Barton Bernstein suggest that specialized professional and industrial groups who are well organized and know how to make the government respond to its interests have been quite successful at perpetuating favorable governmental privileges to advance their professional and business goals.[79] But perhaps the prevailing view has been that of a more pluralistic portrait of how wide numbers of interests and competing points of view are brought into the mainstream and usually accommodated within governmental deliberations on strategic policy matters.[80] Any reader interested in definitions of policy elites has a rich and varied fare from among which to choose.

Yet, my own view is that studies of presidential leadership as well as general texts have inadequately treated the important part that specialized elites, both in and outside of the government, have in the various stages of shaping public policies. Strategic policy elites include, for example, senior members of the civil service, presidential advisers, Congressmen and their senior staffs, Washington representatives of major industries, professions, trade and civic associations, those in business or the universities engaged in research relevant to policy and policy experimentation, certain state, local and mass media leaders, and concerned citizens who become intensely involved in advocating or championing specific sets of policies. It may be useful to rely on Geraint Parry's recent synthesis of political elite studies for further definition:

> It seems advisable to distinguish a subgroup amongst the specialized elites of those which exercise a substantial degree of influence on the policies of the governing elite or of other specialized elites. These are the elites with which the governing elite must bargain, and to which it may have to defer. They include amongst others the business elite whose investment decisions and 'confidence' substantially influence a governing elite's economic and social-welfare programme; the union elite whose strike decision affects a nation's balance of payments situation; the military elite whose degree of commitment to civilian rule is a crucial factor, as modern experience reminds us, in determining the survival of the governing elite; the religious elite whose blessing and cooperation was, particularly in past years, essential to securing the legitimacy of the civil order. No one generally accepted name designates these influential elites . . .[81]

With regard to presidential policy related performance, elite activists are involved in the following functional activities: 1. recruitment and selection of presidential candidates, 2. recruitment and selection of presidential and executive branch advisers, 3. agenda setting as to what policy matters a president might choose to effect in light of the times, fortunes and available resources, 4. helping to build coalitions of support or opposition to presidentially intended policy changes and 5. evaluation, feedback, and adjustment of national policies. While there is some truth to the observation that the closer an outside elite representative becomes to the center of national policy making, the more he tempers or modifies some of the more blatantly selfish goals of his group or profession, it has to be recognized that a rich mosaic of symbiotic professional and consulting ties exists between public officials and other policy elites. And that these affiliations can and do affect the manner in which policies are perpetuated as well as administered.[82] Opportunities for elite influence on policy processes and policy politics are great. And while these opportunities, at least from the standpoint of special interests, are underused and often ineffective because of inept strategies, the existence of these special relationships needs considerable more attention and discussion in texts and presidency studies alike.

While presidents often seem to be launching "new" policy programs by calling for congressional approval or issuing executive orders, the act of initiation is something altogether different from seeing the intentions translated into acceptance, compliance or sustained practices. The degree to which there is an elite consensus or, alternatively, to which there is conflict within relatively defined and restricted public policy arenas is important in determining a president's latitude for policy achievement. If there is consensus on a particular policy matter within the policy elite of a given profession or industry, it is nearly impossible for a president to effect an opposing point of view. If, however, there is distinctive conflict, cleavage or confusion over certain substantive or procedural matters, a president has more of an opportunity for some independent influence; but even so the scope and type of his influence will largely be shaped by the nature of the conflict among those elites. This is not to imply that elite "hegemony" always dominates, or acts as a strategic veto or gate keeping force in specific policy systems, for as Parry suggests inter-elite collaboration often may lead to quite different results:

> In developed capitalistic economies industrialists and unionists also find themselves working side by side on a host of governmental advisory and planning committees which bring them into the closest contact with the political elite, top civic servants, the leaders of finance and so on. They sit on these committees less as representatives of antagonistic interests than as experts working as colleagues for the national interest. They may as a result become inbred with an ethic of "responsibility" which brings them closer to one another but which may open a gap between each elite and the sectional interest of which it is the leader. Industrialists and unionists are then to be found joined with politicians in exhorting industry and labour to respect agreements negotiated by the national leaderships and even to accept sacrifices for the sake of the "public interest." In such ways an "elite consensus" arises on matters of procedure and even on some matters of substance.[83]

It may be helpful to ask whether a consensus among policy elites may occasionally be the product of presidential commitment or style, or under what conditions the reverse may be the case.

Contemporary policy studies suggest that the more we learn about presidential policy performance in varying policy sub-systems, the more it appears that presidents (in both domestic and foreign policy), only rarely accomplish policy "outcomes" that can be credited as distinct personal achievements. More realistically, the presidency serves as a broker for a few party priorities and as a strategically situated and important participant among vast numbers of policy entrepreneurs and policy bearing bureaucrats. More often than not a president's personal policy views are essentially moderate and only vaguely refined. When in office, however, he finds himself constantly surrounded by people who have "high-energy" interest and

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investments in specific policy options. Both the president and these elites, however, are in turn surrounded by what Scammon and Wattenberg call the real majority—the large majority of American voters in the center. While their picture of the American electorate is quite instructive these two political analysts go considerably beyond their data when they write: "those who listen best can lead best"—but their message is still an important one.[84]

There has been some treatment of the "invisible presidency" and "the president's men."[85] These and similar studies imply that those intimates and staff associates of the president are the real policy makers. Hence, a Bay of Pigs defeat is credited to an overly zealous and misinformed CIA officialdom. A poorly managed War on Poverty is explained in terms of the premature or myopic ventures of those social science advisors and presidential aides who wrote the guidelines and legislative grant-in-aid provisions. An unsuccessful North Vietnam bombing policy gets blamed on Dean Rusk and Walt Rostow, *et. al.*, who prematurely championed that approach. Though it is helpful that such studies move beyond a focus just on the president or even the White House staff, here once more there may be a misplaced emphasis and more oversimplification. Public policy again appears controlled only by a few people closely connected with the White House. But it is more likely the case that a considerable number of policy and political elites are involved, with only occasional overlap of the elites in the numerous policy areas. The total number of elite activists in national policy making is far larger than presidency studies suggest. Then, too, chances are that most government policies never get much presidential attention anyway; they just churn on and are adjusted by the often subtle elite influences.

In research now in progress I find that the majority of a sample of advisers who served Kennedy and Johnson hold tempered assessments of presidential determination of "public policy". Public policy, of course, is never an easy object of measurement. It is simultaneously a goal as well as a plan or intention. It can also be viewed as a "subtle blend of past experience, present conditions, and expectations of the future."[86] For our present purposes we can talk of *presidential policy craftsmanship* as a conscious attempt by presidents and their immediate advisers to bring performance into line with an intended standard. Presidential advisers in a sample of recent interviews do not, for the most part, feel their former presidential bosses wielded great power as defined in this above manner.[87] (See Table 3.) There are some who say that "he [the president] has a lot of influence on those problems he is willing to spend time on . . .," but more responded that "he has far less than people think he has, he is far more constrained than popularly thought . . .". Two other responses illustrate the frustrations experienced by most White House policy advisers:

I think the president's impact over policy matters is much less than I thought it was, much less than I thought it might be when I joined the White House staff. Part of the problem is the length of time it takes to get something accomplished once you get the money for it, set up the organization to handle the program and then try to get cooperation from states and cities. It takes years to get a program developed and put into operation. A momentum system of old programs, old organizations and old models tends to inhibit a president from making changes. . . . Also—you are constantly working on budgets that are two, three and four years ahead.

"Presidents obviously do make a difference, particularly in initiating things; by just saying a few words things can be initiated, but of course the carrying out of things lies mostly beyond the control of the president. The White House is a crisis place, you do one thing and start a chain of events but often you have to move on to something else. You just don't have the resources to do everything that you become involved in. Carrying things out is difficult and takes time—so he can only do a limited number of things at once."

Nor do most of these recent senior White House aides see the American presidency in idealized terms. Of course there are some exceptions. A third of their number posit that only the presidency can make the system work and only the presidency can provide the inspiration and unified guidance for legislative and administrative excellence. For example, a classic articulation of the textbook presidency image was offered by one respondent:

"I believe in the aggressive, vigorous and forceful presidency. There is only one pulpit, only one cockpit and only one top office in the U.S. to lead us and to get the nation's response—and it [the presidency] is becoming more important all the time. It is the only institution, certainly Congress isn't, which can be responsive to change and also provide the management of the nation's interests . . ."

TABLE 3.—*Kennedy-Johnson White House Staff Member Evaluation of Presidential Policy Impact*

[Percentages (N=30)]

How much influence over policy matters can the president have?[88]	
Very great impact	10
Considerable impact	36
Selective impact (especially as educator, initiator)	33
Relatively limited impact	21
Total	100

Source: Author's personal interviews, Spring, 1970.

But, as shown in Table 4 most members of the Kennedy and Johnson presidential entourage were less apt to describe the presidential role as capable of a textbook presidency performance. Repeatedly, aides mention that White House policy initiatives are measurably dependent on the willingness of other leaders (as the state and local level, in Congress, in the professions and so forth) to cooperate and "go along" with the new departures. In a sense, all White House policies become compromised and adjusted as they proceed through legislative and later a variety of administrative processes. Then, too, the White House has had very inadequate tools for monitoring and evaluating subsequent compliance or non-compliance with national policies.[89] Frequently, the White House aides just don't know whether new initiatives are moving along smoothly or not, for in many cases great numbers of civil servants and state and local leaders have to be involved and "encouraged" before any noticeable change might begin to occur. All this takes at the least several months and, more often than not, several years. The capacity for presidential leadership to step selectively into troubled areas and redirect misguided or "limping" federal program initiatives is severely restricted by available information and feedback system.[90] The net result, frequently, is that many White House assistants retire from their assignments with anything but a romantic or embellished vision of presidential omnipotence. In fact, many even express the somewhat restrained and almost anti-textbook presidency view that presidents can accomplish a limited number of projects and hence should carefully measure their requests and energies. Emphasizing this point of view were the following two respondents, both members of the Johnson White House office:

"I think the White House under Johnson was excessively activist—there was an impulsive need to do something about everything right now! There was always the feeling [given by the president] that we should fix this and fix that and do it now! Overall I think it went too far—there are definite costs and liabilities in that type of excessive aggressive activism. . . ."

And a second staffer:

"Except in times of emergencies, presidents cannot get much accomplished . . . In some areas a president can have a psychological influence, a psychological effect on the nation, for example by speaking out on crime concerns. And in an eight year period a president can start a shift of the budget and of the political system, but it takes a lot of pressure and a lot of time. Basically, the thing to remember is that a presidential intention takes a very long time to get implemented!"

TABLE 4.—*Kennedy-Johnson White House Staff Member Views of Presidential Policy Leader Role*

[Percentages (N=30)]

Can you talk more about the job of the president as national policy leader?[91]	
Textbook Presidency Response (Should be aggressive preacher, teacher and policy determiner . . .)	33
Restrained or Mixed Expectations: (Presidency viewed as selective priority setter, just as much a follower of national sentiment as moulder of it)	67
	100

Source: Author's personal interviews, Spring, 1970.

(D) Writing a generation or so ago, political scientists like Corwin, Laski and Herring frequently emphasized the dynamic axiom of "ebb and flow" which characterized the occasional presidential supremacy in American politics—a supremacy which was usually interpreted as at the diminution of Congressional initiative. In times of national emergency it appeared that presidents became the beneficiary of a supportive climate of expectations. Surely during the early Franklin Roosevelt months the presidency was "granted" (or did he seize the power?) greater discretionary authority in a hope that something could be done to resolve the chaos of the depression. As Corwin notes—"confronted with such a condition, Congress feels at once the need for action, and its inability to plan the action needed; so it turns to the president."[92] But he notes too that the docility or timidness of Congress fades away once the pressure of crisis is lessened. This type of "ebb and flow" is viewed as a short term intra-administration shift of initiative and discretion. A more contemporary example is the erosion of congressional support for the Tonkin Gulf Resolution.

Laski, on the other hand, speaks of longer ebbs and flows when he writes that the "forces" which operate against continuity of presidential leadership are immense:

"Though Lincoln and Woodrow Wilson both exercised, in the pressure of wartime conditions, an almost dictatorial power, it is, I think, true to say that of each wielded it with uneasiness, and the exercise of that power was in each case followed by a strong reaction toward Congressional control of presidential action. It is not, I suggest, accident that for twenty years after Lincoln there was no strong president until Cleveland; and that the twelve years after Woodrow Wilson saw the effective leadership of American policy outside the White House."[93]

These "tide" theorists, then, see a shifting reservoir of support for activist presidential performance both within and over a

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series of presidential terms. Presidents apparently are affected by (1) the existence or non-existence of emergencies and (2) the degree of activism or aggressiveness of their immediate predecessors.

The recent textbook presidency seemingly has rejected the notion of ebbs and flows because it is assumed that we are now living in times of sustained crisis. The main argument is that we can no longer afford a weak president or a passive presidency. It is added usually that Congress is, and will continue to be, inadequate to the central and unifying leadership tasks ordinarily expected from the presidency. To be sure, these observations are not without their merit. But at the same time political science might do well to retain some of the more flexible perspectives suggested by analysts like Pendleton Herring thirty years ago—prior to the inflation of expectations visited upon the role of the presidency:

"Positive presidential policy in time accumulates grievances and irritations; these find an outlet through Congressional criticism and ultimately counterweight executive power. Blocs become more insistent and intransigent in their opposition to the administration program. A president is usually discredited in Congress before he leaves. Time and again a negative president follows a dynamic one. But negativity cannot be long endured, and the discontented seek a standard bearer once again.

Our system is able to reckon with this change of mode, this realignment of interests. We cannot predict content or timing, but the fact of periodicity is undeniable." [94]

Even in periods of perceived sustained crisis there will probably be shifting patterns of preferences for some policy actor over others. These shifts no doubt are influenced by different assessments of competence and new notions about what is most important. For example, more people right now seem to feel that crises at home are more pressing and deserving of public attention than crises in Indo-China. And presidents, now, just as in the past, are subject to these accentuating shifts.

Presidents strive quite deliberately to gear their style and that of their White House entourages so as to noticeably differentiate between themselves and their predecessors. Hence, a Kennedy shuns publicity about his own golf and avoids the use of multilateral summit meetings. A Johnson forbids his staff to become celebrities and accentuates his legislative wizard image to dramatize the differences between himself and Kennedy. A Nixon strives for less props at news conferences and seeks to project an image of a calm, deliberate lawyer. So it is that often a seemingly passive president will replace an activist one—but these contrasts may be both more calculated than real.

Passing reference should also be made to the fact that presidential popularity seems to wane as the years roll by. With the exception of Eisenhower, in whose case the drop is of only slight magnitude, presidential incumbents since 1945 have invariably lost popularity as their presidency neared its completion. Similarly, presidential legislative box score "successes," albeit a misleading indicator, is also related to length of time since their last election.[95] This same type of diminishing potency is also at work in the area of personnel recruitment. Close observers of Kennedy and Johnson presidential top level recruiting affirm that a president has far less of a chance in recruiting his first choices for top posts after the first year of a new administration. Then, too, as mentioned earlier, press criticism invariably becomes more cutting and seemingly more ad hominem after the first year and a half.

Clearly some "tide" factors are at work, despite our lack of understanding of their character, frequency or staying power. But the recent ebbs and flows of relations between presidency-Congress, presidency-bureaucracy, presidency-interest elites, or president-public are clearly not well understood. In 1958 in response to the Sputnik crisis, it was Congress more than the presidency that shaped and "passed" major space and educational programs. In the late years of the Johnson presidency, the president and his staff did not ease up in their strategy of keeping a "full" legislative program before Congress. Contrary to the complaints from leading Congressmen within his own party and contrary to the election results of 1966, the Johnson administration was unwilling to recognize a need for a pause or let up in legislating or in expanding the federal role. Not until the pending elections of 1968 crystallized a decidely anti-president mood was he made aware of the widespread reaction against his record of presidential performance. And in 1969 it was a seemingly conservative president who "initiated" and publicized a major progressive change in federal welfare policies.

The tide factor may also be related to presidential relationships with policy elites within or on the periphery of his administration. Are elected officials and their immediate staffs the chief policy actors or do they merely absorb and legitimize activities of dominant elite interests? James Young has suggested that the Jeffersonian period presidents were more successful in their legislative programming when cabinet officialdom worked in close affiliation with the White House rather than with congressional committees.[96] When congressional committees and enlarged departmental bureaucracies developed an intricate communication network of their own, presidents became more dependent on cabinet level officials than was previously the case. It is often now observed that effective interest groups along with key congressional leaders are more likely the significant cue givers for cabinet and bureau executives than the temporary team of partisans who happen to be then in residence at the White House.[97] Hence, it may be worthwhile to study the varying patterns of influence between presidency and policy elites and to explore the conditions under which the balance shifts one way and then another.

(E) In the recent past, many writers have implicitly essayed that the presidency has been an enormously successful and "healthy" instrument of American progress and stability. For those who believe the U.S. political system is abundantly comprised of individualistic entrepreneurs calculating short term advantages for themselves—"what's in it for me?"; "What's in it for my district?"—the presidency appears conveniently to rise above the "politicians" and to be a representative of all the people and the long term national interests. For those who see national policy developments as resulting from clashes among competing elites responsive to diverse interests, the presidency appears as the logical center of conflict resolution and ultimate policy integration. (One should appreciate that even political scientists make value-rooted institutional assessments.)

Part of the favorable and indulgent disposition toward the presidency may lie in the ideological heritage of recent generations. In the Thirties and Forties, it must have been hard not to identify with American political institutions, perhaps symbolized in the presidency, which were then coming under international attack. Consider the following perceptions:

"Across the sea, Hitler defiantly taunted the democracies as impotent. Praise for the efficacy of the Fascist dictatorship in Italy was heard in surprisingly high places in the democracies. Some doubts were being expressed as to the ability of the presidential system to supply the bold dynamic leadership required for solution of the problems of modern government. A question was raised as to whether efficiency and democracy were compatible. Was constitutional government under a President and a Congress a luxury of an earlier age that could not be afforded in modern crisis government? [98]

Not surprisingly, one reaction would be to feel that the presidency should be more of a place for strong, activist, purposeful leadership. And the personal magnetism of Franklin Roosevelt seemed to fill the necessary prescription.

But ambiguity surrounds this idealized view of the presidency, held primarily by those of pluralist-liberalism persuasions. The liberal, pluralist authors of the textbook presidency value the decentralized interest group basis of American political life, but demand at the same time a presidency (or an executive centered leadership) with aggressive power instincts and resolute personal drive. They distrust a passive presidency on the assumptions that the times are too perilous and activist presidents will promote liberal and moral altruistic policies.

Today, but one generation removed from the Depression and World War II, from the age of Hitler, Roosevelt, Stalin and Churchill, the doctrine of liberal-pluralism, as well as that of the textbook presidency, has come upon harder times. Some of the developments responsible for rejection of pluralism and central government have, I think, or will, affect support for the presidency as an institution. It is unnecessary to dwell for long on the diverse sources of discontent with pluralism as a doctrine and an explanation; merely noting the following trends: a) intense indignation with the "Johnson-Nixon" war conduct and negotiations in Vietnam, b) a resurgence of studies on the left and right that suggest that America is more a closed than an open society and that it is dominated by special interest elites largely immune from popular accountability, c) a more sophisticated social science research concentration on political system policy outcomes that suggests qualitatively that much of what passes for social action programs does not achieve intended effects, and quantitatively, that economic variables appear to explain far more than civic or political leadership variables, and d) a sense of despair with idealistic voluntary strategies for the resolution of hard core social and development problems as seen in the critical questioning of the worth of a Peace Corps, VISTA or similar short term "good will" activities.

But just as the textbook presidency sponsors were everly generous in their pictures of the presidency, one wonders whether current schools of critics and reappraisers are not fixing more blame on the presidency and presidents than is reasonable. People clearly support those institutions which they feel will act in such a way as to further their personal values. What we see at work here, I think, is that several values, some of which are indeed in conflict with each other, are generally endorsed with some becoming emphasized over others in a shifting fashion.[99] A perceived ineptness and clumsiness on the part of national government and national leadership may be part of this pattern of shifting emphasis. America is in need of a lot more constructive leadership at all levels—and not all of it will, nor need, come from the presidency. We might promote both a more accurate political science and a more resilient civic culture if we make our values more explicit and entertain a more sophisticated recognition of the varying and shifting response to national institutions.

On balance, of course, it is true that under certain circumstances a president can ignite the nuclear destruction of a substantial portion of the world or commit U.S. troops into internationally troubled crisis zones. But the American president is in no better position to control Bolivian instability, Brazil from

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turning Communist, or Vietcong penetration into Cambodia than he can make the stock market rise or medical costs decline. It is misleading to infer from a president's capacity to drop an A-bomb that he is similarly powerful in most other international or domestic policy areas. The more political scientists engage in longitudinal policy analysis, admittedly something we are not very proficient at yet, the more it becomes apparent that presidents, in fact, are rarely free agents when it comes to effecting new policy directions or dismantling policies which they have inherited. A more systematic understanding of presidency influence on policy accomplishments must await a more thorough examination of the role of policy elites in White House-departmental and White House-congressional exchange systems.[100]

FOOTNOTES

[1] The views expressed are the author's and do not represent those of the trustees, officers or other staff members of The Brookings Institution.

[2] Lawrence J. R. Herson, "The Lost World of Municipal Government," *American Political Science Review*, Vol. LI, No. 2 (June, 1957), 331.

[3] David Easton and Jack Dennis, *Children in the Political System* (New York, McGraw-Hill, 1969); and Fred I. Greenstein, *Children and Politics* (New Haven, Yale University Press, 1965).

[4] See the discussion in Byron G. Massialas, *Education and the Political System* (Reading, Massachusetts, Addison-Wesley, 1969), Ch. 3.

[5] Fifteen standard college American government introductory texts and another fifteen more specialized presidency or national policy making studies were examined with a special interest in the types of images, perceptions and facts about presidential performance. The case made in this section is merely illustrative. No claim of quantitative analysis is implied. Any definitive exercise of this sort would require a quantitative content analysis of textbook images over time and the degree to which variance exists among them. These would then be counter-balanced by an extensive number of cases which demonstrate that these images are incorrect or misleading for an understanding of actual presidential performance. While such a study is feasible and would be highly interesting, the scope and intent of this paper are more limited and modest respectively.

[6] Robert Carr, Marver Bernstein and Walter Murphy, *American Democracy in Theory and Practice*, 4th ed. (New York, Holt, Rinehard and Winston, 1965), 447.

[7] William A. McClenaghan, *Magruder's American Government* (Boston, Allyn and Bacon, 1962), 262.

[8] Clinton Rossiter, *The American Presidency*, revised edition (New York, New American Library, 1960), 17.

[9] William H. Young, *Essentials of American Government*, 9th ed. (New York, Appleton-Century Crofts, 1964), 251.

[10] James M. Burns and Jack W. Peltason, *Government by the People*, 5th ed. (Englewood Cliffs, N.J., Prentice Hall, Inc., 1964), 434–435.

[11] James M. Burns, *Presidential Government* (New York, Avon Books, 1965), 326–327.

[12] Theodore H. White, *The Making of the President 1960* (New York, Pocket Books 1961), 441.

[13] Theodore H. White, "The Action Intellectuals," A 3-Part Series, *Life* (June, 1967).

[14] See also an insightful discussion in: Nelson Polsby, *Congress and the Presidency* (Englewood Cliffs, New Jersey, Prentice Hall, 1964) Chapter 2.

[15] Clinton Rossiter, *op. cit.*, 250, 84 and 68–69.

[16] *Ibid.*, 102.

[17] Richard E. Neustadt, *Presidential Power* (New York, Wiley, 1960). This pioneering analysis of New Deal and post-New Deal presidential performance had an important influence on political science. Neustadt's explication of the notion that a leader's power hinged upon his capacity to persuade and his capacity to persuade rested upon his image and reputation were insightful and provocative. It is interestnig to note, however, that Neustadt's own expectational optimism about the potential for presidential leadership is more tempered in his later writings, especially *Alliance Politics* (New York, *Columbia University Press, 1970*. See also the recent assessment of his argument by Peter W. Sperlich, "Bargaining and Overload: An Essay on *"Presidential Power,"* in Aaron Wildausky (ed.), *The Presidency* (Boston, Little Brown, 1969), 168–192.*

[18] *Ibid.*, 43 (Wiley Science paperback edition, 1962).

[19] *Ibid.*, 167–168.

[20] Burton P. Sapin, *The Making of United States Foreign Policy* (Washington, D.C., The Brookings Institution, 1966), 90.

[21] But see the ambitious attempts at this type of inquiry by Erwin C. Hargrove, *Presidential Leadership* (New York, Macmillan, 1966); Alexander and Juliette George, *Woodrow Wilson and Colonel House* (New York, Dover, 1964—originally published in 1956); and the recent work of James David Barber, "The President and His Friends," Paper delivered at the meetings of the American Political Science Association (New York, September, 1969).

[22] In his 1968 book published during the campaign: Nelson A. Rockefeller, *Unity, Freedom and Peace* (New York, Vintage Books, 1968), 152–153.

[23] Remarks of Senator John F. Kennedy, Stuyvesant Town Rally, New York, New York, October 27, 1960.

[24] *Ibid.*

[25] Theodore H. White, *The Making of the President 1960, op. cit.*, 450–451.

[26] Theodore H. White, *The Making of the President 1968* (New York, Atheneum, 1969), 428.

[27] See, for example, Lucy Mair, *Primitive Government* (Baltimore, Penguin Books, 1962).

[28] Thomas A. Bailey, *Presidential Greatness* (New York, Appleton-Century, 1966), 3.

[29] Dixon Wecter, *The Hero in America* (Ann Arbor, The University of Michigan Press, 1963—originally published 1941), 8.

[30] William H. Riker, *Democracy in the United States* (New York, Macmillan, 1967), 2nd ed., 188.

[31] Eugene McCarthy, "Thoughts on the Presidency," guest column in *The New York Times* (March 30, 1968).

[32] *The Gallup Opinion Index*, Report No. 56 (February, 1970), 19–22.

[33] Murray Edelman, *The Symbolic Uses of Politics* (Urbana, University of Illinois Press, 1967), 76.

[34] *Ibid.*, 78.

[35] Robert D. Hess and David Easton, "The Child's Changing Image of the President," *Public Opinion Quarterly*, Vol. 24 (Winter, 1960), 644.

[36] In studies of elementary school level socialization process, Hess and Torney find that the stress on loyalty to the nation results in an unquestioning patriotism and a high level of trust as well as awe toward government operations. See Robert Hess and Judith Torney, *The Development of Political Attitudes in Children* (Garden City, N.Y., Doubleday, 1968), Ch. 5. It is generally assumed that civics education in high school is likewise characterized by uncritical rituals of system support. See M. Kent Jennings and Richard G. Niemi, "The Transmission of Political Values from Parent to Child," *American Political Science Review* (March, 1968), 177–178; and Byron G. Massialas, *op. cit.*

[37] Edward S. Corwin, *The President: Office and Powers* (New York, New York University Press, 1940); Pendleton Herring, *Presidential Leadership* (New York, Farrar and Rinehart, 1940); Richard Hofstadter, *American Political Tradition* (New York, Knopf, 1948); and Harold J. Laski, *The American Presidency* (New York, Grosset and Dunlap, 1940).

[38] And this is now beginning to take place. See, for example: Barton J. Bernstein (ed), *Toward a New Past* (New York, Random House, 1967). This is not to say there haven't been a variety of books that questioned the result of Franklin Roosevelt's aggressive and activist orientation, it is rather to note that such books have only seldom been used in general college courses. Two notable books in this latter genre are: James Burnham, *Congress and the American Tradition* (Chicago, Henry Regnery, 1959); and Amaury de Riencourt, *The Coming Caesars* (New York, Coward-McCann, 1957). Theodore Lowi's *The End of Liberalism* (New York, Norton, 1969) may also become a popular college text which has a decidedly anti-New Deal presidential government point of view.

[39] Theodore C. Sorensen, *Decision-Making in the White House* (New York, Columbia University Press, 1963), 75. To some extent this first book by Sorensen is an exception to the rule, for its stress is on the limits of presidential decision-making and unlike some of his own later writing, it reflects Kennedy's very difficult struggle to get even limited legislation passed in 1962–1963.

[40] Andrew Hacker, "Election Stories," *Commentary* (December 1965), 110.

[41] President Richard Nixon's inaugural day speech, January 20, 1969 in Washington, D.C.

[42] Lyndon B. Johnson, *Public Papers of the Presidents, 1963–1964* (Washington, U.S. Government Printing Office, 1965), Vol. II, 1391.

[43] Arthur M. Schlesinger, Jr., *The Crisis of Confidence* (Boston, Hougton Mufflin, 1969), 288.

[44] Anthony Howard, "No Time for Heroes," *Harper's Magazine* (February 1969), 91–92.

[45] See the report on presidential popularity 1945–1970 in *The Gallup Opinion Index* (February, 1970), 8–16. See also the quite insightful analysis by John E. Mueller, "Presidential Popularity from Truman to Johnson," *American Political Science Review* (March 1970), 18–34.

[46] For a detailed analysis of assassination attempts directed at the Office of the President, see: Ch. 2 in James F. Kirkham, *et al.*, (eds.), *Assassination and Political Violence*, A Staff Report to the National Commission on the Causes and Prevention of Violence (Washington, D.C., U.S. Government Printing Office, 1969).

[47] George E. Reedy, *The Twilight of the Presidency* (New York, World Publishing, 1970), 14–15.

[48] Murray Kempton, "At King Lyndon's Court," *New York Review of Books*, (April 10, 1969), 8.

[49] Charles Frankel, *High on Foggy Bottom* (New York, Harper and Row, 1969), 234.

[50] Eric F. Goldman, *The Tragedy of Lyndon Johnson* (New York, Knopf, 1969), 515–516.

[51] Townsend Hoopes, *The Limits of Intervention* (New York, McKay, 1969), 116–116.

[52] Richard E. Neustadt, *Alliance Politics* (New York, Columbia University Press, 1970).

[53] *Ibid*, 148–149.

[54] Edward C. Banfield, *The Unheavenly City* (Boston, Little Brown, 1970); Peter F. Drucker, *The Age of Discontinuity* (New York, Harper & Row, 1969); Andrew Hacker, *The End of the American Era* (New York, Antheneum, 1970); Theodore J. Lowi, *The End of Liberalism* (New York, 1969); and Daniel P. Moynihan, *Maximum Feasible Misunderstanding* (New York, Macmillan, 1969).

[55] Richard Rovere, "Letter from Washington," *The New Yorker* (July 18, 1970), 77.

[56] Banfield, *op. cit.*, 252–253.

[57] Moynihan, *op. cit.*, 168 and 170.

[58] Lowi, *op. cit.*, 288.

[59] *Ibid.*, 292–293.

[60] Drucker, *op. cit.*, 221.

[59] *Ibid.*, 220.

[61] Hacker, *op cit.*, 142 and 153.

[62] See, for example, the central focus on the failure of the Franklin Roosevelt and Harry Truman presidencies in Bernstein, *Toward a New Past, op. cit.;* and Barton Bernstein, *et. al., Politics and Policies of the Truman Administration* (Chicago, Quadrangle Books, 1970).

[63] McGeorge Bundy, *The Strength of Government* (Cambridge, Harvard University Press, 1968); See also: James Reston, *New York Times* columns, passim.

[64] Arthur M. Schlesinger, Jr., *The Crisis of Confidence* (Boston, Houghton Mifflin, 1969), 298.

[65] Data here and in Tables 1 and 2 come from a national sample survey of adult Americans sponsored by the Department of Political Science, The University of North Carolina, March, 1969. Field data was gathered by Harris Associates and the project was coordinated by Professors Thad Beyle and Robert Lehnen of the University of North Carolina.

[66] Alexander M. Bickel, *The Supreme Court and the Idea of Progress* (New York, Harper & Row, 1970).

[67] See footnote #65.

[68] Andrew McFarland, *Power and Leadership in Pluralist Systems* (Stanford, Stanford University Press, 1969), 154–155.

[69] See footnote #65.

[70] James L. Sundquist, *Politics and Policy* (Washington, D.C., The Brookings Institution, 1968), 415.

[71] See: Nelson Polsby, "Policy Analysis and Congress," *Public Policy* (Fall, 1969), 67.

[72] See: Abraham Holtzman's *Legislative Liaison: Executive Leadership in Congress* (Chicago, Rand McNally, 1970). Holtzman sees the presidency as the dominant influence in legislation, but his analysis also lends support to the notion that the executive branch is very dependent on national legislators. He reports, moreover, that many of the Kennedy Administration legislative liaison officials "concluded that Congress frequently improved the executive product." Expansion of executive branch legislative relations teams does not mean that the presidency necessarily becomes more independent from Congress, for legislative relations officers serve almost as much as diplomatic emissaries from their legislative constituency as to it.

[73] Pendleton Herring, *Presidential Leadership* (New York, Farrar and Rinehart, 1940), 9.

[74] David E. Price, "Who Makes the Laws? The Legislative Roles of Three Senate Committees." (Unpublished Ph.D. dissertation, Yale University, 1969), 490.

[75] *Congressional Quarterly Almanac* (Washington, D.C., Congressional Quarterly Inc., 1968), 97.

[76] See the useful discussion in: Grant McConnell, *The Modern Presidency* (New York, St. Martin's Press, 1967), 48–51.

[77] V. O. Key, *Public Opinion and American Democracy* (New York, Knopf, 1964); James Sundquist, *op. cit.;* Samuel Lubell, *The Hidden Crisis in American Politics* (New York, Norton, 1970); and Richard M. Soammon and Ben J. Wattenberg, *The Real Majority* (New York; Coward-McCann, 1970).

[78] C. Wright Mills, *The Power Elite* (New York, Oxford University Press, 1956); G. William Domhoff, *The Higher Circles* (New York, Random House, 1970).

[79] Bernstein, *op. cit.;* Lowi, *op. cit.* See also Jim F. Heath, *John F. Kennedy and the Business Community* (Chicago, University of Chicago Press, 1969).

[80] David B. Truman, *The Governmental Process* (New York, Knopf, 1951); More recently see: Arnold M. Rose, *The Power Structure* (New York, Oxford University Press, 1967); and Lewis Anthony Dexter's insightful discussions in *How Organizations Are Represented in Washington* (New York, Bobbs-Merrill, 1969).

[81] Geraint Parry, *Political Elites* (New York, Praeger, 1969), 75. See also the definitional discussions in Suzanne Keller, *Beyond the Ruling Class* (New York, Random House, 1963)

[82] Heath, *op cit.;* Gilbert Y. Steiner, *Social Insecurity* (Chicago, Rand McNally, 1965), Ch. 9.; and Thomas E. Cronin and Norman C. Thomas, "Educational Policy Advisers and the Great Society" *Public Policy* (Fall, 1970).

[83] Parry, *op. cit.*, 91.

[84] Scammon and Watenberg, *op. cit.*, 305.

[85] See, for examples, Louis Koenig, *The Invisible Presidency* (New York, Rinehart, 1960); Patrick Anderson, *The Presidents' Men* (Garden City, New York, Doubleday, 1968). For an earlier example of this genre, see: Joseph Alsop and Robert Kintner, *Men Around the President* (New York, Doubleday, Doran, 1939).

[86] A definition suggested by Heinz Eulau and Harold Quinley, *State Officials and Higher Education* (New York, McGraw-Hill, 1970), 169.

[87] These interviews were conducted by the author, Spring, 1970. Thirty members of the Kennedy and Johnson White House staffs were interviewed, the sample consisting primarily of senior aides who had policy specializations or program portfolios.

[88] This question was an open-end question. Coding categories here are, of course, approximations of respondent's general orientations.

[89] See: Charles L. Schultze, *The Politics and Economics of Public Spending* (Washington, D.C., The Brookings Institution, 1968); and James L. Sundquist, *Making Federalism Work* (Washington, D.C., The Brookings Institution, 1969).

[90] See the instructive study of President Johnson's failure to launch a "new towns in-town" program: Martha Derthick "Defeat at Fort Lincoln," *The Public Interest* (Summer, 1970), and her forthcoming monograph on the political and federalism obstacles to this White House policy initiative.

[91] See statement in footnote #88.

[92] Corwin, *op. cit.*, 330.

[93] Laski, *op. cit.*, 12–13. For a much earlier ebb and flow explanation see also: Samuel P. Orth, "Presidential Leadership," *Yale Review* (April, 1921), 451–466.

[94] Herring, *op. cit.*, 8–9.

[95] *Congressional Quarterly Almanac*, 1968, *op. cit.*, 97. Data for Eisenhower, Kennedy and Johnson years only.

[96] James S. Young, *The Washington Community* (New York, Columbia University Press, 1966), 204–205 and p. 239.

[97] See: Lowi, *op. cit.;* Douglass Cater, *Power in Washington* (New York Random House, 1964), Ch. 1 and 2; and Richard E. Neustadt, "Politicians and Bureaucrats," in David B. Truman (ed.), *The Congress and America's Future* (Englewood Cliffs, New Jersey, Prentice Hall, 1965), pp. 102–120.

[98] Herbert Emmerich, *Essay on Federal Reorganization* (Alabama, University of Alabama Press, 1950), 62.

[99] See Herbert Kaufman's views on conflicting and shifting sets of values characterizing the organization of administrative processes: "Emerging Conflicts in the Doctrines of Public Administration," *American Political Science Review* (December, 1956), 1057–1073; and "Administrative Decentralization and Political Power," *Public Administration Review* (Jan./Feb., 1969).

[100] Recent suggestions made about the study of elite influence on state policy may also prove fruitful for studying presidential and national elite impact on policy, see: Richard I. Hofferbert, "Elite Influence in State Policy Formation," *Policy* (Spring, 1970), 316–344.

PROGRESS BY COMMITTEE ON THE JUDICIARY ON S. 3201, CONSUMER CLASS-ACTION BILL

Mr. HRUSKA. Mr. President, due to circumstances beyond the control of the members of the Senate Judiciary Committee, the committee was not able to act in executive markup session on S. 3201, as amended by the Senate Commerce Committee. Hence, no inference should be made because the Judiciary Committee did not amend the bill. Since the holding of hearings by the Judiciary Committee on August 27, 28, 31, and September 1, I list the following:

First, record votes on the floor of the Senate on military procurement authorizations—H.R. 17123—late in the afternoon of September 1 which required a postponement for hearing the remaining five witnesses scheduled to testify;

Second, a Labor Day recess from September 2 to September 9;

Third, scheduled public hearings by the full Judiciary Committee on the equal rights amendment on September 9, 10, 11, 14, and 15.

Fourth, a previously arranged executive session on September 16 to consider a large agenda of bills deferred because of the pending Senate business;

Fifth, the final day of public hearings on S. 3201, had to wait until September 21 to be scheduled;

Sixth, the printing of the record of hearings on S. 3201 had to be delayed and are being filed on October 8 in the Senate;

Seventh, the votes on the cloture motion on Senate Joint Resolution 1;

Eighth, the pending bills in the Senate—such as bank holding company, manpower training, air quality standards, antiobscenity bill, various appropriations bills, equal employment opportunity, highway construction bill, and others too numerous to mention individually—which were considered while Senate Joint Resolution 1 was temporarily set aside.

In the meantime the leadership informed the Senators that objections to committee meetings would be lodged so that full attention would be given to Senate Joint Resolution 1. This procedure was in effect until the second cloture motion was acted upon by the Senate on September 29.

Upon completion of the public hearings on September 21, the Senate Judiciary Committee programed several executive sessions beginning with September 22 for the law enforcement assistance administration bill, the consumer class action bill and the equal rights amendment bill. On the 22d no quorum was reached. On the 23d the committee did not reach a quorum for almost 1 hour after the designated time and the committee was barely able to report the omnibus crime control bill at the time a vote was beginning on the Senate floor at 12:30.

Although the members of the Judiciary Committee were canvassed since that date, and although several days were specified for an executive markup session on the consumer class action bill,

the pressing business of the Senators, of the Senate, and further, the objections to have meetings while Senate Joint Resolution 1 was the pending business, precluded the gaining of a quorum to act on S. 3201.

Hence, no inference should be made that the Judiciary Committee did not act on the bill. As I stated, it did not act because it was precluded from doing so for reasons above detailed.

However, let us examine the record of action by the Senate Commerce Committee.

RECORD OF ACTION IN COMMERCE COMMITTEE

The Senate Commerce Committee, according to its report to the Senate, held hearings on December 16 and 17, 1969, February 3 and 5, March 17, 18, 19, and April 9, 1970, or 8 days to hear 28 witnesses.

However, more significant is the fact that, although the Commerce Committee finished hearings on April 9, 1970, it took a long series of executive sessions—until July 28, 1970—for the committee to agree on its reported bill. Then it took the Senate Commerce Committee an additional 18 days to file its report to the Senate on August 14. The report itself was printed and distributed to us on August 18—4 days later. The time it took the Senate Commerce Committee to hold hearings, conduct executive session, and have its final determinations reported to the Senate, as outlined above, testifies to the importance and significance of this proposed measure.

Mr. President, it is a sad state of affairs that the Senate must act on a bill as significant as this one without giving the Judiciary Committee—that is, the appropriate committee under our rules in matters affecting our Federal judicial system—every possible opportunity to act. It is better to wait even until early next year to pass a good bill that will truly protect the consumer and preserve the effectiveness of the Federal judicial system. This is much to be preferred than to proceed hurriedly just to meet an adjournment date.

The consequences resulting therefrom in the form of a bad bill is a big price to pay. The present form of the bill will adversely re-forge our Federal judicial system to the detriment of the American public generally and will give very little gain to the American consumer. In fact it will bring him harm.

The consumer will be burdened by additional taxes, by delays in other court actions—civil and criminal—and most significantly, in the security to himself, his family, and his home by delays in criminal trials. Such delays will permit alleged criminal offender to roam the streets robbing, raping, and murdering innocent people, who could very well be the consumer class action plaintiffs under this bill—all of this because of the intolerable and unnecessary burden placed on the Federal court system.

Mr. President, anyone examining the public record of the Judiciary Committee hearings would be most impressed with the colloquies between the Senators and the witnesses, a good portion of which were not a part of the record in previous hearings. Since they are too lengthy to read at this point, the debates on the bill will stress those key points. However, it is pertinent to state concisely some of the reasons why the bill in its present form is not in the best public interest:

First. Chief Justice Warren E. Burger speaking over national television at the American Bar Association said after referring to crowded court dockets:

Meanwhile, not a week passes without speeches in Congress and elsewhere and editorials demanding new laws—to control pollution, for example, and new laws allowing class action by consumers to protect the public . . . No one can quarrel with the needs. The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads.

Now we must make a choice of priorities . . . Neither costs nor the number of judges can be held down if the caseload is steadily enlarged.

And of course the bill reported by the Commerce Committee did not and could not provide additional court personnel or facilities, neither can Judiciary Committee or even the entire Congress do so on such short notice and considerations.

Second. Judge Alfred P. Murrah, Director of the Federal Judicial Center and Mr. Rowland F. Kirks, Director of the Administrative Office of the U.S. Courts agreed that the bill, as amended, does raise serious questions and could reforge the judicial machinery. Hence the impact on the Federal court workload and efficiency, and the cost, in terms of additional facilities, tools, personnel and judges, for the taxpaying consumers could offset their small gains individually under this bill.

Third. Senator NORRIS COTTON, ranking Republican on the Senate Commerce Committee, in his individual views on S. 3201, as amended in the Commerce Committee said:

This bill makes far-reaching changes in the consumer protection powers of the Federal Government, and could, if it is enacted, turn our Federal Court system of small claims courts.

We must not lose sight of the fact that the Federal courts are so badly burdened today that most students of the system are seeking ways to lighten the caseload of the Federal Judiciary. (Citing Chief Justice Burger's ABA speech.)

Some had led consumers to believe the adoption of this class action procedures bill bring them immediate relief. If this were so, I would endorse this procedure not-withstanding the impact of permitting such actions upon the already overworked Federal Judiciary System. I am convinced, however, that this bill offers no substantial prospect for relief of consumers generally, but rather will simply serve as a vehicle to enrich those law firms which have euphemistically denominated themselves as "public interest law firms."

If on the other hand these class action suits become common practice, business will pass the expense of constantly defending against them to the Consumer in the form of higher prices. I wonder why with all the present solicitude for the consumer no one seems to remember that he is vitally interested in the prices he has to pay.

Senator HOWARD H. BAKER, a former member of the Judiciary, and now a prominent member of the Senate Commerce Committee said in his individual views:

While I was an original co-sponsor . . . the bill as reported from this committee bears little resemblance to that which was introduced . . . I am hopeful, therefore, that the bill will be susbtantially modified either by the Judiciary Committee or on the Senate floor, and I shall support efforts in this regard.

Senator MARLOW W. COOK, who as a member of the Judiciary Committee did yeoman work while attending each of the 5 days of hearings, wrote a strong dissenting view on S. 3201, as a member of the Commerce Committee. I urge each Member of this body to read these views on pages 74 through 78 of the Commerce Committee report. Senator COOK noted there these points:

First. S. 3201, as amended, provides for wide-open class action suits of questionable value to the consumers but of serious impact on the Federal judiciary machinery;

Second. The bill gives the Federal Trade Commission carte blanche authority which Congress should reserve to itself in the matter of requiring new requirements of conduct and prescribing criminal penalties therefore.

Third. The bill makes FTC the repository of functions of lawmakers, judges, and prosecutors; this is obnoxious in our system of government.

Fourth. The bill creates conflicts when suits are filed in State and Federal courts; confusion and delay will result.

Fifth. The adverse impact of the bill on voluntary settlements, will heavily penalize consumers who have a just complaint. Voluntary and speedy settlements should be encouraged, not prevented.

Sixth. The harassment caused to small and large businessmen through sizable costs of litigation—win or lose—will inevitably lead to strike suits. The cost of such suits will necessarily be reflected in product prices, without yielding any benefits to the consumer.

Seventh. The public should be aware of this misplaced enthusiasm for an unrestrained Federal class action. It will not be a panacea for consumer wrongs, especially the hard-core ghetto frauds, such as bait and switch tactics.

Eighth. The basic remedies provided in the original bill S. 3201, to the Federal Trade Commission and Department of Justice were realistic attempts to deal with these problems. However, the Commerce Committee in reporting this bill has too quickly, and wrongly so, assumed in adopting the private class action, that responsible Government officials when provided with effective tools will not respond to a public need.

Ninth. Congress should proceed in a rational and logical manner. The bill as reported does not result in such procedure.

Mr. President, I shall not quote from the many fine statements of professors, private attorneys, and trade associations specializing in this area of class action, but in principle many serious questions were raised during their testimony, whether they spoke for or against the reported bill.

It is urged that we move carefully and judiciously in this matter and not rush through a bill just for the sake of saying we are enacting a consumer class action bill. We will not be doing any such thing. We will be enacting a bill that will restrict our Federal courts to the great disadvantage and to the detriment of our people—all of whom are consumers—for a long, long time.

Hence, this matter should be deferred for more judicious deliberation. Time must be taken to debate each of the many amendments that have been suggested at the request of the Judiciary Committee and by the many witnesses who have appeared before the Senate Judiciary Committee hearings. Among these are several well considered amendments from the Department of Justice and individual Senators.

The better course to pursue is to defer the bill to next year's session when a composite bill of the Commerce and Judiciary Committee's better judgment is reached.

However, if this procedure is not done, then after the bill is made the pending business of the Senate, there will be proposed certain amendments or substitute measures which will require thorough debate and discussion before any vote is taken.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, the laying before the Senate of the unfinished business is automatic, is it not?

The PRESIDING OFFICER. The Senator is correct. The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

Calendar No. 1135, Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WILLIAMS of Delaware. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from North Carolina (Mr. ERVIN) as a substitute for the amendment offered by the Senator from Michigan (Mr. GRIFFIN).

Mr. WILLIAMS of Delaware. Mr. President, I understand no Senator wishes to speak. I am going to suggest that the Chair have the clerk call the roll. If there is objection perhaps we can get consent to vote in an hour or some such period. Would an hour's limitation of debate be satisfactory?

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. What did the Chair say was the pending business?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment offered by the Senator from North Carolina as a substitute for the amendment offered by the Senator from Michigan.

Mr. GRIFFIN. I thank the Chair, because I did not hear the statement that the Ervin amendment was the pending question.

The PRESIDING OFFICER. The question is on the amendment.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. WILLIAMS of Delaware. No; I am ready to vote.

Mr. BAKER. Mr. President, I recognize the desirability of having an early resolution of this conflict. We have been at it for some time. I am terribly in sympathy with the desire of the distinguished senior Senator from Delaware, but, as I indicated and as other Senators indicated on Friday last, there is, after all, a cloture vote scheduled for 12 o'clock on tomorrow. There is, at least in my mind, a possibility that the Senate could consider further the original proposal, that is to say Senate Joint Resolution 1, providing for direct popular vote. There are certain conversations underway in an effort to explore the possibilities of accommodation. I make no representations about whether they may or may not succeed.

The point of the matter is that I feel two things should occur before we proceed to vote: No. 1, every opportunity should be given for every Member of the Senate to discuss the pending amendment in the nature of a substitute; and, No. 2, a full and thorough exploration of the possibility of compromise and accommodation ought to be undertaken before a vote is taken on this or any of the other of the several plans or on Senate Joint Resolution 1.

With that in mind, I would hope that we would not move to a vote at this time. If the distinguished Senator from Delaware was propounding a unanimous-consent request. I reserve the right to object. I did not understand that was the thrust of his remarks. If he was not propounding a unanimous-consent request, I have a good bit to say on the resolution, and I would judge that probably the Senator from North Carolina (Mr. ERVIN) and the Senator from Alabama (Mr. ALLEN) would, as well.

Mr. ALLEN. Mr. President, the Senator from Alabama is ready to vote. No objection will be interposed by the Senator from Alabama.

Mr. WILLIAMS of Delaware. Mr. President, that was my understanding. It was my understanding that we could vote on the Ervin amendment first. Then we would vote on the Griffin amendment as amended by the Ervin amendment. Then we would go on to a vote on Senate Joint Resolution 1 as amended, or after the vote on the Griffin amendment.

I think we should go on and call the roll on these amendments in an orderly way. If all some people want is a vote on cloture, then lay this bill aside and take up something else. If we wanted to have another vote on cloture, we could go ahead and perpetuate the farce that has been going on for some time.

I would think we should vote on this proposal.

Mr. President, I ask unanimous consent that at 4 o'clock we proceed to a vote on the Ervin amendment.

Mr. BAKER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Do I still have the floor?

The PRESIDING OFFICER. If the Senator is seeking recognition, he can be recognized.

Mr. BAKER. Mr. President, of course two or three things occur to me in this respect. Every time we have attempted to explore or the Senator from Indiana has attempted to explore the possibility of having an early sequence of votes, we get along well until we get to the question of a vote on direct popular vote.

I wonder if the distinguished Senator from Delaware would be agreeable to putting down a unanimous-consent order on voting on Senate Joint Resolution 1.

Mr. WILLIAMS of Delaware. I have no objection to voting on all of them, one right after the other, but it would make a better procedure to vote on this one and then after that the Senator from Michigan, I understand, will not have any objection to limiting time on his amendment, and we can vote on it. Then if there are no other amendments next in order would come Senate Joint Resolution 1 as amended, if it is amended; and if not, then, as far as I am concerned, we can have a rollcall.

Let us follow through on the issues and get some votes. If we can get a blanket agreement on all amendments and the resolution, I have no objection to a blanket agreement. If we cannot get it on all of them let us at least take this vote and get it out of the way.

Mr. BAKER. I appreciate the views of the Senator from Delaware.

Mr. WILLIAMS of Delaware. I am just trying to help get something rolling.

Mr. BAKER. If we finally get down to propounding a unanimous-consent order for a vote on Senate Joint Resolution 1, and have a filibuster again, or extended conversation, which is the experience we have had in the past, would the distinguished Senator from Delaware join us at that time in seeking cloture?

Mr. WILLIAMS of Delaware. Let us wait and see if we have a filibuster first. If we have one now, I cannot figure out who is operating it. The Senator from

Indiana has been saying he wants a vote. Here is a chance to get a vote this afternoon. Let us get the vote. I do not know what the position of the Senator from Michigan would be, but I venture to say we could obtain unanimous consent for a vote on his amendment later today.

Let us go on and vote. I am trying to help the Senator from Indiana get some votes; he wants them, so let us get them.

Mr. BAKER. I wonder if, after that, the Senator from Delaware would join in a unanimous-consent request as to the amendment of the Senator from Michigan instead of the 4 o'clock request on the Ervin amendment.

Mr. WILLIAMS of Delaware. Under the Senate rules we cannot get to a vote on the Griffin amendment until after we have disposed of the Ervin amendment. Under the rules we cannot do that.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Would it not be possible to provide by unanimous consent for a vote at 4 o'clock on the Griffin-Tydings amendment?

The PRESIDING OFFICER (Mr. McGOVERN). The Senate would first have to agree to set aside the pending business, which is the substitute amendment offered by the Senator from North Carolina, unless, of course, it were disposed of in some other fashion.

Mr. WILLIAMS of Delaware. Would the Senator from Tennessee and the Senator from Indiana join in a unanimous-consent agreement that we vote at 4 o'clock on the Ervin amendment and that 1 hour later we vote on whatever amendment may be pending, if any is offered to the Griffin-Tydings amendment, and if not, that we vote on the Griffin-Tydings amendment after a limited time of, say, 1 hour on that amendment?

Mr. BAKER. As far as I am concerned, I would be perfectly willing, as I have been perfectly willing from the outset, to agree to almost anything, as long as that agreement provides for voting on the merits of the direct popular vote at some point. If we can provide for some order for voting on the merits of Senate Joint Resolution 1 and the several variations of Senate Joint Resolution 1 as well as the Ervin amendment, the Griffin-Tydings amendment, the Dole amendment, the Spong amendment, and the others, I have no objection, because I have no intention of standing in the way of considering all alternatives for electoral reform. The thing that has bothered me is that there seems to be a willingness to agree to such an order on everything except the popular vote.

Mr. WILLIAMS of Delaware. The question is, we do not know whether the question of the popular vote as now provided in Senate Joint Resolution 1 will be before us by the time we get through with all these amendments. I have no objection to voting on all of them. I think we should.

Mr. BAKER. I wonder if the Senator would be willing to join in a unanimous-consent request to consider in order the several amendments that are now at the desk.

Mr. WILLIAMS of Delaware. I can make a better suggestion than that, Mr. President. There has been much said about wanting to vote. The Ervin amendment is the pending question under the rules of the Senate, as I understand. I ask for the yeas and nays on the Ervin amendment. Let us vote now.

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

The PRESIDING OFFICER. Does the Senator from Tennessee yield for that purpose?

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

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

Mr. WILLIAMS of Delaware. Mr. President, I renew my request for the yeas and nays on the pending amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. Let us wait until Senator ERVIN gets here.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. 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. BAKER. Mr. President, I note that the distinguished Senator from North Carolina is in the Chamber; and in view of the request for the yeas and nays on his amendment in the nautre of a substitute, if that is the proper characterization of his motion, I respectfully suggest that the Senator from North Carolina might now respond to the request for the yeas and nays.

Mr. ERVIN. Mr. President, if we get to a vote, I would like to get the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, apparently the Senate is ready to proceed to vote. Rather than pursue the unanimous-consent request I suggest that we sit down and call the roll.

Mr. CURTIS. Let us vote.

SEVERAL SENATORS. Vote! Vote!

Mr. BAKER. That is well and good, and I should like to vote, also. As a matter of fact, I would be most pleased to vote right now, if we could have some assurance that we are going to vote on everything.

As the distinguished senior Senator from Delaware has just indicated that he is abandoning his request for a unanimous-consent order, I presume there is no prospect of formalizing an arrangement to vote on the several amendments.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. WILLIAMS of Delaware. Perhaps, as soon as we vote on this Ervin amendment we can get the yeas and nays on the next amendment and sit down and vote on that. Let us start voting. I think the best way to make progress in the Senate is to call the roll.

Mr. BAKER. With all due deference to my colleague, I am not concerned with starting to vote; it is stopping the vote.

Mr. WILLIAMS of Delaware. We have not been able to get a vote started because someone has always interrupted and wanted to talk. The way to get a vote is to sit down and vote.

Mr. BAKER. I commend the Senator for that attitude. But I wonder, for lack of our ability to sit down and vote on Senate Joint Resolution 1, whether he might sit down with us and try tomorrow, at 2 p.m., to stop debate on Senate Joint Resolution 1, so that we can get to vote on the merits.

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

Mr. BAKER. I yield.

Mr. CURTIS. I invite the attention of the Senate to the fact that a proceeding under cloture is not a consideration of anything on its merits. The cloture procedure must be rewritten if we are to consider anything on its merits.

For example, there are individual Senators who are opposed to three or four provisions of Senate Joint Resolution 1. If all the alternatives fail, they may wish to speak concerning the idea of abandoning the requirement for a majority vote. They may wish to speak on the runoff. They may have amendments on those things. It cannot be done under cloture.

So I believe that those who are pleading for an opportunity to present the issue on its merits must find some other way, other than the cloture vote. The RECORD will show that the last time cloture was voted here, amendment after amendment was sent to the desk and read and not one word of debate was permitted. If that is consideration on its merits, I am rather surprised.

So I hope that those who represent the leadership can get together on a procedure that can go ahead. Of course, we will have to take the first votes first. We cannot buy something concerning the last vote until we know what it is all about.

Mr. BAKER. I thank the Senator from Nebraska for his appraisal of the situation under rule XXII. As a matter of fact, I am in substantial agreement with him. I think there is great danger in the provisions of rule XXII with respect to the restrictiveness of the matter that can be considered after cloture is invoked.

I might point out, further—and this is ii. no way critical of any Senator, certainly not of the leadership of the Senate—that I did not propose and did not sign the cloture motion. I will vote for it on Tuesday. But, under the existing procedure and precedent of the Senate, and under the provisions of rule XXII, that need not be the situation—the situation described by the Senator from Nebraska.

As a matter of fact, were the motion for cloture filed against the amendment which, after all, is the pending business, instead of against Senate Joint Resolution 1, the restrictiveness both as to time and as to subject matter of rule XXII would run against the pending amendment rather than against the overall resolution itself. It seems to me that cloture

is not the best way to get a vote on the merits. It seems to me that unanimous consent might be the way. It seems apparent that we are not going to get unanimous consent. If we do get that, then we have only two alternative possibilities—hope against hope that, sooner or later, we do get a chance to vote on the merits of the proposal for popular vote to elect the President, which does not encourage me much because we have been at it for some time, or to go the cloture route.

I point out further, Mr. President, that it is now approximately 5 minutes to 2. The matter before the Senate has been the pending business off and on for some time. I respect the motives of the Senator from Delaware, the Senator from Nebraska, the Senator from Alabama, the Senator from North Carolina, and all the others trying to move us on to electoral reform, which I share. But I would revert now to the statement I made earlier today, that I am not convinced that we have totally and completely explored all the possibilities of accord and accommodation in this matter; and I would hope that this afternoon we could discuss it further and try to work out something that is mutually acceptable.

To be frank with my colleagues, it is going to be difficult for the junior Senator from Tennessee to try to participate in any such meeting at 2 o'clock if we are here, trying to determine whether or not we are going to vote; because it is the present intention of the junior Senator from Tennessee not to vote for the time being, until we have discussed this matter further. But if we could have some sort of understanding that we will consider this matter informally, beginning at 2 p.m., for a little while, and then come back and pick up where we left off, we might accomplish something and might not. It seems to me that we owe each other the duty and the obligation to run out that string, as it were, and to explore the spirit of accommodation and accord that I sensed earlier in the day.

I wonder, in that view, whether there might be some disposition on the part of my colleagues to agree that we would not vote, say, for the next hour or so, and then we could discuss the matter a little further.

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

Mr. BAKER. I yield, with the understanding that I will not lose my right to the floor.

Mr. GRIFFIN. Mr. President, some reference was made both by the Senator from Nebraska (Mr. CURTIS) and the Senator from Tennessee to the leadership and the efforts which have been made to bring this matter to a vote in an orderly way. Although it may not be my responsibility, since the distinguished majority leader who took the initiative in filing the cloture petition is not here at the moment, I want to indicate that I believe that he acted properly. I believe the action he took was reasonable to do under the circumstances.

The junior Senator from Michigan signed the cloture motion, as did the distinguished minority leader. It is true that the cloture procedure, provided by the Senate rules, is not the most satisfactory. It is unfortunate but the procedure leaves some things to be desired. On the other hand, I think it is quite obvious that the Senate has not been able to come to a unanimous-consent agreement to limit debate on the several amendments. There has been an earnest effort made day after day by the majority leader, the acting majority leader, the minority leader, and the assistant minority leader. I find, since the cloture petition has been filed, that there now seems to be more of an attitude or disposition to work out some compromise. Perhaps, then, the filing of that cloture petition has served a good purpose.

It is true, of course, that the cloture motion could have been directed only at the pending amendment rather than at the resolution as a whole. But that would not have solved the problem, because as soon as we could have gotten to a vote on that, I am afraid the talkathon would have continued thereafter on the next amendment, ad infinitum.

I thank the Senator for yielding to me.

Mr. BAKER. Mr. President, I thank the Senator from Michigan.

Mr. President, I ask unanimous consent that I may yield to the Senator from Delaware without losing my right to the floor.

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

Mr. WILLIAMS of Delaware. Mr. President, I would certainly not object to a unanimous-consent agreement on a time limitation.

As I have said this before, that applies on the amendments of the Senator from Michigan or any other Senator and on the final vote, I would like to vote. But it would be a more orderly procedure to vote on one amendment at a time. There is nothing in the rules of the Senate which says that we have to have a unanimous-consent vote on every amendment.

Many times the Senate has started to break the logjam by getting a vote first on one amendment, then the next amendment, and so forth. I was hoping that we could proceed to a vote here today. Frankly, I thought I was rendering a great service to the Senator from Indiana and the Senator from Tennessee by trying to get this to a vote this afternoon. I thought they would be over here just thanking me, rather than blocking it. I thought that as advocates of getting to a vote on this question those pushing for cloture tomorrow would welcome the chance to go ahead and vote.

I am somewhat startled and surprised. I did not anticipate this objection at all. I thought sure that my suggestion would be welcomed and accepted with open arms. I hope it will now. All we need to get to a vote is for the Senator from Tennessee and the Senator from Indiana to cooperate; we can have the vote in 10 minutes, they can go to their meeting, and we shall all be satisfied.

Mr. BAKER. With all due respect and appreciation to the Senator from Delaware for his remarks, almost uniformly I embrace with open arms almost any proposal by the Senator from Delaware, but I fear that this would be sort of like the chicken embracing the fox. I am afraid that this would be entirely in keeping with the desires of the junior Senator from Tennessee, to have a vote not only on the pending amendment but also on Senate Joint Resolution 1 which was omitted from the proposal by the Senator from Delaware.

Mr. President, I now ask unanimous consent that I may yield to the Senator from Indiana without losing my right to the floor.

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

Mr. BAYH. Mr. President, I thank my friend and colleague from Tennessee for yielding to me.

Mr. President, of course, I express my gratitude to the Senator from Delaware for his desire to help to break the impasse. I am sorry if our present concern takes him by surprise, but I think the record will show that there are some 13, 14, or 15 amendments presently before the Senate. On three different occasions in the past couple of weeks, the Senator from Indiana has sought unanimous consent to vote on every one of them, but it has been rather clear that there are some here who have embarked upon filibuster. They are willing to vote on everything save the provisions of Senate Joint Resolution 1, the popular vote. That is the opinion of the Senator from Indiana.

With all due respect to those who disagree, if the Senate is going to treat one amendment as belonging to one standing rule, then we should treat all amendments the same. I have pursued the course of direct election as diligently as I know how. The Senator from Tennessee and others have shared that concern. We have reluctantly, on two occasions, sought cloture. The Senator from Indiana did not sign the cloture petition which will be before the Senate tomorrow. I am still hopeful that the Senate will at least let us vote on the direct election proposal.

Inasmuch as those who have been filibustering appear to have the upper hand at this particular moment, the Senator from Indiana is willing to sit down with some who have different opinions and see if there is a possible alternative that can at least leave us in a better position than we now find ourselves, with the rather archaic and dangerous provisions of the electoral college system.

We have started some discussion early this morning with this end in mind. The Senator from Tennessee points out, at this very moment, that we had hoped to be able further to pursue this course. The Senator from Indiana does not know at all whether we can reconcile some of the differences and move forward. As strongly as he feels that the best proposal is the direct election proposal, the proposal which has passed the House by a 330-to-70 vote, he is willing to pursue a different alternative if he feels it is better than the present state of the electoral college.

However, he does not feel that he would fulfill his responsibility as the principal sponsor of Senate Joint Resolution 1 to permit the parliamentary

situation to arise which would, in essence, let everyone have his "crack" at denying those of us who are for the direct popular vote from having any vote at all.

That is what we have been going through, not that the Senator from Indiana or the Senator from Tennessee, or others, have not been pursuing every course available to us to get votes; but whenever we have pursued a course that might give the Senate the opportunity to vote on all alternatives, those filibustering say, "Oh, no. You can vote on everything except one."

Mr. President, the record will show that we have made good faith efforts to vote on practically everything.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. BAKER. I ask unanimous consent that I may yield to the Senator from Nebraska, without losing my right to the floor.

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

Mr. CURTIS. I should like to know, and I think it should be in the record, too, how much of the time since the last cloture motion vote, has the leadership set aside for consideration of Senate Joint Resolution 1 and taken up other legislative matters?

Mr. BAKER. If that question is addressed to me, I do not know. It has been done often. I must say, I entirely agree with the joint leadership that especially in these, hopefully, terminal days of this session of Congress, in a spirit of accommodation, if nothing more, we have no desire to tie up the processes of the Senate. It has been done. I guess we could have held everyone's feet to the fire and blocked consideration of any type of legislation while Senate Joint Resolution 1 was being considered by the Senate, but that seems to have been rather harsh on the part of those who want electoral reform. It is not in the tradition of reform to do that.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Tennessee yield for a unanimous-consent request?

Mr. BAKER. I yield.

Mr. BYRD of West Virginia. Mr. President, there having been considerable discussion about procedure, and appearing that there is no likelihood of agreement as to an early vote this afternoon, I ask unanimous consent that the unfinished business be temporarily laid aside to permit the Senate to proceed to the consideration of Calendar No. 1237, H.R. 17654, the Legislative Reorganization Act of 1970.

Mr. ERVIN. Mr. President, reserving the right to object, and I am not inclined to object, I should like to say that on Friday last I offered to vote on my amendment, the pending amendment, cosponsored by a dozen other Senators today. I am sorry that we could not get a vote today. I had heard my good friend from Indiana and my good friend from Tennessee say they thought there had been enough discussion on this question, but apparently they do not still entertain that opinion. I wish we could get to a vote on this particular amendment. As a matter of fact, this amendment has been around a long, long time. I have claimed no pride of authorship for it because this is virtually the Lodge-Gossett amendment which came into being sometime in the 1940's and passed the Senate by a two-thirds majority on one occasion.

I am perfectly willing, as I am sure the Senator from Indiana is, to vote on all amendments and on all alternative proposals. Yet, I am not ready to stipulate when to vote on the direct election plan. I am hoping that is the river we will never reach. And so we can find out whether it is necessary to vote on that later, after we vote on all these other plans.

I personally have taken the position, and so stated on the floor of the Senate, that I think it would be the better part of wisdom to let this matter go over until the next session. As I recall, we have had the same provision since the adoption of the article, right after the contest between Jefferson and Aaron Burr. We have gotten along pretty well since about 1867 with our present system.

I do not think that it would hurt to let it go over until January so that we could vote on it when the days are not so hectic, not so hurried, and not so harried, and when the 34 Senators who are running for reelection, or their successors, could devote their entire attention to the problem of amending the Constitution rather than to accumulating votes.

I also think that the people who will be elected to the Senate and to the House in November will be fresh from the people and that they should be the ones with a say-so on this matter rather than we who are here on this occasion.

We have plenty of work to do without taking up this matter. However, since we are taking it up, I would announce that I would be prepared to vote on everything except the direct election—and we will have to vote on everything except the direct election before we get to it anyway, whether we have cloture or not.

I certainly share the regrets of my good friend the Senator from Delaware. However, the Senator from Indiana and the Senator from Tennessee are not yet ready to vote on the oldest of all the amendments that have been proposed to Senate Joint Resolution 1.

Having said this and having made it quite clear, I believe, that I am willing to vote on every one of the alternative proposals or amendments to Senate Joint Resolution 1 after a reasonable time for the Senator from Tennessee and the Senator from Indiana to debate the matter, I announce now that I have no objection to the unanimous-consent request proposed by the Senator from West Virginia.

Mr. ALLEN. Mr. President, reserving the right to object, the junior Senator from Alabama recalls that on numerous occasions the distinguished Senator from Indiana has come to the Senate Chamber and, as a part of his debate, he has gone through a long list of unanimous-consent requests to vote on amendments, including the Ervin amendment.

Now, for some strange reason, we find that they do not want to vote on the amendment. The question occurs to the junior Senator from Alabama, Do the proponents of Senate Joint Resolution 1 want electoral reform or do they demand only a provision for direct election of the President and the Vice President?

The amendment offered by the distinguished Senator from North Carolina provides for electoral reform in that it provides for the automatic casting of electoral votes. It abolishes the office of elector. It does away with the winner-take-all provision of the present system. It divides the electoral vote of each State in proportion to the popular vote of each candidate in that State. Then, too, it changes the system by which the House of Representatives chooses between the top three candidates with each State casting one vote.

The amendment of the distinguished Senator from North Carolina provides that in the event no majority is received by any candidate in the electoral college, the question will then be decided between the top two candidates by a joint session of the incoming Congress.

Mr. President, it seems to the junior Senator from Alabama that we should proceed with the amendment. What is the reasoning behind the proponents' insistence that we must not amend Senate Joint Resolution 1, that we must have a direct vote on Senate Joint Resolution 1 as written? Is this amendment sacrosanct? Is it so like the law of the Medes and the Persians that it cannot be changed in any respect?

The amendment offered by the Senator from North Carolina would reform the present system in three important respects. It is the considered judgment of the junior Senator from Alabama that if we can obtain a vote on this amendment—and it takes only a majority vote to adopt the provisions of the Ervin amendment as Senate Joint Resolution 1—and if we can supersede the direct election provision with the provisions of the Ervin amendment, if we add the 19 Senators who are cosponsoring the Ervin amendment to the 54 or so votes that have been cast for direct election, we would have far more than two-thirds of the membership of the Senate.

If the distinguished Senators who favor Senate Joint Resolution 1 as now written are more interested in having their plan accepted—direct election or nothing—then we will have no electoral college reform submitted.

On the other hand, if we can get a vote on the Ervin amendment, if the majority of the Senate wants some type of electoral college reform, we can go ahead with the Ervin amendment, because, in my judgment, if we agree to the Ervin amendment as Senate Joint Resolution 1, we will have an amendment that will receive a two-thirds vote of the Senate and a two-thirds vote of the House and will be ratified by the requisite 38 States.

I do not believe that we are going to get a direct election provision. I hope that we do not. I believe that even if Congress submits such a direct election plan to the States, that the requisite

number of States—38—will not adopt it.

So, Mr. President, at this time unless the distinguished Senator from Indiana and the distinguished Senator from Tennessee advise us that it is their intention to filibuster the Ervin amendment for the rest of the day to prevent a vote on it, then the junior Senator from Alabama is going to object to laying aside the pending business.

On the other hand, if it is their intention to filibuster the Ervin amendment, the junior Senator from Alabama knows that they will have no difficulty in carrying on a filibuster for the rest of the day. The junior Senator from Alabama would then interpose no objection to laying aside the pending business.

I interpose an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, I have not had a chance to reply to the question.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, do I correctly understand that objection is heard to the unanimous-consent request?

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from West Virginia without losing my right to the floor.

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

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside with the understanding that a demand for the regular order no earlier than 3:30 this afternoon may bring back before the Senate the unfinished business, Senate Joint Resolution 1.

Mr. BAYH. Mr. President, reserving the right to object——

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BAKER. I yield the floor.

Mr. BAYH. Mr. President, I have served in this body for only approximately 8 years, which is not nearly as long as some of my colleagues. I do not suppose I have as much patience as I should or as much patience as some of my colleagues; neither do I suppose my patience is as short as the patience of some of my colleagues. But I must say with all due respect to some who have preceded me that I have never heard in the 8 years I have been a Member of the Senate such a ridiculous dialog in an effort to distort what is happening.

The suggestion has been made that the leadership has not given us enough time to discuss this matter. I think the suggestion was made by the distinguished Senator from Nebraska a moment ago in posing a question to the Senator from Tennessee about putting aside Senate Joint Resolution 1.

The Senator from Indiana has sat right here in this seat for almost 1 month, at least for the last 3 weeks, and has heard proposed the unanimous-consent request to put aside Senate Joint Resolution 1. On almost each occasion he has risen and said that the proponents of Senate Joint Resolution 1 are ready to vote. If the opposition has anything to say let them be heard.

It is a rather curious thing to find us moving into the month of October and have the proposition proposed that the leadership has not given us enough time to discuss Senate Joint Resolution 1 because they put it aside. The facts of the matter are that despite the rhetoric to cover it up, there are a few Senators who have let the rules run, or have used the rules themselves actively to prohibit us from voting on all the matters that are before us. Whether we call it a filibuster or prolonged debate, I think anyone can use whatever language he wants, and I do not in any way address these remarks to any of my colleagues in a disparaging manner because they are using their rights under the rules and I understand that, but the record needs to be absolutely clear on what is happening.

We heard in the very eloquent fashion of our friend the distinguished senior Senator from North Carolina, once again that he is willing to vote on anything, but then he said "except Senate Joint Resolution 1." This is the type struggle we have been faced with ever since Labor Day.

Here is a matter that was passed in the House by a vote of 339 to 70, and which was introduced in this body last January by some 40 cosponsors, that now has 13, 14, or 15 amendments, and we are willing to vote on all of them except the basic proposition of whether the people of this country have the right to vote for President or not.

We sit here and listen to some Senators suggest that the question is whether the proponents of Senate Joint Resolution 1 want any reform or not, and that by refusing to sit idly by and permitting us to vote on anything except Senate Joint Resolution 1 we are standing in the way of electoral reform. That is rather ridiculous to me.

I am realistic enough to know that under the cloture rule when we have had 60 percent of the Senate on two occasions vote to shut off debate, we cannot shut off debate that way; and I am realistic enough to suggest we should seek some accommodation and look for something less than the perfect solution. But I am not willing to sit here mute and let those who are distorting the will of the majority of the Senate say that the majority is against any kind of electoral reform.

The fact is that a few people have been filibustering electoral reform, and that is what it is and there is no way to cover it up and put another suit of clothes on it.

RECESS

Mr. SPONG. Mr. President, I move that the Senate stand in recess subject to the call of the Presiding Officer, to not later than 4 o'clock this afternoon.

Mr. HRUSKA. Mr. President, reserving the right to object, we have had a little discussion this afternoon of how long this motion has been before us. The figure of 3 weeks has been used, and it has been said that the leadership has not given us enough time in the Senate to discuss this proposition—that the struggle has been the same since Labor Day. Last Tuesday, a week ago tomorrow, there was a vote taken on whether or not there should be a limitation of debate. The vote was 34 to 53, or 15 votes short of the necessary sentiment here in the Senate that the debate should be limited.

Since that vote, Mr. President, and immedately after that vote, Senate Joint Resolution 1 was "temporarily laid aside." Since that "temporary" laying aside, the Senate has been in session 26 hours and 37 minutes on last Tuesday, Wednesday, Thursday and Friday.

Of those 26 hours and 37 minutes only slightly more than an hour and a half was devoted to a discussion of direct election, and most of what discussion we were permitted to have was procedural not substantive. During that same period the Senate filled 438 pages in the RECORD, only 16 of which pertained to electoral college reforms.

The PRESIDING OFFICER. Will the Senator suspend for a moment, please?

Will the Senator from Virginia restate his motion?

Mr. SPONG. The Senator from Virginia will restate his motion. The motion is that the Senate stand in recess until 4 o'clock this afternoon.

The PRESIDING OFFICER. The motion is not debatable.

Mr. HRUSKA. I apologize to the Senator from Virginia. I thought we had propounded a unanimous-consent agreement and I proceeded on that basis. I regret that my remarks held up consideration of the Senator's motion.

Mr. DOLE. I ask for the yeas and nays.

Mr. MILLER. Yeas and nays.

Mr. SPONG. That is what I am trying to clear up for the record.

The PRESIDING OFFICER. The yeas and nays have been called for. Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MILLER. 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. MILLER. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

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 North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from

Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), 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 also announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), and the Senator from Alabama (Mr. SPARKMAN) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 34, nays 25, as follows:

[No. 351 Leg.]

YEAS—34

Anderson	Griffin	Percy
Baker	Hatfield	Proxmire
Bayh	Jackson	Randolph
Bible	Javits	Ribicoff
Boggs	Magnuson	Saxbe
Byrd, W. Va.	Mansfield	Schweiker
Case	Mathias	Scott
Church	Metcalf	Spong
Cranston	Mondale	Yarborough
Eagleton	Nelson	Young, Ohio
Eastland	Packwood	
Fulbright	Pearson	

NAYS—25

Allen	Ervin	Miller
Allott	Fannin	Smith, Maine
Cook	Hansen	Stennis
Cooper	Holland	Talmadge
Cotton	Hollings	Thurmond
Curtis	Hruska	Williams, Del.
Dole	Jordan, Idaho	Young, N. Dak.
Dominick	McClellan	
Ellender	McGee	

NOT VOTING—41

Aiken	Harris	Murphy
Bellmon	Hart	Muskie
Bennett	Hartke	Pastore
Brooke	Hughes	Pell
Burdick	Inouye	Prouty
Byrd, Va.	Jordan, N.C.	Russell
Cannon	Kennedy	Smith, Ill.
Dodd	Long	Sparkman
Fong	McCarthy	Stevens
Goldwater	McGovern	Symington
Goodell	McIntyre	Tower
Gore	Montoya	Tydings
Gravel	Moss	Williams, N.J.
Gurney	Mundt	

So the motion was agreed to; and (at 2 o'clock and 56 minutes p.m.) the Senate took a recess until 4 p.m.

The Senate reassembled at 4 p.m., on the expiration of the recess, and was called to order by the Presiding Officer (Mr. SAXBE).

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent, first, that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1237, H.R. 17654.

Mr. BYRD of Virginia. Mr. President, reserving the right to object, and I shall not object, I should like to state for the record that I would hope the Senate would vote on the Ervin proposal for electoral reform. I think there should be a reform of the electoral system. There should be a change from our present system. I think that the proposal offered by the distinguished Senator from North Carolina, of which I am a cosponsor, is a fair, substantial, and definite improvement over the present system and I should like very much to see the Senate vote on the plan offered by the Senator from North Carolina.

I do not object to the unanimous-consent request of the Senator from Montana.

Mr. MANSFIELD. Mr. President, has the bill been laid before the Senate?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, the request of the Senator from Montana does not affect the cloture motion vote tomorrow, does it?

Mr. MANSFIELD. No, no.

Mr. HRUSKA. Mr. President, reserving the right to object, for how long a period will the temporary laying aside of Senate Joint Resolution 1 be for?

Mr. MANSFIELD. Until the disposition of reading the Journal on tomorrow and then we come back on Senate Joint Resolution 1, unless some agreement or some unanimous-consent agreement is arrived at in the meantime.

Mr. HRUSKA. Mr. President, I should like to address a question to the Senator from Montana. Suggestion has been made that unanimous consent be requested for setting aside the action of the cloture motion vote until some time in the future.

My question is this: If such a request will be made, can it be understood and would it be the understanding that it not be made until intention to make it has been declared, and that a live quorum has been called so that all Senators interested in listening to the making of the unanimous-consent request, and its consideration, be given a chance to appear in the Chamber?

Mr. MANSFIELD. Of course.

Mr. HRUSKA. I thank the Senator from Montana.

The PRESIDING OFFICER. (Mr. SAXBE). The question is on agreeing to the unanimous-consent request of the Senator from Montana.

Is there objection? The Chair hears none, and it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

H.R. 17654, an act to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The Senate resumed the consideration of the bill.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. MANSFIELD. Now, Mr. President, I yield to the distinguished Senator from Virginia (Mr. SPONG).

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SPONG. Mr. President, I thank the distinguished Senator from Montana.

Mr. President, in view of the fact that the request for the yeas and nays precluded any explanation earlier, I think that I should make some explanation at this time of the motion I made to recess until 4 p.m.

Earlier today, the majority leader, seeking to find some area of agreement on voting on the alternative electoral reform proposals that have been suggested, asked me and other Senators sponsoring the various proposals to meet at 2 p.m. After an effort to set aside the pending business and take up other business failed for lack of unanimous consent, the majority leader asked that a motion be made to recess until 4 p.m., and I made that motion in his behalf.

For my own part, I would like to say that I am prepared to vote on any of the proposals that have been put forward.

Unfortunately, at the meeting that took place, those who are sponsoring the various proposals were unable to find any area of agreement on which unanimous consent could be reached.

I would leave it to any others to give their own interpretation of the parliamentary situation, but I did feel I owed the Senate an explanation of the reasons for the motion to recess.

Mr. BAYH. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. BAYH. Mr. President, as one Member of this body, I want to say that I fully appreciate the steps taken by the Senator from Virginia (Mr. SPONG). Many of us have, for the past several months, been going through a rather tortuous process, trying to find some agreement on this whole issue of electoral reform. As is the right of every

Senator, we have pursued various courses of parliamentary action. It was the hope of the Senator from Indiana that a short period of conference with the interested parties would iron out some of the obvious differences that existed and have existed. The motion of the Senator from Virginia (Mr. SPONG) was the only way that that could be accomplished under the circumstances.

I believe that in the next several hours the future of electoral reform will be clear. Or perhaps the possibility of the absence of electoral reform will be clear.

As one Member of the Senate, I deeply regret that we have not been able to act until now. I am hopeful that before this session ends, we will be able to get some kind of electoral reform. We are obliged to the country to come up with the best possible electoral reform we can get. It is obvious to the Senate, I hope, that the Senator from Indiana is committed to the direct popular vote plan, for a number of reasons that I shall not repeat. The past few days or weeks have made it obvious, at least for the time being, that there is no way we can get this plan put to a vote.

Failing that, the Senator from Indiana is willing to try to pursue any other plan which might be an improvement over the present system.

I think I should say, so that there will be no misunderstanding of my feeling, that I still feel committed to the course of direct election, unless there is no way to accomplish it.

Short of that, I shall continue my efforts, hopefully with some of the rest, to seek another viable alternative.

Mr. ALLEN. Mr. President, will the Senator from Montana yield?

Mr. METCALF. The senior Senator from Montana has the floor.

The PRESIDING OFFICER (Mr. SAXBE). The Chair recognizes the Senator from Alabama.

Mr. ALLEN. Mr. President, who has the floor? Does the Senator from Montana (Mr. METCALF) have the floor?

The PRESIDING OFFICER. The senior Senator from Montana (Mr. MANSFIELD) has the floor.

Mr. ELLENDER. What is the answer then?

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. ALLEN. I thank the Chair.

Mr. President, the junior Senator from Alabama interposed no objection to laying aside until tomorrow, after the approval or dispensing with the reading of the Journal, on the theory that proponents of Senate Joint Resolution 1, as presently written, would not agree or would not permit the Ervin amendment to come to a vote.

Now, Mr. President, the proponents of Senate Joint Resolution 1 embodying the direct election plan say that they are for electoral reform—but on their terms only. The Ervin amendment would constitute substantial electoral reform, and constructive electoral reform, in that it would revise the present system of choosing the President and Vice President by doing away with the office of elector and providing for automatically casting a State's electoral vote for the candidate who carried each respective State.

So, the problem of the so-called faithless elector would be eliminated under the Ervin amendment.

The Ervin amendment also does away with the winner-take-all system under the present constitutional provision, in that it would divide the electoral vote of each State directly in proportion to the votes of the respective candidates in the various States.

Then, too, the Ervin amendment would provide for reform in the process of choosing the President and the Vice President. If no team of two candidates should receive a majority in the electoral college, under the present system, it would go into the House of Representatives, and the House, on the basis of one vote for each State delegation, would choose the President from the top three candidates. Under the Ervin amendment, it would go into a joint session of the incoming Congress, with each Member of the House and Senate having one vote.

Mr. President, that is electoral reform. That covers most of the objectives raised by the distinguished proponents of direct election.

Mr. President, what would have been wrong with allowing the Senate to vote on the type of electoral reform that it wishes to have? What would have been wrong with deciding whether the Senate wants to adopt the Ervin plan as Senate Joint Resolution 1? Why must we have direct election or no other type of electoral reform?

If a majority of the Senate had not agreed to the Ervin amendment, we would then have gone back where we started, to the constitutional amendment offered by the distinguished Senator from Indiana with the pending amendment being the Griffin-Tydings amendment.

So, Mr. President, the junior Senator from Alabama interposed no objection to laying aside further consideration today of Senate Joint Resolution 1 because he knew that the proponents of Senate Joint Resolution 1 would not allow the Ervin amendment to come to a vote. It was on that theory that the junior Senator from Alabama raised no objection.

Mr. President, I thank the distinguished Senator from Montana for yielding to me.

Mr. HOLLAND. Mr. President, would the distinguished Senator from Montana yield to me for a moment?

Mr. METCALF. Mr. President, I am delighted to yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 1024

Mr. HOLLAND. Mr. President, I thank my friend, the Senator from Montana.

Mr. President, I sent to the desk a few moments ago an amendment which I wish to have ready, considering all possible emergencies in the future, to offer to Senate Joint Resolution 1.

It is the amendment which I had offered before the subcommittee of the Judiciary Committee so ably headed by the distinguished Senator from Indiana for the last three or four Congresses.

It is quite like the amendment of the Senator from North Carolina. In fact, he may have a duplicate of it already at the desk. However, I want to be sure that my amendment has gone through the necessary preliminaries and will be available for consideration in the event of cloture or any other course of action that may be adopted by the Senate.

I understand that we have had a unanimous-consent agreement which makes such a procedure available. I ask if I am correct in my understanding.

The PRESIDING OFFICER. The Senator is correct. Under a previous unanimous-consent agreement, all amendments to Senate Joint Resolution 1 presented before the cloture vote will be considered as having been read so as to comply with requirements of rule XXII with respect to presentation and reading.

Mr. HOLLAND. Mr. President, I ask whether the amendment should be and will be printed in the RECORD or simply notice that it has been sent to the desk and passed through the regular preliminaries.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed, and will lie on the table; and without objection, the amendment will be printed in the RECORD.

The amendment (No. 1024) is as follows:

AMENDMENT NO. 1024

Strike out all after the resolving clause and insert in lieu thereof the following:

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 number 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."

Amend the title to read as follows: "Joint Resolution Proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President."

Mr. HRUSKA. Mr. President, tomorrow at noon for the third time the Senate will be asked to cut off debate on Senate Joint Resolution 1 which provides for the direct popular election of the President. As I have done twice in the past, I urge Senators to reject this request.

Last Tuesday, by a vote of 34 to 53, the Senate rejected such a request. On that vote the advocates of cloture fell 15 votes short of victory. Even if every absent Member of this body had voted for cloture there would not have been sufficient votes to cut off debate. To defeat the 34 opponents of a limitation on debate on this important subject it would have been necessary to rally 68 Senators who favor cloture and that many Members of this body do not exist. The 34 Senators who voted against cloture last Tuesday felt that at that time discussion on this question had not proceeded for a long enough time to fully explore all of the dangerous ramifications of the national plebiscite scheme; and of the many alternatives, substitutes, and amendments offered.

Let me again point out a few facts which will demonstrate that nothing has changed with regard to this contention in the week since our last vote.

From Tuesday until Friday of last week the Senate was in session for 26 hours and 37 minutes. Of that time only slightly more than 1 hour and 30 minutes were devoted to a discussion of direct election, and most of what discussion we did have was procedural and not substantive. During that same period the Senate filled 438 pages in the CONGRESSIONAL RECORD, only 16 of which pertained to electoral college reform.

Therefore, those Senators who opposed an end of debate on this subject last week continue to have every reason to oppose such a proposition at this time. We have had no opportunity to continue discussion on the merits of this amendment. Immediately following the vote last Tuesday, Senate Joint Resolution 1 was "temporarily" set aside as the pending business and that "temporary" situation continued to prevail on Wednesday, Thursday, and Friday. The only discussion on this matter following the cloture vote last Tuesday was on Friday when the thrust of debate was entirely procedural.

If 34 Senators felt there had been inadequate discussion up to last Tuesday there is no reason for them to feel otherwise this week. This Senator has not had an opportunity to finish his discussion of the points raised in the minority report on this resolution and I know of several others who are in an identical situation.

For these reasons I urge Senators to continue to oppose cloture until time has been allotted from the busy Senate schedule for an indepth and completely adequate discussion of the advantages and disadvantages, dangers, and strengths of direct election. That time has not yet come.

ORDER TO RETURN SENATE JOINT RESOLUTION 1 TO CALENDAR

Mr. MANSFIELD. Mr. President, I ask that the unanimous-consent request which I am about to make will be given the most serious attention by the Senate.

I ask unanimous consent that the unfinished business, Senate Joint Resolution 1, be returned to the calendar and not be taken up before November 16, if the Senate has a postelection session; and on that basis, I also ask unanimous consent that the motion for cloture due to take effect 1 hour after the Senate convenes tomorrow be voided.

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

Mr. HRUSKA. Mr. President, I should like to address an inquiry to the majority leader.

The unanimous-consent agreement and order just entered will dispose of the vote on the motion for cloture which had been scheduled for tomorrow. A practical difficulty occurs, because this is a busy time for many Senators, particularly those whose terms expire on January 3, 1971. We would like to know whether there are any intentions on the part of the leadership to call up in any fashion any phase of Senate Joint Resolution 1 for further action by the Senate.

Mr. MANSFIELD. Absolutely not. The Senate not only has my word but also the unanimous-consent request stated it would not be considered before November 16 if the Senate returns into session after the election.

Mr. HRUSKA. The Senator from Nebraska is aware that that is the tenor of the unanimous-consent agreement. However, as I understand the rules of the Senate, any unanimous-consent agreement is subject to being superseded by a later unanimous-consent agreement. I know of no rule to the contrary. That is why this Senator would be interested in some assurance from the majority leader, not by way of impugning his word, but by way of assurance that there would be no effort made or any countenancing insofar as it is possible to refuse countenancing, to get such unanimous consent at a later time or before November 16.

Mr. MANSFIELD. I give the Senator from Nebraska my assurance, without equivocation. That is about as far as I can go.

Mr. HRUSKA. I am sure that is right. I thank the majority leader.

LEGISLATIVE REORGANIZATION ACT OF 1970

The PRESIDING OFFICER. The Senator from Montana is recognized.

PRIVILEGE OF THE FLOOR

Mr. METCALF. Mr. President, I ask unanimous consent that three valued and veteran experts on congressional reform legislation, be permitted to remain on the floor of the Senate to assist me and other Senators as we consider H.R. 17654, the Legislative Reorganization Act of 1970. They are: Mr. Walter Kravitz of the Legislative Reference Service, Mr.

Eli Nobleman of the Government Operations Committee, and Mr. W. DeVier Pierson, former Chief Counsel of the Joint Committee on the Organization of Congress.

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

Mr. METCALF. Mr. President, I am particularly grateful to the Senator from Arkansas (Mr. McCLELLAN), the distinguished chairman of the Government Operations Committee, for his courtesy in inviting me to guide through final Senate action a legislative reorganization bill whose consideration in the Senate or the House has now spanned a period in excess of 5 years. I wish to thank Senator McCLELLAN for his ready cooperation with those of us who are alumni of the Joint Committee on the Organization of the Congress in our common effort to improve the organization and procedures of both Houses of the Congress.

I wish particularly to thank my colleague from Montana, the distinguished majority leader of the Senate, for his unstinting cooperation and willingness to make certain that this legislation could be scheduled for floor action at this time.

I wish also to acknowledge with appreciation the competent and responsible cooperation of the minority leader, the distinguished senior Senator from Pennsylvania and his able assistant, the junior Senator from Michigan, as well as other members of their party who have worked tirelessly and side by side with the majority members for enactment of legislative reorganization. Congressional reform is not a partisan issue and the Joint Committee on the Organization of the Congress was a bipartisan committee. I know the pending bill will be acted upon in the same spirit.

Unhappily, one of the best and most diligent sponsors of congressional reorganization is not here today to join in this important action.

Of a year and a half of hearings and executive sessions of the Joint Committee on the Organization of Congress, I do not believe that the distinguished Senior Senator from South Dakota missed three. Yet, KARL MUNDT'S contribution only began with his reliability. During all those months he was an articulate, thoughtful Member whose long experience in the House and the Senate gave special weight to his views. I am sure I speak for all of our colleagues in appreciation of his special contribution and in regret that he is not with us today to see the culmination of our common endeavor.

Senators who were Members in 1967—and there are 61 of us here who voted for S. 355 when it passed 75 to 9 on March 7, 1967—will always remember the history that was written in this Chamber by the distinguished chairman of the Joint Committee on the Organization of Congress. As the coauthor of the LaFollette-Monroney Reorganization Act of 1946, his unique experience bridged the two major reorganization measures of this century. He heard the testimony that fills two 3-inch thick volumes and guided the joint committee through countless hours of markup. With infinite patience and good temper, former Senator Monroney then guided the bill through a marathon 6 weeks of debate in this body, to its approval by the Senate in 1967.

Today, as then, former Senator A. S. Mike Monroney, chairman of the Joint Committee on the Organization of Congress, is a champion of a bipartisan effort to make the Congress more responsive to the demands of the second half of the 20th century and, we hope, beyond that.

Thus, in many respects, the bill we are about to consider, H.R. 17654, is a memorial to these men and others such as Senators SPARKMAN, CASE, BOGGS, and GRIFFIN, all former members of the Joint Committee on the Organization of Congress whose concern and diligence have brought us to this long overdue day.

This legislative reorganization bill has been endorsed by both parties and by four committees of Congress and by both Houses. We meet today to agree on a final version. It is my hope that we will do so without delay as an act of respect for our colleagues and the vast amount of work that has brought us to this point.

The Joint Committee on the Organization of Congress was established in 1965 as a 12-member, bipartisan committee to "make a full and complete study of the organization and operation of the Congress" and "recommend improvements." The committee held some 5 months of hearings in 1965, receiving the views of 199 witnesses, and issued its final report containing some 100 recommendations on July 28, 1966. Late in 1966, a Special Senate Committee on the Organization of Congress held hearings on a bill embodying those recommendations. The special committee reported that bill, S. 355, in 1967 and it passed the Senate after 6 weeks of debate in March 1967.

Unfortunately, no action was taken on S. 355 by the House of Representatives during the 90th Congress.

On May 23, 1969, the Senate Committee on Government Operations reported favorably S. 844, the Mundt bill, which I cosponsored and which is the successor to the 1967 legislation. With the exception of the deletion of the Lobby Act amendments in title V of S. 355, the bills are virtually identical.

In the fall of 1969, the Committee on Rules of the House of Representatives held hearings on its own version of that bill, having previously studied both the Senate-passed S. 355 and other legislative reform measures offered in the House. The Rules Committee held approximately a month of hearings and almost a year of executive sessions. H.R. 17654 emerged from their deliberations. It was approved by vote of 326 to 19 in the House on September 17, 1970 after the longest debate on any single measure within the last three decades.

It is the House-passed bill, H.R. 17654, that is before us for consideration today. I am happy to say that there are very few differences between the provisions of H.R. 17654 and those of S. 844, the bill reported to the Senate by the Government Operations Committee last year, or S. 355, the bill that passed the Senate by a vote of 75 to 9 in 1967. For this reason, I am most hopeful that the Senate's action on this bill will also be acceptable to the other body so that no conference between the Houses is necessary. If that is possible, congressional reorganization will at last have become a reality.

Some amendments, however, are necessary to add provisions applicable only to the Senate to H.R. 17654. Subject areas applicable only to the Senate were not considered by the House of Representatives for reasons of comity and should now be added to make the bill consistent with previous Senate action. In addition, some technical amendments will be needed to bring the Senate provisions of H.R. 17654 up to date.

I also call attention to the fact that a number of provisions of the House bill are applicable solely to the procedures of the House of Representatives. We will, of course, take no action on those provisions because of the comity that exists between the two Houses. Our acceptance of those provisions should not be construed as passing judgment on the need for or wisdom of those sections of the bill as these are matters which are peculiarly within the province of the other body.

I know that other Members of this body may wish to offer additional amendments to this legislation and, of course, they have every right to do so. However, let me state realistically the risks inherent in attempting any major additions to the bill which would be applicable to both Houses. It has been a long and difficult task to secure House approval of congressional reorganization, just as the Senate provisions were the result of many hours of effort and compromise. I fear that any major addition, particularly at this late date in the session, could mean the death of congressional reform once more. I know that no Member of this body desires that result.

To assist Senators in reviewing various portions of the bill, I have had pertinent documents placed on each Senator's desk. They include the House-passed bill, H.R. 17654; House Report No. 91–1215; the Mundt bill S. 844; Senate Report No. 91–202; and a comparative analysis of the bills prepared by the Legislative Reference Service for the Senate Government Operations Committee. Also at each desk is a detailed summary of the House bill. I ask unanimous consent that this summary be printed in the RECORD at this point.

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

MAJOR PROVISIONS OF H.R. 17654, THE LEGISLATIVE REORGANIZATION ACT OF 1970

(As Adopted by the House of Representatives, Sept. 17, 1970)

PREFACE

The pending Senate and House of Representatives versions of the proposed Legislative Reorganization Act differ somewhat in their general structure and format.

First, in Title I of the Senate bill, S. 844, each section contains a number of substantive provisions relating to the same broad, general subject matter, e.g. committee procedure. The House bill, H.R. 17654, on the other hand, assigns a separate section number to each specific substantive provision, e.g. notice of hearings in section 111, open hearings in section 112, and so forth.

Second, the Senate bill indirectly amends the rules of both Houses of Congress by means of amendments to the Legislative Reorganization Act of 1946. The House bill retains the same approach only for provisions affecting the Senate solely. H.R. 17654 directly amends the Rules of the House of Representatives in matters affecting only the House.

Third, most provisions of the Senate bill are generally worded so as to be equally applicable to both Houses. In contrast, the House bill often has different wording, and frequently different substantive provisions, for each House.

Fourth, to retain for the Senate its approach of amending the Legislative Reorganization Act of 1946 rather than the Rules of the Senate, and also to retain for the Senate insofar as practicable the substantive language it adopted in passing S. 355 in 1967, the House bill usually divides each rule-changing section into two parts. The first contains the language applicable to the Senate, the second the language adopted for itself by the House.

Fifth, occasionally, as in parts of Titles II and III, the House bill deals with the Senate in one section and with the House, on the same subject, in another.

Wherever suitable in Title I and Title III, an attempt is made to clarify these differences by providing separate, parallel columns under H.R. 17654, one containing a description of the provisions applicable only to the Senate, the other solely for the House.

TITLE I. THE COMMITTEE SYSTEM

1. Revised procedures to democratize the proceedings of committees, including: (a) a method whereby a majority of a committee may call special meetings; (b) adequate time for the filing of minority or additional views to committee reports; (c) the timely filing of committee reports; (d) reasonable notice of committee hearings; (e) right of the minority to have its witnesses heard; (f) subcommittees to be subject to the authority of their parent committees; (g) availability of committee reports and hearings a reasonable time before floor consideration of a measure.

2. Make the details of roll call votes in committee available to the public.

3. Authorize televising and radio broadcasting of committee hearings in both Houses.

4. Prohibit general proxies in committees, but permit specific proxies under certain conditions.

5. Encourage House committees to adopt more extensive written rules.

6. Redefinition of congressional oversight, and provision for annual oversight reports by committees.

7. Equal division of time for debate on conference reports between the two major parties.

8. Revision of many House floor procedures, including: (a) to permit the recording of names in teller votes; (b) separate votes and 40 minutes of debate on nongermane amendments attached to House-passed bills; (c) limitations on the power of House conferees; (d) availability of conference reports 3 days before floor consideration; (e) an accelerated method of counting a quorum; (f) authorization for electronic voting; (g) under certain conditions, guaranteed time for debate on amendments in Committee of the Whole.

9. Entitle the minority on a committee to one-third of the funds authorized for temporary and investigative staff.

TITLE II. FISCAL CONTROLS

1. Increase the availability to Congress of several types of budgetary and fiscal data.

2. By law, direct the GAO to provide committees with cost-effectiveness analysts upon request.

3. Provide for GAO assistance to committees in analyzing ongoing Government programs.

4. Provide that the Appropriations Committee of both Houses shall hold hearings, early in each session, on the budget as a whole, the transcript of such hearings to be transmitted to every Member of their respective Houses.

5. By various means, provide for the presentation of 5-year cost estimates on both current programs and proposed programs.

6. Involve the Comptroller General, as an agent of Congress in the development of the executive branch of a standard classification system for Government programs and activities.

TITLE III. SOURCES OF INFORMATION

1. Direct the Legislative Reference Service (renamed the Congressional Research Service) in the Library of Congress to assist all committees on a regular and continuing basis in the analysis of legislative proposals and alternatives to them.

2. Reconstitute the Joint Committee on the Library as a Joint Committee on the Library and Congressional Research, with expanded membership from the two Houses at large as well as from the two Administration Committees; bipartisan, evenly divided between the two parties; provided with professional and clerical staff; required to supervise the Library and the CRS, and to make annual reports on its activities.

3. Give to minority members on committees their own minimum staff as a matter of right, in the Senate without restriction as to hiring and firing, in the House subject to approval by the majority of the whole committee.

4. Authorize committees to employ consultants and research organizations, subject to approval by the relevant House.

5. Authorize committees to assist their staffs in obtaining specialized training, without loss of employment rights and other employee benefits.

6. Provide for updating the compilation of the precedents of the House every 5 years; have the Parliamentarian of the House prepare and have published at the beginning of every Congress an up-to-date condensed version of currently useful House precedents.

TITLE IV. CONGRESS AS AN INSTITUTION

1. Create a Joint Committee on Congressional Operations, with 5 members from each House, to make a continuing study of congressional organization and operations, to identify court actions of interest to the Congress; and to supervise an Office of Placement and Office Management.

2. Abolish the Joint Committee on Immigration and Nationality Policy.

3. Establish a Capitol Guide Service for the purpose of providing free tours of the Capitol, and making tour guides congressional employees.

4. Convert House employees' pay, and also the pay of employees of the Architect of the Capitol, from a basic to a gross system.

5. Provide an August recess for Congress.

6. Authorize the planning, site procurement, and construction of a dormitory and school building for pages and for their future supervision.

7. Authorize modernization of the House visitors' galleries.

TITLE V. OFFICE OF THE HOUSE LEGISLATIVE COUNCIL

Revises the basic statute of the Office of the Legislative Counsel in the House of Representatives.

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

Mr. METCALF. I am delighted to yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, I wish to take this opportunity to congratulate the floor manager, the distinguished junior Senator from Montana (Mr. METCALF) on the excellent presentation he has just made in explanation of the legislation we are now considering.

Mr. President, the legislation now before us—the legislative reorganization of 1970—is long overdue.

This bill springs from the establishment 5 years ago of the Joint Committee on the Organization of Congress. That 12-member bipartisan committee labored through extensive hearings and much deliberation as it developed the basis for this legislation.

I would like to pay tribute to the other Senate members of that committee on which it was my privilege to serve. The former Senator from Oklahoma, Mr. Monroney, the Senator from Alabama (Mr. SPARKMAN), the Senator from Montana (Mr. METCALF), and the Senator from New Jersey (Mr. CASE) worked hard and thoroughly to prepare this legislation.

Special tribute, though, should be paid to the Senator from South Dakota (Mr. MUNDT), who cannot be here with us today to see his efforts come to fruition. Senator MUNDT, more than any of us, was the guiding force behind this effort and, in fact, he is the principal sponsor of the Senate version of the bill.

It is indeed unfortunate that he cannot be here today, but I know he will be pleased to learn of the passage of this important legislation.

During the 17 months of the committee's work, we heard testimony from many qualified witnesses both in and out of Government, including many Members of the House and Senate. The recommendations in this bill reflect the views of many of these witnesses and the considered judgment of the Joint Committee on the Organization of Congress.

As a member of that committee, I endorsed these recommendations when they were first made several years ago. I would like once again to express my strong support for them and to urge passage of the Legislative Reorganization Act by the Senate.

Let me remind the Seante that this is not new legislation. A nearly identical reorganization bill was passed by the Senate in 1967, but was subsequently rejected by the other body. Now the other body has passed a reorganization bill, so for the first time there is a very good chance that these proposals can be put into effect. I urge the Senate not to pass up this opportunity.

The bill before us, H.R. 17654, is a good bill which goes far to meet the demands of the times. It needs only minor revision and updating by this body.

The Legislative Reorganization Act would reform three important areas which I believe are of particular interest to the Members of the Senate.

First, it would streamline the committee system. Of major importance in this regard is the "committee bill of rights" provision which gives the majority of each standing committee the right to call meetings and report legislation if the chairman fails to do so.

Second, the reorganization bill would

relieve Senators of the burden of too many committee assignments and allow them to concentrate on specialized areas. Under the provisions of this bill, committee assignments would be limited to two major committees and one minor, select, special or joint committee. In addition, no Senator would be assigned to more than one of the following major committees: Appropriations, Finance, Foreign Relations, or Armed Services. Much of this, of course, is custom now. This legislation would formalize it.

Third, the Legislative Reorganization Act would make the resources of Congress more responsive to its needs. This would be accomplished by replacing the overburdened Legislative Reference Service of the Library of Congress with a new reference division and by increasing professional staff positions on committees.

I do not believe there is a member of this body who would not agree that reorganization of the legislative branch is long overdue. In fact, reorganization was overdue at the time the Joint Committee on the Organization of Congress first presented its findings in 1966. Today, 4 years later, the need is more critical than ever.

The last major overhaul of the Congress occurred in 1946. The world has changed considerably since that time. The Nation and its problems have also changed. And yet, the Congress is expected to provide thoughtful, creative solutions to these problems with machinery that has remained substantially unchanged for nearly a quarter of a century.

In these times when American institutions of every kind are facing difficult tests, we cannot afford to content ourselves with old, inefficient ways of doing things. I am particularly concerned about young people in our country who see in our great institutions a failure to adapt to the demands of the times. We have a responsibility to them, to the American people, and to ourselves to make every effort to shape our institutions to function more effectively. We can begin by passing the Legislative Reorganization Act.

Mr. METCALF. Mr. President, I sent to the desk an amendment.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 39, lines 8 and 9, strike out "January 2 of each odd-numbered year beginning on or after" and insert in lieu thereof "March 31 of each odd-numbered year beginning on and after."

Mr. METCALF. Mr. President, as both the Senator from Delaware, and I explained in our original discussion of the bill, this bill comes before us as a House bill. There are a series of amendments that I am going to introduce, which I believe are noncontroversial, that will make the bill conform to the bill that passed in the Senate as a result of the activities of the joint committee, and conform also to S. 844, which was introduced in this Congress by the Senator from South Dakota (Mr. MUNDT) and is pending before the Senate.

I have a series of these amendments, all of which I believe to be technical, and I am going to offer them and give a brief explanation. There will be some amendments, both conforming amendments and nonconforming amendments, that will be offered, again to support the Senate bill, S. 844 and make it a part of the bill before the Senate, H.R. 17654.

REPORTS OF LEGISLATIVE REVIEW ACTIVITIES

S. 844 provided for an annual report of review activities of each committee not later than March 31 of each year. The House bill modified this provision to provide a biennial report by January 2 of each odd-numbered year.

The amendment retains the biennial report approach of the House bill, but modifies the date for the Senate to March 31 so as to provide sufficient time for the preparation of the report.

After discussing this matter with various committees, it is felt that a report covering an entire Congress is desirable, so that the House provisions are acceptable with the change of date.

Mr. BOGGS. Mr. President, I concur in the statement made by the floor manager of the bill on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. METCALF. Mr. President, I send another amendment to the desk, which I ask to have read.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 65, between lines 16 and 17, insert the following new section:

"AGENCY REPORTS

"SEC. 236. Whenever the General Accounting Office has made a report which contains recommendations to the head of any Federal agency, such agency shall—

"(1) not later than sixty days after the date of such report, submit a written statement to the Committees on Government Operations of the House of Representatives and the Senate of the action taken by such agency with respect to such recommendations; and

"(2) in connection with the first request for appropriations for that agency submitted to the Congress more than sixty days after the date of such report, submit a written statement to the Committees on Appropriations of the House of Representatives and the Senate of the action taken by such agency with respect to such recommendations."

On page 3, in that portion of the table of contents relating to Part 3 of title II, add the following new item after item 235:

"Sec. 236. Agency reports."

Mr. METCALF. Mr. President, I shall give a brief explanation of the amendment.

AGENCY STATEMENTS ON GAO REPORTS

This amendment would restore the provisions of S. 844 requiring Federal agencies to report to the Congress on action taken in response to GAO reports. The provision was not included in H.R. 17654.

This amendment is designed to give the Congress some means of determining that Federal agencies have been responsive to reports of the GAO affecting their operations. Under the amendment, Federal agencies would be required to submit such statements to the Government Operations Committees and to the Appropriations Committees in connection with their next request for appropriations.

Mr. BOGGS. Mr. President, I certainly endorse the amendment.

I move that it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 1014

Mr. METCALF. Mr. President, I send another amendment to the desk (No. 1014), which I ask to have stated.

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

Mr. METCALF. I yield.

Mr. ELLENDER. Mr. President, are these amendments to be added to the House bill?

Mr. METCALF. These amendments are to be added to the House bill. They are provisions of S. 844 that I am trying to get through along with the Senator from Delaware (Mr. BOGGS). They are technical amendments to make the pending House bill conform to the Senate bill—provisions that were left out or altered in the House.

Mr. ELLENDER. Those amendments relate primarily to procedure. Is that correct?

Mr. METCALF. They are procedural amendments. There are amendments about which there is substantial controversy, and I shall bring those amendments up.

Mr. ELLENDER. When does the Senator propose to bring them up?

Mr. METCALF. I am going to bring some of them up. For instance, I know that the Senator from Louisiana is interested in an amendment that is a conforming amendment that was in S. 844 and provided for equal committee staff compensation. I am going to bring that amendment up, and bring it up with plenty of warning to the Senator from Louisiana, so that he will have a chance to speak.

Mr. ELLENDER. I wonder what the leadership is going to do about this bill. Are we going to consider these amendments this evening or today? They are far reaching.

Mr. METCALF. I think the leadership would like us to progress as far as possible. I would like to get some of the technical amendments in today. I am not going to ask for reconsideration of the vote, with the understanding that if a Senator wants to bring them up again by asking to reconsider them, after reading the RECORD tomorrow, he can do so.

Mr. ELLENDER. Then, there will be no final passage today?

Mr. METCALF. I do not know.

Mr. ELLENDER. This bill has far-reaching implications.

Mr. METCALF. Much as I would desire several provisions to be changed in the bill, much as the Senator from Delaware (Mr. BOGGS) would desire several provisions, the bill before the Senate conforms to the bill passed by the

Senate in 1967. We tried to make it conform in order to get away from some of the controversial provisions.

Mr. ELLENDER. Does the Senator mean the House bill? The Joint Committee on Congressional Reorganization never considered the House bill now before the Senate.

Mr. METCALF. It is our intention to pass the House bill with the conforming Senate amendments, which I shall offer later, after we get through with action on the technical amendments. There are several provisions in the House bill, which, as a matter of comity, because they related only to the Senate, were not included in the House bill. Both the Senator from Delaware and I feel it is our responsibility to see to it that, before we pass the pending bill, we make it conform to S. 844.

Mr. ELLENDER. Do any of the amendments of the Senator from Montana change the number of standing committees?

Mr. METCALF. We are going to have an amendment to change the number of standing committees.

Mr. ELLENDER. And the Senator is going to have amendments to increase the pay?

Mr. METCALF. I have an amendment to increase the pay.

Mr. ELLENDER. Are any amendments to be proposed to increase the pay of other workers on the Hill—for instance, the Senator's staff, my staff, and the staff of other Senators?

Mr. METCALF. I understand the Senator from New York (Mr. JAVITS) will offer such an amendment.

Mr. ELLENDER. We are going to be here all night.

Mr. METCALF. Those amendments are not in the category of the series of amendments that I am trying to have considered at this time.

COMMITTEE CONSULTANTS

Mr. President, to explain the amendment that is now before the Senate, the amendment would delete certain language with respect to the compensation of committee consultants to make clear that the committees would have discretion to decide the extent to which travel time should be included in computing the per diem compensation to be paid the consultant. We believe that it was the intention of the House to provide such discretion and this amendment would make clear that the discretion exists.

As we read the House language, it would be possible for someone to take a long trip and charge it to travel time. We want to leave it to the committee to determine how much travel time a consultant should have.

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

Mr. METCALF. I yield.

Does the Senator want to speak on that amendment?

Mr. JAVITS. If it is the compensation amendment——

Mr. METCALF. No, it is not. This is a series of technical amendments.

Mr. JAVITS. Very well.

The PRESIDING OFFICER. The clerk will read the amendment now before the Senate.

The assistant legislative clerk read the amendment (No. 1014) as follows:

On page 88, lines 14 and 15, beginning with the comma, strike out through the word "time".

Mr. METCALF. Mr. President, I made an explanation of the amendment just before we had the colloquy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 952

Mr. METCALF. I will say to the Senator from Louisiana that this next amendment is an amendment in which he is interested and concerned. I send the amendment to the desk. It is a committee staff amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. METCALF. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 91, line 14, strike out "$17,301 to $30,879" and insert in lieu thereof "$18,328 to $32,712".

On page 91, line 20, strike out "$7,446 to $30,879" and insert in lieu thereof "$7,888 to $32,712".

On page 91, line 21, strike out "$7,446 to $12,921" and insert in lieu thereof "$7,888 to $13,688".

On page 91, line 25, strike out "$19,272 to $30,879" and insert in lieu thereof "$20,416 to $32,712".

On page 92, line 1, strike out "$13,140 to $19,053" and insert in lieu thereof "$13,920 to $20,184".

On page 92, lines 2 and 3, strike out "$7,446 to $12,921" and insert in lieu thereof "$7,888 to $13,688".

On page 92, line 9, strike out "$30,879" and insert in lieu thereof "$32,712".

On page 92, line 14, strike out "$32,193" and insert in lieu thereof "$34,104".

On page 92, line 16, strike out "$33,507" and insert in lieu thereof "$35,496".

On page 92, line 20, strike out "$32,193" and insert in lieu thereof "$34,104".

On page 92, line 21, strike out "$33,507" and insert in lieu thereof "$35,496".

On page 93, line 2, strike out "$1,095 or in excess of $33,507" and insert in lieu thereof "$1,160 or in excess of $35,496".

Mr. METCALF. When S. 355 was passed in 1967——

Mr. ELLENDER. Mr. President, will the Senator yield before he starts?

Mr. METCALF. Surely.

Mr. ELLENDER. Does the amendment affect section 305 of the pending bill?

Mr. METCALF. It is an amendment to section 305 of the pending bill, and it brings the affected schedules up, in section 305, which is on page 91 of the pending bill, to provide for the pay raise that is in existence at the present time. It merely makes this schedule conform with the present pay situation.

Mr. ELLENDER. When the Senator says "the present pay situation," am I to understand that this bill provides lesser pay than is now provided in the law?

Mr. METCALF. The House bill provides that the maximum permissible salaries would be a certain schedule, and this was made obsolete by the pay increases of 1969, and the new pay scale that I have listed in the amendment would raise the various provisions of section 305 so that the maximum permissible level would be that which currently prevails for committees and staff in the House of Representatives, following the pay increase of 1969.

Mr. ELLENDER. Is section 305 applicable only to the House committees?

Mr. METCALF. No, it is applicable to both.

Mr. ELLENDER. Well, why is it necessary that the Senate——

Mr. METCALF. No, I am wrong. Section 305 is compensation of professional and clerical staffs of Senate standing committees. So it is applicable only to the Senate.

The Senator will remember that we adopted this provision in the original Monroney bill, and this is a part of the Mundt bill that was reported by the Committee on Government Operations, but the Pay Act of 1969 made the numerals in the pay schedule obsolete.

As I understand or am informed, the House of Representatives has already, in its bill, increased its pay schedules to the 1969 level, but in order to conform with the increases in the House schedule, in order for our staffs to have the same pay schedules as the House, we have to raise the schedules as outlined in my amendment.

Mr. ELLENDER. The House put in the language that appears in section 305?

Mr. METCALF. This was out of the Senate bill, and applies only to the Senate. They did not change the language in accordance with the pay increase of 1969.

Mr. ELLENDER. Does the Senator intend to place in the House bill the pay schedules that we agreed to in 1969?

Mr. METCALF. Yes.

Mr. ELLENDER. If it is already the law, why should we attempt to adjust it further?

Mr. METCALF. No, it is not already the law. The law, as the Senator from Montana has continually contended, is derogatory to the Senate, because the Senate is not permitted to pay its committee staffs at the same schedule and at the same high rate that is permitted in the House of Representatives.

The committee staffs of the House have higher rates by the law of 1969 than we are permitted to pay our Senate staffs. This new schedule would bring our Senate staffs up, so that we could pay the staffs, if it were desired by the chairman and the members of a committee, at the same rate that comparable staff members are paid by the House of Representatives.

Mr. ELLENDER. Can the Senator tell us what is the difference in pay between the House staffs on committees and what is now the law? Now what is in the bill here; as I understand, the figures that appear on page 91 and 92 pertain to salaries other than those contained in the act of 1969.

Mr. METCALF. I am informed that the House of Representatives has a potential top salary of almost $36,000 a year for

as many professional staff members as they wish to hire. My amendment would provide, for example, on line 14 on page 91, for the figure $30,879 to be increased to $32,712, and comparable increases all the way up the line, so that the top salaries would be $35,496. The minimum figure of $7,466 would be increased to $7,888, and so forth, which conforms to the Legislative Pay Act of 1969.

We still would not have the authority to pay all of our staff members at the present House rate, nor would we have authority to pay members of our staffs at the highest House rate.

Mr. ELLENDER. Well, either I do not make myself clear or I cannot put my thought over to the Senator. Under the 1969 act, the salaries have been fixed, as I understand it.

Mr. METCALF. The Senator is correct.

Mr. ELLENDER. Is the Senator amending the House bill to conform to the 1969 act?

Mr. METCALF. I am doing more than that.

Mr. ELLENDER. That is what I thought.

Mr. METCALF. Always, heretofore, we have had a lower pay scale for our committee staffs on the Senate side than they have had in the House of Representatives. This is an attempt to conform the pay scale on the Senate side to a level more nearly equal to that of the House of Representatives.

Mr. ELLENDER. But not equal to the House?

Mr. METCALF. No; it is not quite. The House can hire as many special staff assistants as they are authorized, and pay them at a scale of something over $35,000. We have said that the top limit, which in the bill is $30,879, if my amendment is agreed to, would be increased to $35,496.

That principle, that we should bring our committee staff salaries up to more nearly equal those of the House of Representatives, was adopted in the Monroney bill of 1967. My amendment, which is presently at the desk, only makes it conform to the salary increases that were provided by the 1969 pay increase for committee staffs of the House of Representatives.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. METCALF. In just a moment.

The top salaries in the Senate now are as follows: One man can get $33,176, two can get $31,784, and the remainder are limited to a salary of $30,392.

Mr. ELLENDER. And that applies to the committees only?

Mr. METCALF. Yes.

Mr. ELLENDER. Including the Small Business Committee?

Mr. METCALF. Yes; as I understand it.

Mr. ELLENDER. Suppose the Senate should agree to that. Can the Senator not foresee that the next move will be to get the staff of Senators equal to those amounts?

Mr. METCALF. That next move is probably coming from the Senator from New York (Mr. JAVITS).

Mr. ELLENDER. Of course it is; and it will keep rising and rising to figures much higher than I am sure any Senator on this floor wants to vote for.

Mr. METCALF. My amendment is merely to restore the dignity of the staffs of the Senate to the same dignity that the staffs of the House of Representatives have. Not quite the same dignity, but a comparable dignity.

Mr. ELLENDER. No matter what the House does, does the Senator want the Senate to follow through with it? If they want to give $40,000, does the Senator want to give it, too?

Mr. METCALF. Not necessarily. But I would like to have the situation arise where we do not lose staff to the House of Representatives. I would like to have a situation where we can compete for able and trained staff employees. There have been instances when our committees did lose staff members to the House of Representatives, merely because of this variance and the difference in pay.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. METCALF. I am delighted to yield.

Mr. JAVITS. Do we not face the same competitive situation to which the Senator just referred with our own staffs? In other words, as I understand it, the House provisions apply to the staffs of committees and to the staffs of Members. Should not the Senate provisions apply to the Senate committees and the staffs of Members?

Mr. METCALF. We do not face quite the same situation. We have a little more latitude in paying our own personal staffs than they do. Of course, we have the same latitude in distributing our pay among the staff, and then we have the figure that the top four members of our staff can get paid up to a certain amount, and that is above the House staff. The Senate staff is above the House staff.

Mr. JAVITS. As it stands now.

Mr. METCALF. As it stands under the present law.

Mr. JAVITS. Is not our problem that if we do not face this issue now, we give a priority to the committee staffs over our own staffs? If the Senator's amendment is adopted, is it not true that what will happen is that the committee staffs will do better than our own staffs?

Mr. METCALF. The principle has been adopted in the House that the top members of the committee staffs can be paid more than the top members of the personal staff of any of the Members. If my amendment is adopted, they will be competitive. We can now pay our top personal staff officer as much as a staff officer can be paid on one of the legislative committees. There, again, might be the possibility that the Senator is suggesting, that some of the personal staff would go to a committee staff job because it would pay more. That is not the problem that has been worrying me. It is the problem of keeping our committee staff, with its continuity and its experience and its training, paid at the same level or approximately the same level as the staff of the House.

Mr. JAVITS. However, the Senate staffs should not suffer and, as Senators, we should not suffer from the competition for staff positions. What I am trying to ascertain from the Senator is this: If he is going to raise the allowable compensation of committee staffs, is he not further disadvantaging the individual Senators in handling his own staff because of the fact that prospective employees can get more money, higher ceilings, insofar as a committee staff position is concerned?

Mr. METCALF. We can pay our personal staff a maximum of $33,000—our administrative assistant—at the present time.

Mr. JAVITS. Under this amendment, what will be the ceiling for committee personnel?

Mr. ELLENDER. Mr. President, I wish to correct the Senator. He can pay his staff now up to $33,176. He can pay one employee $33,176. He can pay two employees $31,784 each. He can pay one employee not to exceed $30,392, two employees not to exceed $25,056, and all others not to exceed $18,560. That is in the law now. I hope no effort is made to increase that.

Mr. JAVITS. Suppose this particular amendment is adopted. To what extent will the ceiling of the committee personnel be increased?

Mr. METCALF. If the Senator will turn to page 91, he will see a schedule of provisions for professional staff members of standing committees. For example, on line 14, the compensation is in a range of $18,328 to $32,712, which is less than we pay our personal staff. On page 91, line 20, other than the Committee on Appropriations, it can go up to $30,827. This amendment, No. 952, is printed, and a copy is on the desk of each Senator. The top salary we have provided in the schedule of my amendment is $35,496.

Mr. ELLENDER. Yes; on page 93, line 2, the top would be changed to $35,496. If that is accepted as the top salary, everyone else will have to be treated in the same fashion. The salaries would be increased above what we are paying the Parliamentarian, and other salaries will have to be adjusted.

Mr. METCALF. I certainly recognize the ability and conscientious work of the Parliamentarian. It just happens that the Parliamentarian and the able people at the front desk are paid under a different section. Senator BOGGS and I resolved that we would stay within the provisions of S. 844 and the provisions of the Monroney bill which were passed by the House, and therefore we cannot increase their salaries under the section that is before the Senate.

Mr. JAVITS. Mr. President, as I understand it, the allowable compensation will be raised for committee staffs but the question I raise is: Will compensation similarly be raised, or at least left within the purview of the individual Senator, as to ceilings for our own personnel? The answer, I gather, is no.

The provision submitted by the Senator relates only to committees. I ask the Senator this precisely for the reason the Senator from Louisiana (Mr. ELLENDER) stated, namely; why should we not face the whole issue now, instead of leaving an imbalance between compensation paid to committee staffs and compensation paid to our own personal staffs. Let the Senate vote this up or down on the whole propostion as to whether we shall have the same opportunity to compete with the committees. Then, if the amendment carries, we will be able to hire the good people for our own personal staffs and

they will not prefer to go on the committee staffs because they will get more money there.

I realize the object of the Senator from Louisiana, and I respect him as I respect his purpose. But might we not face the whole issue now and either adopt a hiring allowability for all our top personnel, in both committee and personal staffs, or reject it. Then, at least, there will not be any loose ends, where some people will think they are embarrassed or have been prejudiced against, which will cause trouble in the future.

Mr. METCALF. I will say to the Senator from New York that I have supported the proposition he made. I have supported the increase for both personal and committee staffs. However, in coming to the floor with the bill, with the understanding we had that we would only support the provisions of S. 844 and we would try to keep within the lines of that provision, I submitted my own amendment to take care of a provision in the Monroney bill and a provision in the Mundt bill as they came to the floor, so that they applied only to professional staffs of committees and not to personal staffs of Senators. Then later the Senator from Maryland (Mr. TYDINGS) put in his appropriations bill amendment. Probably this would be taken care of again, as the need arose, as we conformed to the authorizing provisions of S. 844. So that was the reason I did not do as the Senator from New York said, face up to the proposition. We are trying to preserve the bill as it passed in 1967.

Mr. JAVITS. It can be dealt with as a new subject—to wit, whether we should equalize allowable compensation for our own staffs and committee staffs.

Mr. METCALF. That is correct.

Mr. JAVITS. I am of the mind, unless the Senator had some very good reason to the contrary, to raise the whole issue and let it be voted on now, and let the Senate express its will on the question. Then, if the Senate should decide to accept the whole proposition, we would find both staffs equalized. I am a ranking member of two committees and I certainly consider my own personal staff to be equal to the committee staff personnel. It would seem to me this would create some problems if there is a difference in salary in the Senate as between committee and personal staffs.

I ask the Senator these questions openmindedly. I plan to offer an amendment to equalize the situation but I asked the Senator these questions to get his reasons why this was not done in the first place.

Mr. METCALF. I could only say again to the Senator from New York that this amendment to equalize the professional staffs on a comparable salary basis with the professional staffs of committees in the House was put in as an amendment offered to the Monroney bill. Again, we felt, both the Senator from Delaware (Mr. BOGGS) and I, in planning for the handling of the bill, that we could not go beyond the confines of that bill and, therefore, could not bring in the personal staffs of Senators. So we have not discussed this matter at all on its merits. There have been some changes made, however, since the Monroney bill passed, and my amendments are designed to make those changes conform insofar as the professional staffs are concerned.

I would like to hear from the Senator from Louisiana as to his belief, whether we should vote it up or down, or try to keep this thing within the confines of the bill we have.

Mr. ELLENDER. Mr. President, I have a statement to make which indicates why we should not do it, why we should not follow through with the House as it goes wild on the paying to its staff of more salaries than they are worth. I do not believe that the Senate should follow the House in that way.

As I said a while ago, if we adopt these amendments the Senator is suggesting as to section 305, we will be paying some of the staff members on committees $35,496, which is more than the Parliamentarian is getting.

If we raise staff member salaries to that extent, the cry will be for increases of the same scope for everyone. All the AAs of Senators will want the same thing. The people at the desk will want the same thing, and we will find ourselves in a situation where we will have to make more changes and provide for more expenditures. We would be asked to do that.

Mr. President, I should like to point out that in 1968, only 3 years ago, the top salary for Senate legislative employees, set in the Legislative Appropriations Act for fiscal 1968, was $24,480.

The top salary set in the proposed Legislative Reorganization Act amendments—3 years later—is $35,496, up from $33,507.

Senate employees have not been badly treated. In fact, in recent years, the Congress has gone rampant on the subject of pay increases. Here are the pay increases for officers and employees of the legislative branch for the period from 1945 through 1970.

Under Public Law 82–201, October 24, 1951, there was a 10-percent increase.

Under Public Law 84–94, June 28, 1955, there was a 7.5-percent increase.

Under Public Law 85-462, June 20, 1958, there was a 10-percent increase.

Under Public Law 86–568, July 1, 1960, there was another 7.5-percent increase.

Under Public Law 87–793, October 11, 1962, there was a 7-percent increase.

Under Public Law 88–426, August 14, 1964, there was a 5-percent increase.

Under Public Law 89–301, October 29, 1965, there was a 3.6-percent increase.

Under Public Law 89–504, July 18, 1966, there was a 2.9-percent increase.

Under Public Law 90–206, December 16, 1967, there was a 4.5-percent increase.

Under the authority of the 1967 Salary Act, June 12, 1968, there was an increase of 5.85 percent.

Under the authority of the same act, the 1967 Salary Act, on June 17, 1969, there was an increase of 10.05 percent.

Under the Federal Salary Act of 1970 authority, on April 15, 1970, there was a 6-percent increase.

That is the way we have treated our employees here. I think they have received good treatment.

Now, while salaries have increased, the total number of legislative employees of the House and Senate has also increased drastically.

In 1960, the number of legislative employees for the House was 3,850. Ten years later, in 1970, the number was 7,372. That is almost double the number of only 10 years ago.

The number of legislative employees in the Senate in 1966 was 3,496. Today it is 4,315.

The number keeps on increasing, as shown by this table which I ask to have placed in the RECORD at this point.

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

Legislative employees

Legislative employees in House, 1960–70:	
1960	3,850
1961	4,349
1962	4,523
1963	4,692
1964	4,860
1965	5,720
1966	6,362
1967	6,548
1968	6,278
1969	6,683
1970	7,372
Legislative employees in Senate, 1966–70:	
1966	3,496
1967	3,871
1968	3,846
1969	4,129
1970	4,315

Mr. ELLENDER. Mr. President, as I pointed out and will show in the course of this presentation, if we should change the salaries of the employees of the standing committees as proposed here, we would be doing an injustice to many other employees, including the people serving us at the desk. As I propose to show here, their salaries are less than the salary that the clerks of the committee would be receiving under this proposal. I just think that is wrong. We have made tremendous efforts to bring the salary structure into line across the board, and that means considerably more expenditures. We would create a lot of dissatisfaction.

It strikes me that if the House were to run wild and pay its employees larger sums, we should let them do so. I do not think we should play "follow the leader" on this issue. We have the responsibility of setting an example on the side of commonsense.

Mr. President, the act speaks only to staff levels of standing committees. That was what I was speaking of a moment ago. That is what the Senator from Montana is directing his arguments to—only the staff members of the standing committees. If only that should come to pass, the additional cost per year would be $354,960, without allowing for future increases for all others.

The current amount authorized for each standing committee is $187,920. If the proposal of the Senator from Montana is adopted, the amount authorized will increase to $207,408.

The annual cost of the proposal per committee would be $19,488. The new cost total for the 16 committees would be $311,808.

Turning to the Appropriations Committee, the people working on that committee are now receiving $573,504. If this proposal were agreed to, they would re-

ceive $616,656, or an increase for the Appropriations Committee alone of $43,152.

Mr. President, I wish to have a tabulation of these cost increases placed in the RECORD at this point.

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

COSTS OF INCREASES FOR COMMITTEE STAFF BY LEGISLATIVE REORGANIZATION ACT AMENDMENTS

	16 standing Committees (other than Appropriations) including Small Business	Appropriations Committee
Current authorization per committee	$187,920	$573,504
Proposed authorization per committee	207,408	616,656
Annual cost of proposal per committee	19,488	43,152
New cost total for 16 committees	311,808	

Resumé:	
Appropriations Committee proposal	$43,152
Other committees (16) proposal	311,808
Total annual new costs	354,960

Mr. ELLENDER. Mr. President, as I pointed out a while ago, the increases that this proposal will entail are bound to affect the salaries of practically every employee on the Hill.

The Members of Congress receive $42,500. There is no change proposed in that, although staff salaries will once again begin to press against the pay received by Senators.

The legislative counsel receives $36,000. There is no change proposed in that salary under the amendments proposed by the Senator from Montana (Mr. METCALF).

The Parliamentarian receives $34,568. There is no change proposed in that salary.

The changes come in the committees.

One employee at a rate not to exceed $33,176 is now allowed under the present law. However, under this proposal, two employees will receive a salary of not to exceed $35,496 each. I think that is preposterous.

Two employees, under the present law, receive $31,784 from the standing committees. If this proposal is adopted, four employees will be authorized to receive $34,104.

Three employees receive $30,392. As far as the Appropriations Committee is concerned at the present time, the number which may be hired at that rate is unlimited. If this proposal is agreed to, the Appropriations Committee will be able to pay 16 employees $32,712 apiece.

I think it is unusual for us to operate in this manner, Mr. President.

As I said, there is no doubt in my mind that efforts will be made to increase all employees across the board just as sure as I am speaking now.

Today, with respect to the employees in a Senator's offices, there is one employee authorized at a level not to exceed $33,176. That is the top salary that we can now pay them.

We can pay two employees up to $31,784 each.

We can pay one employee not to exceed $30,392.

We can pay two employees not to exceed $25,056.

We can pay all others not to exceed $18,560.

The truth of the matter is that if this proposed amendment is adopted, the entire balance of the Senate pay scales will be thrown out of adjustment. Committee staff will be receiving more than Senate officers, and more than personal employees. Anyone who believes that situation would not be quickly changed simply does not know very much about the operation of this Senate. I predict that the pressures will soon begin to build for a large increase in the pay of a Senator. After all, it was only 2 or 3 years ago that a Senator made less than is being proposed for staff members and clerks, here in these amendments. The pity is that the staff is doing exactly what was done before, only more expensively. While the fires of inflation burn, we are simply throwing on gasoline.

Mr. President, I ask unanimous consent that an exhibit headed "Senate Salary Structure," showing the present scales in contrast to the proposed changes be inserted at this point.

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

SENATE SALARY STRUCTURE

	Current	Legislative Reorganization Act, 1970
Members	$42,500	No change.
Officers:		
Class 1:		
Secretary		
Sergeant at Arms	36,000	Do.
Legislative Counsel		
Comptroller		
Class 2:		
Secretary for the Majority		
Secretary for the Minority		
Chief Clerk (NTE)		
Parliamentarian (NTE)	34,568	Do.
Financial Clerk (NTE)		
Chief Reporter of Debates (NTE)		
4 Senior Counsel in Office of Legislative Counsel		
Committees:		
1 employee not to exceed	$33,176	2 employees at not to exceed $35,496.
2 employees (Appropriation Committee 17) not to exceed.	31,784	4 (Appropriation Committee 16) at not to exceed $34,104.
3 employees (Appropriation Committee unlimited) not to exceed.	30,392	2 (Appropriation Committee unlimited) not to exceed $32,712.
4 employees (Appropriation Committee unlimited) not to exceed.	13,688	4 (Appropriation Committee unlimited) not to exceed, no change.
Senators offices:		
1 employee not to exceed	33,176	No change.
2 employees not to exceed	31,784	Do.
1 employee not to exceed	30,392	Do.
2 employees not to exceed	25,056	Do.
All others not to exceed	18,560	Do.

Mr. ELLENDER. Mr. President, I do not mind the amendments that were suggested a while ago. I assume that the committee did its duty and studied the amendments. I assume that they are intended to better our rules and regulations.

With respect to section 305, which the Senator from Montana is now seeking to amend, so as to increase the top salaries of the members of the standing committees up to $35,496, and allow the Appropriations Committee, to pay more than $34,000 for each of 16 staff members, I think that action is wrong.

If such a course is pursued by the Senate, there is no question but that we will have to do something for the workers at the desk and for all employees of Senators, and I do not think we are ready to do that.

In due time I would like to move to strike section 305 from the bill so that the Senate staffs will then receive what they were provided under the last Federal Salary Act. I think that is ample.

Mr. METCALF. Mr. President, many Members of this body have served in both the House and the Senate, as I have. I have a great deal of respect for the professional staffs of both bodies but I think, as a result of my experience in the Senate, that the professional staff of the Senate is equal in ability, experience, training, and integrity with any professional staff in the House. I think it is derogatory of the dignity of the Senate that we have failed to recognize that our staff should be paid at the same level, or have the possibility of earning at the same level.

The Senator from Louisiana talks about the Parliamentarian and other people at the desk. I am in complete accord. The Parliamentarian of the Senate receives less as a matter of law than the Parliamentarian of the House and I believe that, too, should be equalized.

It was only because we decided to try to conform to the previously passed bill that none of those amendments was part of my amendment.

Mr. ELLENDER. Why should we do that? If the House wants to run away in salaries for its employees, why should the Senate follow suit? It makes no sense.

Mr. METCALF. Because the employees of the Senate are just as capable, just as experienced, and just as intelligent as the employees of the House. I think it is derogatory to the professional staff to do otherwise. This is not a mandatory provision. This is a permissive proposition, and the chairmen of the committees are not permitted to pay staff employees on this side as much as they can pay on the other side of the Capitol.

Mr. ELLENDER. The Senator knows well of the pressure that will be put on the chairman of every committee by workers entitled to these increases, in order that they will receive all the traffic will bear. I know. I am the chairman of a committee and I know what will happen. I would much prefer the level to be set in the law.

Mr. METCALF. This is the way to put it in the law, and not to put it in an appropriations bill or somewhere else. This is a direct attempt to make this kind of staff equalization part of the law. This is what was done under the Monroney bill.

Mr. ELLENDER. It did not become law.

Mr. METCALF. Not when the bill was reported by the Committee on Government Operations, but it passed the Senate at one time.

As I said to the Senator, we did not take care of some of these other things because we felt our responsibility was to support the Mundt bill and the Monroney bill.

Mr. ELLENDER. Mr. President, there is a push on to tie legislative salaries directly to the increases granted to civil servants. Employee raises would then be automatic. The House section of the act states as follows:

(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee, is entitled to pay at a single per annum gross rate, to be fixed by the chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code.

The Senate section of the bill accomplishes the same thing, in effect, by setting the top salary figure at $35,496. The salary of a grade 18 in the civil service is $35,505.

Let us consider this for a moment. There are only 447 grade 18's in the entire Federal Government. These are positions with wide areas of authority and responsibility. The Inspector General of the U. S. Department of Agriculture, for instance, is a grade 18. I think we are on the verge of creating a pay scale that has no realistic counterpart in either responsibility or governmental authority. I think this means that Senators, themselves, are not doing their jobs as intended.

Mr. President, I suggest the absence of a quorum and I want a live quorum. I think this is too important to pass upon without a larger number of Senators present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METCALF. 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. METCALF. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment without unanimous consent.

Mr. METCALF. Mr. President, I withdraw the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 1013

Mr. METCALF. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I ask unanimous consent that reading of the amendment be dispensed with.

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

Amendment No. 1013 is as follows:

On page 128, beginning with line 18, strike out through line 2 on page 129 and insert in lieu thereof the following:

"SEC. 132. (a) Unless otherwise provided by the Congress, the two Houses shall—

"(1) adjourn sine die not later than July 31 of each year; or

"(2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by rollcall vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day."

Mr. WILLIAMS of Delaware. Mr. President, which amendment is this?

The PRESIDING OFFICER. The clerk will identify the amendment by number.

The assistant legislative clerk read as follows: The Senator from Montana (Mr. METCALF) offers an amendment identified as No. 1013.

AUGUST RECESS

Mr. METCALF. Mr. President, the House bill requires an August recess. This amendment would modify the House language to provide for a requirement for an August recess only in nonelection years. In election years the amendment provides for flexibility in schedule to take care of the pressure of election years.

We understand the House has no objection to this change and that the Senate leadership asks to have this provision to take away the mandatory requirement for a recess in August in election years.

It will also be noted that the House was able to schedule an August recess this year, even in the absence of a mandatory requirement.

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

Mr. METCALF. I yield.

Mr. ELLENDER. Would that mean that if the Congress had not completed its business, it would take an August recess and come back in September?

Mr. METCALF. That is correct. The bill before us requires an August recess in both election and nonelection years. This amendment would provide for such a recess in nonelection years.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1012

Mr. METCALF. Mr. President, I send an amendment to the desk, which I ask to have stated.

THE PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment (No. 1012) as follows:

On page 119, line 24, after the semicolon, add "and".

On page 120, line 1, strike out the semicolon and the word "and" and insert in lieu thereof a period.

On page 120, strike out line 2.

Mr. METCALF. Mr. President, the amendment is a technical amendment on pages 119 and 120 of the bill. It relates to authority of officers of Congress over congressional employees. The Postmaster of the Senate is not an officer of the Senate and therefore this amendment deletes the provision relating to him as to the Senate board that has authority over congressional employees.

Mr. ELLENDER. Does it change his present status?

Mr. METCALF. No, but he is not an officer of the Congress at this time, and this provision does not give him recognition as an officer of the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1016

Mr. METCALF. Mr. President, I offer an amendment, which I ask to have read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment (No. 1016) as follows:

On page 120, strike out lines 11 through 15 and insert in lieu thereof the following: "at Arms of the Senate, and the Sergeant at Arms of the House of Representatives".

Mr. METCALF. Mr. President, the amendment would change the bill by eliminating the two minority appointees on the Capitol Guide Service. Under the present law and under the bill that was passed by the Monroney committee, the Capitol Guide Service consisted of officers of the Congress who have charge of the administration of the congressional buildings, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, and the Architect of the Capitol.

The House decided that, in addition to those three officers, who are the regular officers who have charge of the Capitol policemen, and so forth, there should be an employee under the Senate appointed by the minority leader of the Senate and an employee under the House of Representatives appointed by the minority leader of the House.

That proposal is opposed by the Sergeant at Arms of the Senate.

We who labored on the bill had a discussion about this. We feel it is the employees who have charge of the rest of the regular business of the administration of the various Capitol procedures—the two Sergeants at Arms and the Architect—who should also have charge of the Capitol Guide Service. At times—perhaps at the present time—it could mean a minority nomination on the board that administers the Capitol Guide Service.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. METCALF. Mr. President, after consultation with various Members of the Senate who have amendments or who have an interest and concern in amendments that I may subsequently offer, I have no more amendments to offer that I consider technical or noncontroversial amendments.

Mr. JAVITS. Mr. President, I have amendments which I would like to suggest to the Senator. One amendment can be quite quickly disposed of. The other would perhaps take a little time. I would like to get the attitude of the committee on it.

Mr. President, I send an amendment to the desk and ask that it be called up.

Mr. ELLENDER. Mr. President, is that amendment printed?

Mr. JAVITS. No, it is not. However, I am going to withdraw it.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be read.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 154, between lines 13 and 14, insert the following new titles:

TITLE VI—APPROPRIATIONS SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

SEC. 601. (a) The meeting of the House of Representatives which begins on the 3rd day of January each year (or on such day as shall be appointed pursuant to section 2 of article XX of the articles of amendment to the Constitution) shall recess on the second Friday in August of such year unless the Congress has adjourned such meeting sine die prior to such second Friday. Such meeting, and every other meeting, of the House of Representatives, shall be known as a "legislative session."

(b) The House of Representatives shall assemble on the Monday following the second Friday in August for the purpose of considering bills and resolutions making appropriations for the support of the Government. Such meeting shall terminate thirty days thereafter unless the Congress has adjourned such meeting sine die prior to such day. Each such meeting shall be known as an "appropriations sessions."

SEC. 602. (a) The meeting of the Senate which begins on the 3rd day of January each year (or on such day as shall be appointed pursuant to section 2 of article XX of the articles of amendment to the Constitution) shall recess on the second Friday in September of such year unless the Congress has adjourned such meeting sine die prior to such second Friday. Such meeting, and every other meeting, of the Senate shall be known as a "legislative session."

(b) The Senate shall assemble on the Monday following the second Friday in September for the purpose of considering bills and resolutions making appropriations for the support of the Government. Such meeting shall terminate thirty days thereafter unless the Congress had adjourned such meeting sine die prior to such day. Each such meeting shall be known as an "appropriation session."

(c) The legislative sessions and the appropriations sessions of each Congress shall be numbered serially.

SEC. 603. (a) Except as provided in this section, no matters shall be considered by the House of Representatives or the Senate during an appropriations session other than bills or resolutions making appropriations for the support of the Government.

(b) The provisions of subsection (a) shall not preclude any committee of the House of Representatives or the Senate or any joint committee of the two Houses from meeting during an appropriations session for the consideration of any matter over which such committee or joint committee has jurdiction, or from holding hearings or conducting studies and investigations with respect to any such matter, but, except as provided in this section, no committee of either House, other than the Committee on Appropriations, shall, during an appropriations session, report any bill or resolution or take any other legislative action, and no committee of the Senate shall report any treaty or nomination.

(c) Notwithstanding the provisions of subsections (a) and (b), the appropriate committees of the House of Representatives and the Senate may report, and the two Houses may consider, during an appropriations session, any bill or resolution if the President notifies the Congress that the consideration of such bill or resolution during such appropriations session is necessary in the national interest.

(d) Notwithstanding the provisions of subsections (a) and (b), the appropriate committee of the Senate may report, and the Senate may consider, during an appropriations session, any treaty or nomination if the President notifies the Senate that the consideration of such treaty or nomination is necessary in the national interest.

(e) For purposes of this section, in the case of a joint committee which has legislative jurisdiction, the members of the joint committee who are Members of the Senate shall be considered as a committee of the Senate, and the members of the joint committtee who are Members of the House shall be considered as a committee of the House.

SEC. 604. (a) Except as provided in this section, the House of Representatives and the Senate shall not consider any bill making appropriations for the support of the Government during a legislative session.

(b) The provisions of subsection (a) shall not preclude the Committees on Appropriations of the House and Senate from meeting during a legislative session for the consideration of any matter over which such committees having jurisdiction, or from holding hearings or conducting studies and investigations with respect to any such matter, or from reporting any appropriation bill or resolution.

(c) Notwithstanding the provisions of subsection (a) the two Houses may consider, during a legislative session, bills or resolutions making supplemental or deficiency or continuing appropriations for the fiscal year which is current during such legislative session.

(d) The provisions of Subsection (a) shall not preclude members of the House of Representatives and the Senate from meeting in joint conference during a legislative session to consider appropriations for the support of the Government; nor shall the provisions of subsection (a) preclude the House of Representatives and the Senate from acting upon the report of any such joint conference.

SEC. 605. The provisions of sections 603 and 604 shall not preclude the reconsideration by the House of Representatives and the Senate, during any session, of any bill or of any order, resolution, or vote returned by the President to either House pursuant to the second or third paragraph of section 7 of article I of the Constitution.

SEC. 606. For purposes of this title, the term "appropriations" has the meaning assigned to it by section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2).

SEC. 607. (a) Sections 601 and 602 of this title shall become effective at noon on the day on which the Congress assembles, pursuant to section 2 of article XX of the articles of amendment to the Constitution, in the year 1971.

(b) Sections 603, 604, 605, and 606 of this title shall become effective upon the adjournment sine die of the meeting of the Congress which begins pursuant to section 2 of article XX of the articles of amendment to the Constitution in the year 1971.

TITLE VII.—CHANGE OF FISCAL YEAR

SEC. 701. Section 237 of the Revised Statutes (31 U.S.C. 1020) is amended to read as follows:

"SEC. 237. (a) Except as provided in subsection (b), the fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations shall commence on July 1 of each year and end on June 30 of the following year.

"(b) The fiscal year of the Treasury of the United States which commences on July 1, 1972, shall end on December 31, 1973. The next succeeding fiscal year shall commence on January 1, 1974, and end on December 31, 1974, and"

SEC. 702. The following provisions of law are repealed:

(1) The ninth paragraph under the headings "Legislative Establishment", "Senate", of the Deficiency Appropriation Act, fiscal year 1934 (48 Stat. 1022; 2 U.S.C. 66); and

(2) The proviso to the second paragraph under the headings "House of Representatives", "Salaries, Mileage, and Expenses of Members", of the Legislative-Judiciary Appropriation Act, 1955 (68 Stat. 400; 2 U.S.C. 81).

SEC. 703. (a) Appropriations for the fiscal year which begins on July 1, 1971, shall be made at the legislative session of the Ninety-first Congress which begins on January 3, 1971 (or on such day as may be appointed pursuant to section 2 of article XX of the articles of amendment to the Constitution). Appropriations for the fiscal year which begins on July 1, 1972, shall be made at the legislative session of the Ninety-second Congress which begins on January 3, 1972 (or on such day as may be appointed pursuant to section 2 of article XX of the articles of amendment to the Constitution). Appropriations for the fiscal year which begins on January 1, 1974, shall be made at the appropriations session of the Ninety-second Congress which begins on the Monday following the second Friday of August 1973, in the House of Representatives, and the Monday following the second Friday of September, 1973, in the Senate. Appropriations for each fiscal year thereafter shall be made at the appropriations session of the Congress which immediately precedes the commencement of such fiscal year.

TITLE VIII—AMENDMENTS TO THE BUDGET AND ACCOUNTING ACT, 1921

SEC. 801. (a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by striking out in subsection (a) "during the first fifteen days of each regular session" and inserting in lieu thereof ", at the time specified in subsection (c)"; and

(2) by adding at the end thereof the following new subsections:

"(b) In addition to the information required by subsection (a), the Budget shall contain a statement, in such form and detail as the President may determine, of the capital assets of the Government, and their value, as of the end of the last completed fiscal year.

"(c) The President shall transmit the Budget to the Congress as follows:

"(1) for any fiscal year prior to the fiscal year which begins on January 1, 1974, during the first fifteen days of the session which begin on the day prescribed, or appointed pursuant to, section 2 of article XX of the articles of amendment to the Constitution preceding the commencement of the fiscal year, and

"(2) for the fiscal year which begins on January 1, 1974, and for each fiscal year thereafter, on or before April 15 of the year preceding the commencement of the fiscal year.

"If the Congress is not in session on the day on which the President submits the Budget for the fiscal year which begins on January 1, 1974, or for any fiscal year thereafter, such Budget shall be transmitted to the Clerk of the House of Representatives and shall be

printed as a document of the House of Representatives."

(b) This section shall become effective on April 1, 1973.

SEC. 802. (a) Section 201(a)(5) of such Act is amended by striking out "October 15" and inserting in lieu thereof "February 15."

(b) This section shall become effective on May 1, 1973.

SEC. 803. The President shall transmit to Congress on or before June 30, 1971, recommendations for legislation made necessary by the change of fiscal year effected in this Act.

On page 154, line 14, strike out—

"TITLE V"

and insert in lieu thereof—

"TITLE IX"

On page 154, line 16, strike out "SEC. 601" and insert in lieu thereof "SEC. 901".

Mr. JAVITS. Mr. President, the provision would establish an appropriations session of the Congress and change the fiscal year to a calendar year basis. I consider these two changes to be the first steps in the reform of our appropriations process and in the system of budgeting our Federal money which is long overdue.

The problem to which my amendment is directed is all too well known to us. In recent years, we have simply failed to pass appropriations measures in time for the beginning of a new fiscal year. For example, at the beginning of the current fiscal year last July not one appropriation act for the year had been passed.

The consequences of this state of affairs are serious. Departments and agencies have had to limp along with continuing resolutions which guarantee that no new programs or improvements can be put into effect. In some cases, Federal employees have had to live in fear that their pay money could not legally be drawn from the Treasury. In many cases new programs in the field of education and public welfare have been delayed as much as a year, notwithstanding the clear intent of Congress in enacting substantive legislation that the programs be started sooner.

While the blame for this situation falls on the Congress, Congress can hardly be faulted for taking a longer time to enact appropriations measures than in the days when the Federal budget was but a fraction of its present size. Between 1961 and 1970, the rate of Federal spending has more than doubled. Federal programs for which appropriations must be enacted have grown like topsy, as the needs of this country seem to accelerate.

An answer to the problems posed by the present fiscal year system would be to extend the time within which Congress could enact appropriations legislation. Another answer would be for Congress to set aside a certain amount of time each year for considering appropriations legislation. My amendment would accomplish both these ends.

The first title of my amendment would establish an appropriations session for the House of Representatives beginning in the middle of August, and a similar session for the Senate beginning in the middle of September. Each appropriations session would last for 30 calendar days. During the appropriations session, no substantive legislation could be considered, except where required in the national interest. Conversely, no appropriations legislation except for deficiency and supplemental appropriations, continuing resolutions, and conference reports could be considered by Congress during the legislation session. For example, my amendment specifically allows the Senate to consider treaties and nominations during an appropriations session if this is necessary in the national interest. The effective date of this title is geared to the change in the fiscal year, which is taken up in the second title of the amendment.

That title would change the fiscal year to a calendar year basis, beginning with calendar year 1974. The transition from the present July 1 to June 13 fiscal year would be accomplished by means of an 18-month fiscal year beginning July 1, 1972. In choosing how this transition should be made, I followed the recommendations of the Office of Management and Budget that of the two choices—an extra 6-month fiscal year or a longer 18-month one—the longer session was preferable. I am also convinced that 1974 is the earliest possible target date for the changeover: The Office of Management and Budget will be required to revise its accounting procedures considerably before the beginning of the transition year in July 1972; furthermore an earlier changeover date would interfere with Budget's plans to change the accounting basis for the Federal budget from a cash to an accrual system in fiscal year 1972, the last fiscal year under the present June 13 arrangement.

Changing the fiscal year will require changes in many other provisions of law. For example, my amendment changes the date for submitting the budget to the Congress, from the present 15 days after the new session to April 15.

There are, however, hundreds of other provisions which would be affected as well. Numerous statutes require administrators of various programs to submit annual reports containing data based on the present fiscal year system. Other statutes require administrative actions by certain dates based on the present fiscal year. Within each department and agency, of course, internal regulations based on the June 30 fiscal year will have to be changed. My amendment accounts for the required statutory changes by directing the President to submit recommended changes to Congress by June 30, 1971.

Mr. President, I am aware that changing the fiscal year of a country with a Federal budget in excess of $200 billion should not be decreed lightheartedly. On the other hand, considerable work has been done on this subject in both the Congress and the executive branch. Hearings were held last fall in the House on a bill to make such a changeover, and this concept presently has the support of the Office of Management and Budget as well as the Comptroller General.

In making such a changeover, we would ironically be going back to the system which prevailed before 1843, when the fiscal year was changed from the calendar year to the present June 30 basis. The reason given at that time was that Congress, which convened in December, could not in the 4 weeks allotted to it pass the required appropriations bills before the January first start of the fiscal year. Six months was considered a more reasonable time. The same consideration holds true today. With a budget many thousands of times larger and more complex than in the 19th century, the 5½ months presently given to us to enact appropriations legislation is simply not enough to do the job. Moreover, Congress is not organized properly to consider appropriations bills as they arise on the present piecemeal basis. The appropriations session of Congress would insure that our undivided attention could be directed for at least 1 month per year on the important task of allocating Federal revenues. The change in the fiscal year would insure that we could do this job of allocation within the required time, before the start of a new fiscal year.

Mr. President, this has been a very important reform proposal in the Federal establishment, and it is now getting very material support from important elements in the Federal Government.

I thought at first of pressing the amendment on this measure. However, I believe that it is a matter of prime importance and complexity, and therefore, after conferring with the Senator from Arkansas (Mr. MCCLELLAN), who is my chairman, as I am now a member of the Committee on Government Operations, I would like very much to feel that if I introduce this measure in the form of a bill, which the Senator has been gracious enough to accept, I will be able to have the matter considered by the Committee on Government Operations; and on that basis, I am willing to withdraw the amendment and not press it here.

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

Mr. JAVITS. I yield.

Mr. MCCLELLAN. Of course, if it is introduced as a bill, my present opinion is that it would appropriately be referred to the Committee on Government Operations. If that is done, the bill will receive appropriate consideration by the committee; but I hope that the Senator does not have in mind that the committee would be able to get to it during this session of Congress. I do not see that time is going to permit the consideration of the bill with the attention that it would require. This is a controversial subject, and whether the merits of the issue are really on the side of changing the fiscal year to the calendar year I am not prepared to say, and I am persuaded there are many other Senators in this body who are not yet prepared to make that decision. I do think that it raises an issue that should be considered in the form of a bill rather than by an amendment on this bill.

If a bill is introduced and referred to the Committee on Government Operations, I assure my distinguished colleague on that committee, the Senator from New York, that either the bill will have appropriate reference to a subcommittee or the chairman will proceed to process it with hearings before the full committee. I do

not know how we will determine that at the moment.

But if there is serious contention here that the fiscal year should be changed, I think it is an issue of sufficient importance that it deserves full development of all the facts, so as to make certain that if we make a change, we will be acting wisely and prudently, and not just making a change for the sake of change.

Mr. JAVITS. I thank my colleague. I am sure that is the judicious way in which to approach the matter. I thank the Senator for his assurances, which I am sure are appropriate within the attributions of the committee, and I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. JAVITS. I ask unanimous consent, however, that the amendment may be printed so that it will be available for study.

The PRESIDING OFFICER. Without objection, the amendment will be printed.

AMENDMENT NO. 1025

Mr. JAVITS. I send to the desk another amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceded to read the amendment.

Mr. JAVITS. 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 (No. 1025) is as follows:

On page 55, between lines 3 and 4, insert the following new section:

SENATE COMMITTEE RULES

SEC. 130. (a) Part 3 of title I of the Legislative Reorganization Act of 1946 is further amended by adding after section 133A of such Act, as enacted by this title, the following new section:

"SENATE COMMITTEE RULES

SEC. 133B. Each standing, select, or special committee of the Senate shall adopt rules (not inconsistent with the Standing Rules of the Senate or with those provisions of law having the force and effect of Standing Rules of the Senate) governing the procedure of such committee. The rules of each such committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than thirty days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period during which the rules of any such committee, or an amendment to those rules, is required to be published in the Congressional Record by this section, such rules or amendment shall be published in the first daily edition of the Congressional Record published following such day."

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 is amended by inserting, immediately below the item relating to section 133A contained in that title (as added by section 111(a)(2) of this Act), the following:

"Sec. 133B. Senate Committee Rules.".

On page 2, in that part of the table of contents relating to title I, insert after item 129 the following new item:

"Sec. 130. Senate committee rules.".

Mr. JAVITS. Mr. President, I would like very much to ascertain the position of the chairman and the ranking minority member of the committee on this amendment.

I realize that there is no desire to get into any hotly controversial matters tonight, but I call the attention of the Senate to this fact: There are no provisions in the Senate rules, as I understand—and I am ready to be corrected if anyone has knowledge to the contrary—with respect to rules of committees.

I should like to say, in the presence of the Senator from Arkansas (Mr. MCCLELLAN), that because the Government Operations Committee, especially through Investigation Subcommittee, has handled so many highly contested matters, it has developed a very complete set of rules with respect to witnesses, et cetera. Other committees also have rules, but this is by no means universal.

In the House of Representatives, there is a general provision with respect to this matter which is interesting, or should be interesting, to us, which provides—and this is contained in Cannon's Procedure in the House of Representatives—that insofar as applicable, the rules of the House are the rules of the standing committees, and procedure in the committees, where not otherwise provided for, follows the procedure of the House.

The question I would like to put to the managers of the bill and to the Senate is, Should we not require the adoption of rules by every standing, select or special committee of the Senate, which will be made publicly available?

I suggest publication in the CONGRESSIONAL RECORD not later than March 1 of each year, thus giving notice to all the world as to our procedures and notifying any witness who is subpenaed or otherwise called as to his rights. As I have pointed out, this raises no problems. I happen to be on the Government Operations Committee, so I know the situation for that committee. Other committees also have rules. The Committee on the Judiciary, I believe, has a very complete set of rules.

But it seems to me that when we are dealing in such difficult areas as we do, the time has come to require of all committees that they make and publish rules, and that those be open and available to all concerned, and that there be some uniformity of practice on that score.

I do not endeavor by the amendment to in any way determine what those rules shall be, just so long as there are rules, and the world is apprised of them.

The Senator from Montana informed me, as I discussed the matter with him, that this matter had been considered on a previous occasion and rejected. However, I believe that at that time it was within a frame of reference where any amendments to the Legislative Reorganization Act were just swept away by the feeling that it would be confined to a committee project, and would go no further.

But I believe that our experience since that time, as I say, in many highly controversial proceedings before committees, makes it very desirable for the Senate very seriously to consider the adoption of a provision which would not state the rules or fix the rules, or even tie the committees to the Senate rules, as the House of Representatives does, but rather just say that every committee, by at least a stated time, shall have rules, which shall be made public, so that anyone dealing with a given committee may be apprised of the procedures which he is required to follow before that committee.

I should like very much to get the views of the manager of the bill on this issue.

Mr. METCALF. Mr. President, if I may respond to the Senator from New York, after the markup of the Monroney-Madden bill, S. 355, in 1967, the amendment of the Senator from New York, or substantially the same amendment, was a part of the bill that was brought to the floor of the Senate. It was brought to the floor, and after debate, it was one of those amendments that was stricken by a majority vote. It is not contained in S. 844.

Under the ground rules that we have laid down here, that we are going to support the provisions of S. 844, I would be constrained to oppose the amendment, although, as I recall, both the Senator from Delaware (Mr. BOGGS) and I voted for the inclusion of this amendment in the original bill.

However, this is not a part of the bill that is before the Senate. It would be adding an extra provision that was not in the Mundt bill that we are trying to work on at the present time, and therefore, without going to the merits, I feel under the ground rules that we cannot accept the amendment.

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

Mr. JAVITS. I yield.

Mr. BOGGS. I concur with the statement of the manager of the bill. The reason we have adopted the ground rules, as the Senator stated, is simply to get on with the passage of this legislation, and we assumed that since the Senate had acted on this matter previously, we should follow that guideline.

However, the distinguished Senator from Montana is correct; we both supported this provision in the joint committee and on the floor of the Senate at the time.

Mr. JAVITS. Mr. President, may I ask the acting representative of the majority leader whether or not he would wish to have a vote on this amendment tonight?

Mr. BYRD of West Virginia. I beg the Senator's pardon.

Mr. JAVITS. I am addressing a question to the Senator from West Virginia. Apparently, it will take some kind of vote, a division or a rollcall, and I just wonder whether the Senator desires that

amendment or leave it pending and do it the first thing in the morning.

Mr. BYRD of West Virginia. May I say, in response to the able Senator, if the Senator will yield, that there will be no objection to having a division, if the Senator would like to call for one on his amendment tonight.

Mr. JAVITS. In order to do that intelligently, we need a quorum, and I think that would probably create more complexities than it is worth. We tried that the other day, only to almost involve me in a fracas with the majority leader, which I did not welcome. If the Senator does not want a rollcall tonight, unless there is some other amendment to be carried over——

Mr. BYRD of West Virginia. Would the Senator be willing to request the yeas and nays on his amendment and agree tonight to a time on tomorrow morning to vote on his amendment?

Mr. JAVITS. That would be agreeable to me. I would like to vote early, if that is possible.

Mr. BYRD of West Virginia. It is the intention of the leadership, may I say, in further response to the able Senator from New York, to recess at the close of business today and to come in tomorrow at 11 a.m., have the reading of the prayer, and immediately after the prayer to get an order to call up any unobjected to items on the legislative calendar, and immediately to proceed thereafter with the sending business.

Mr. JAVITS. My problem is that that would be an inconvenient time for me, as I am a delegate to the United Nations, and I am due there tomorrow at 1 p.m. If the Senator would like to come in at 10 a.m. and vote an hour or so after the Senate convenes, I would be very pleased.

Mr. BYRD of West Virginia. Could we agree to a vote, say, at 11:10 or 11:20.

Mr. JAVITS. At 11:15 or 11:20.

Mr. BYRD of West Virginia. I have asked this question because I do not think we could recess or adjourn until 10 o'clock in the morning, in view of the fact that a conference has been ordered by the majority to occur at 10 o'clock tomorrow morning.

Mr. JAVITS. I would be willing to vote at 11:15 tomorrow on this amendment.

Mr. BYRD of West Virginia. Would the Senator like to request the yeas and nays on his amendment?

Mr. JAVITS. That depends on the manager of the bill.

Mr. METCALF. I made the statement of position of the managers of the bill. We feel constrained, in view of the ground rules we have laid down, to oppose the amendment.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

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

CALL OF THE LEGISLATIVE CALENDAR TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of the reading of the prayer on tomorrow morning, it be in order to call up unobjected to items on the legislative calendar.

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

MESSAGE FROM THE HOUSE

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

S. 583. An act to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941;

S. 1628. An act granting the consent of Congress to the western interstate nuclear compact, and related purposes;

S. 2314. An act to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age; and

S. 4235. An act to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1933. An act to provide for Federal railroad safety, hazardous materials control 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;

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

H.R. 12943. An act to amend section 3 of the act of November 2, 1966, to extend for 3 years the authority to make appropriations to carry out such act.

H.R. 17123. An act to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic-missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; and

H.R. 18104. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

LEGISLATIVE REORGANIZATION ACT OF 1970

The Senate continued with the consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a vote occur on the amendment that has been offered by the able Senator from New York (Mr. JAVITS), which is presently pending, tomorrow morning at 11:20.

Mr. JAVITS. Mr. President, I will accept that, provided that 10 minutes on a side is allowed for debate and also that a quorum call may be put in before debate starts, without the time being charged to either side.

Mr. BYRD of West Virginia. Mr. President, reserving the right to at least discuss this matter further, before the Chair puts the question, if we come in at 11 and call up one or two unobjected to items on the Legislative Calendar and then have a quorum call and then have 10 minutes to a side, we cannot vote at 11:20 a.m.

Mr. JAVITS. That is true. But I think we ought to have a little debate. Perhaps the manager of the bill would accept 5 minutes, and I would like 10, which would make it 15 minutes all together, and we could vote as close to 11:20 as possible.

Mr. BYRD of West Virginia. Mr. President, I amend my unanimous-consent request and revise it and restate it.

I ask unanimous consent that upon the completion of the prayer tomorrow morning, time begin running on the pending amendment offered by the Senator from New York (Mr. JAVITS); that debate be equally divided and controlled between the mover of the amendment and the manager of the bill; that there be 10 minutes to a side.

Mr. JAVITS. That is fine.

Mr. BYRD of West Virginia. That at the conclusion of the 20 minutes, the vote occur on the amendment.

Mr. JAVITS. May we have a quorum call before the debate starts, just to let Senators know we are in business, without the time being charged to either side?

Mr. BYRD of West Virginia. There is no assurance that the quorum can be called off. Any objection to calling off the quorum could extend it beyond the 11:20 a.m. time.

Mr. JAVITS. I think the Senator is correct. Let us leave it as it is.

Mr. BYRD of West Virginia. And Senators will be on notice.

Mr. JAVITS. Good.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent request, subsequently reduced to writing, is as follows:

Ordered, That further debate on the Javits amendment to H.R. 17654, to improve the operation of the legislative branch of the Federal Government, be limited to 20 minutes to be equally divided and controlled by the manager of the bill (Mr. METCALF) and the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I wish to emphasize to the Senate that under pres-

ent conditions, in fairness to all who deal with the Senate, all this amendment seeks is just there be open and published rules by every committee and that they be available to the general public as part of the procedures of the Senate, just as the Senate rules.

What a committee puts into those rules will depend upon the will of that committee, which can always be dealt with by the will of the Senate, if the committee should be unfair, which I think is quite inconceivable. But I do believe that in the present state of the administration of justice—and we are an independent part of the Government, with an independent personality and independent powers—this is a very elementary provision which we ought to have.

I should like to point out in that connection that my own committee, the Committee on Government Operations, is defending very strongly against a procedure by which its subpenas would be tested in court. There has been a decision of the district court and the circuit court of appeals reversing the district court and a resolution now enacted by the Senate which takes a very strong and decisive position regarding our own autonomy as a legislative body in the separation of the powers which rules our Government. It seems to me that with authority comes responsibility, and that is all I am pleading for. The public should know what the rules are of any committee which subpenas any member of the public, with which any member of the public desires to deal, or how he goes about his relations with that committee.

I realize that the matter was dealt with before, but I think the climate and atmosphere in which we deal today are different.

I point out that good practice on the part of the Committee on Government Operations, which probably has some of the most hotly contested of these proceedings before it, has dictated that it have a very comprehensive set of rules. For that reason, I hope very much—and I am saying this so that Senators who read the RECORD overnight may be apprised of the views—that the Senate will adopt this amendment.

I wish to point out that in respect of the comity between the Houses and the fact that the House is already covered by a provision that House rules shall apply to committee proceedings, if we adopt it, this is going to be it. So that the decision is an important one. Really, what we are doing is dealing with our own rules, and that is very unlikely to be disturbed in conference, unless something happens to the whole bill.

I hope very much that Senators will seriously consider this matter overnight and that it may have their favorable consideration.

Mr. METCALF. I say to the Senator from New York that this is one of the provisions that relates only to the Senate. The House has made its rules. The rules, unless otherwise changed by the House of Representatives, apply to committee actions. It is my understanding that the adoption or rejection of or any change in this amendment will not make any difference so far as the conference or conferees are concerned.

Mr. JAVITS. I thank the Senator very much.

I also thank the acting majority leader for his accommodation, in view of my time problem.

Mr. BYRD of West Virginia. The Senator is welcome.

There will be no further votes or live quorums today.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE), I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3154.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendment of the House of Representatives to the bill (S. 3154) to provide long-term financing for expanded urban mass transportation programs, and for other purposes which was to strike out all after the enacting clause, and insert:

That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that it is imperative, if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved, to continue and expand the Urban Mass Transportation Act of 1964; and that success will require a Federal commitment for the expenditure of at least $10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the total community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonprofit operating expenses. An applicant for assistance under this section for a project located wholly or partly in a State in which there is statewide comprehensive transportation planning shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within thirty days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. A grant agreement for construction of facilities under this Act may provide for forgiveness of the repayment of the principal and accrued interest on the loan then outstanding in lieu of a cash grant in the amount thus forgiven, which for all purposes shall be considered a part of the grant and of the Federal portion of the cost of the project. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within a period of thirty days thereafter (or, in a case where the comprehensive planning agency of the community (during such thirty-day period) requests more time, within such longer period as the Secretary may determine) the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b). Interest on loans made under this section shall

be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased, which have maturity dates in excess of forty years.

"(d) Any application for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant—

"(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

"(2) has considered the economic and social effects of the project and its impact on the environment; and

"(3) has found that the project is consistent with official plans for the comprehensive development of the urban area.

Notice of any hearings under this subsection shall include a concise statement of the proposed project, and shall be published in a newspaper of general circulation in the geographic area to be served. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the application."

SEC. 3. (a) Section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended—

(1) by striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of such Act, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000, less amounts appropriated pursuant to section 12(d) of this Act and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91-168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended."

"(d) The Secretary shall report annually to the Congress with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary, after consultation with State and local public agencies, shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1970. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

SEC. 4. (a) Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out "1971" and inserting in lieu thereof "1972".

(b) Section 5 of such Act, as amended (49 U.S.C. 1604), is further amended by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

SEC. 5. Section 12(d) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1608(d)) is amended to read as follows: "(d) There are hereby authorized to be appropriated, without fiscal year limitation out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out the functions under this Act.".

SEC. 6. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets, in the planning, designing, and construction of urban mass transportation projects for which Federal assistance is provided pursuant to section 3 of this Act. In implementing this policy the Secretary shall cooperate and consult with the Secretaries of Agriculture, Health, Education, and Welfare, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to each project that may have a substantial impact on the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and that the project application includes a detailed statement on—

"(1) the environmental impact of the proposed project,

"(2) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(3) alternatives to the proposed project, and

"(4) any irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented.

"(c) The Secretary shall not approve any application for assistance under section 3 unless he finds in writing, after a full and complete review of the application and of any hearings held before the State or local public agency pursuant to section 3(d), that (1) adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (2) either no adverse environmental effect is likely to result from such project, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which a hearing has not been held before the State or local agency pursuant to section 3(d), or in which the Secretary determines that the record of hearings before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct hearings, after giving adequate notice to interested persons, on any environmental issues raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

SEC. 7. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"SEC. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made under section 3 on or after July 1, 1970, for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under section 4(c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under section 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

SEC. 8. The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"PLANNING AND DESIGN OF MASS TRANSPORTATION FACILITIES TO MEET SPECIAL NEEDS OF THE ELDERLY AND THE HANDICAPPED

"SEC. 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facili-

ties and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants or loans for the specific purpose of assisting States and local public bodies and agencies thereof in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons. Grants and loans made under the preceding sentence shall be subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a), and shall be considered for the purposes of all other laws to have been made under such section. Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 1½ per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).

"(c) Of any amounts made available to finance research, development, and demonstration projects under section 6 after the date of the enactment of this section, 1½ per centum may be set aside and used exclusively to increase the information and technology which is available to provide improved transportation facilities and services planned and designed to meet the special needs of elderly and handicapped persons.

"(d) For purposes of this Act, the term 'handicapped person' means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected."

SEC. 9. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

SEC. 10. The Secretary of Transportation shall in all ways (including the provision of technical assistance) encourage industries adversely affected by reductions in Federal Government spending on space, military, and other Federal projects to compete for the contracts provided for under sections 3 and 6 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602 and 1605), as amended by this Act.

SEC. 11. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

SEC. 12. Section 5316 of title 5, United States Code, is amended by inserting the following after paragraph (129): "(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation.".

SEC. 13. (a) Section 4(b) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "or contract" after the word "grant" in the last sentence thereof.

(b) Section 6(a) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "grant or" between the word "by" and the word "contract" in the second sentence thereof.

SEC. 14. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1970".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent to have printed in the RECORD a statement which has been prepared by him in explanation of the measure.

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

STATEMENT OF SENATOR PROXMIRE

The Senate version of this bill, S. 3154, was passed by the Senate on February 4, 1970. The House version now pending at the desk was passed by the House of Representatives last Tuesday, September 29, 1970.

Although there are a number of small differences between the House passed version and the Senate bill, I have reviewed these differences with other Members of the Senate including Sen. Williams of New Jersey, the principal author of the legislation. Most of these differences are relatively minor and of little consequence as far as the purposes of the bill are concerned. The most important difference between the two bills is the matter of the State limitation provision. The purpose of this limitation is to place a statutory ceiling on the amount of the total auhorized funds that could be used in any one state. The basic state limitation is the same in each bill—12½%—however, recognizing the possibility of some states needs being in excess of other states needs, a discretionary fund has been established by law. The differences between the two bills is on the size of this discretionary fund. The Senate version would provide a considerably smaller discretionary fund than the House version. It was my amendment on the Senate floor which resulted in the smaller discretionary fund.

I am willing, however, to accept the House version with the understanding that it will be properly and fairly administered and that in no instance will any one state receive more than its just share of appropriated funds. Our Committee will keep an eye on the administration of this fund to make sure that the Secretary of Transportation does not authorize an unfair share of the funds to any one state.

The other differences between the House version and the Senate's are matters that are relatively minor in nature and although we do not agree with all of them, we find no difficulty in accepting these changes.

Mr. President, I request the Senate to take this action at this time because of the urgent need for the new authorization proposed in this bill. This bill would increase the authorization for Mass Transit Grant Assistance up to $3.1 billion for use over a period of five years. Limitations are established in the bill relative to disbursements of these funds for each of the five years.

These funds will be used to finance the development of urban transportation systems, both bus and rail, in our nation's cities to relieve a very serious problem about which we are all aware in connection with congestion and overcrowded streets. The program has been in existence since 1961 and some progress has been made but we still have a long way to go and the funds available in this bill should help toward financing these very important city improvements.

ORDER FOR ADJOURNMENT TO-MORROW, AND WEDNESDAY AND THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, Tuesday, October 6, 1970, and on Wednesday the 7th and Thursday the 8th, it stand in adjournment until 10 o'clock on each of the following mornings respectively, Wednesday, Thursday, and Friday.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

Mr. BYRD of West Virginia. I thank the Presiding Officer.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 1 minute p.m.) the Senate recessed until tomorrow, Tuesday, October 6, 1970, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 5, 1970:

DIPLOMATIC AND FOREIGN SERVICE

William M. Rountree, of Florida, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

Horace G. Torbert, Jr., of the District of Columbia, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bulgaria.

Turner B. Shelton, of California, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The following-named persons to be members of the Board of Directors of the Inter-American Social Development Institute for the terms indicated:

Luis A. Ferre, of Puerto Rico, for a term of 2 years.

Charles W. Robinson, of California, for a term of 4 years.